



ANNO DECIMO

GEORGII IV. REGIS.

Cap. ciii.

An Act for supplying the City of *Perth* and the Suburbs and Vicinity thereof with Water.

[1st June 1829.]

WHEREAS the City of *Perth*, and the Suburbs and Vicinity thereof, are at present ill supplied with pure and wholesome Water; and for bringing a sufficient Supply thereof into the same it is necessary that Powers and Authorities should be granted for that Purpose, and that adequate Funds should be provided by an Assessment upon the Inhabitants of the said City, and the Suburbs and Vicinity thereof; but as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Persons hereinafter appointed, and the Persons hereafter to be nominated and elected in Manner hereinafter mentioned, shall be Commissioners for the Purpose of procuring and obtaining a full and ample Supply of pure, good, and wholesome Water for the said City of *Perth*, and the Suburbs and Vicinity thereof, and the Inhabitants of the same, and for assessing and levying the Sums necessary to defray the Expence thereof, and for effecting the whole Purposes of this Act, and for carrying into execution all the Powers and Authorities hereby given and granted.

Commis-
sioners for
executing
the Act.

[*Local.*]

27 N

II. And

Limits of
the Act.

II. And be it enacted, That the Powers and Authorities of the said Commissioners shall extend over and be exercised within the Limits following; *videlicet*, within a Line commencing at the River *Tay* at a Point in a Line with and running along the North Side of the Back Areas of the Houses on the North Side of *Charlotte Street*; and from thence to where the *Balhousie* Branch of the Mill-lead or Aqueduct passes under the *Crieff* Turnpike Road in front of *Atholl Place*; then West and North along the said *Balhousie* Branch of the Mill-lead to the March betwixt the Lands of *Blackfriars* and the Lands of *Balhousie* belonging to the Earl of *Kinnoull*, and Westward along the said March to the *Crieff* Turnpike Road across the said Road to the North-east Wall enclosing the Cavalry Barracks, and Westward along the said Wall straight to the North-west Corner of the Westmost House on the Grounds of *Playfields*; from thence directly Southward to and including the South-westmost House in the Lands called *Earl's Dykes*; thence Eastward to the West End of that Part of the Branch of the Mill-lead forming the March betwixt the Lands belonging to *King James the Sixth's Hospital* and the South Inch belonging to the Community of *Perth*; and thence Eastward along the Street in front of *Marshall Place* to the River *Tay*, and Northward along the West Bank of the said River to the Point at which the said Line commences as aforesaid; and the Powers of the said Commissioners shall not be held nor interpreted to extend beyond such Limits, excepting in those Cases where such Powers are specially extended beyond the same, in Manner hereinafter mentioned.

First Com-
missioners.

III. And be it enacted, That the Lord Provost of the City of *Perth*, the Dean of Guild of *Perth*, the First Merchant Baillie of *Perth*, the Convener of the Trades of *Perth*, the Sheriff Substitute of the Eastern District of *Perthshire*, and the President of the Society of Procurators practising before the Courts of Law in *Perthshire*; as also *Patrick Gilbert Stewart*, Banker in *Perth*; *David Beatson* Esquire, of *Kirkpottie*; *George Condie*, Writer in *Perth*, *Robert Hope Moncrieff*, Writer in *Perth*; *James Ballingall*, Upholsterer in *Perth*; *James M'Laren*, Merchant in *Perth*; *Robert Robertson*, Merchant in *Perth*; *James Barlass*, Merchant in *Perth*; *William Arnot*, residing in *Perth*; *John Bower*, Merchant in *Perth*; *David Marrison junior*, Stationer in *Perth*, and *Robert Hepburn*, Wood Merchant in *Perth*, are hereby nominated Commissioners for carrying this Act into execution until an Election of Commissioners shall take place in Manner hereinafter mentioned, when the Powers of the said First Commissioners shall cease and determine; and of the said First Commissioners Five shall be a Quorum, and the Lord Provost for the Time, or in his Absence the Dean of Guild for the Time, shall be Convener.

First Com-
missioners
to divide
City, &c.
into Wards.

IV. And be it enacted, That the said Commissioners shall and they are hereby authorized and empowered, as soon as may be conveniently done after the passing of this Act, to make or cause to be made, in Manner hereinafter mentioned, a full and correct Rent Roll of the Yearly Rental or Value of all Dwelling Houses, Shops, Warehouses, Cellars, Manufactories, Buildings, and other assessable Property within the said Limits, and the respective Wards, Districts, or Divisions into which the same may be divided; and after such Rent Roll shall have been

been made and completed, the said Commissioners shall divide the said City and Suburbs within the said Limits into Six Wards, in such Manner as shall appear to them most expedient, but without Prejudice to the Commissioners to be elected and appointed in Manner hereinafter mentioned, at any of their stated or special Meetings, held as hereinafter directed, to alter the Division of such Wards, by adding to or diminishing any of them, as may appear to them necessary or expedient.

V. And be it enacted, That the Lord Provost of the City of *Perth*, the Dean of Guild of *Perth*, the First Merchant Baillie of *Perth*, the Convener of the Trades of *Perth*, the Sheriff Substitute of the Eastern District of *Perthshire*, and the President of the Society of Procurators practising before the Courts of Law in *Perthshire*, for the Time being, shall be and they are hereby appointed Commissioners in virtue of their respective Offices; and that there shall be Two Commissioners for each of the said Wards, who shall be qualified, elected, and chosen in Manner hereinafter mentioned.

Commissioners ex officio.

Two to be elected for each Ward.

VI. And be it further enacted, That all and every Person within the said several and respective Wards who shall stand assessed therein and be liable to pay the Rates hereinafter mentioned, upon a free yearly Rental of Five Pounds, shall have and be entitled to a Vote in the Election of Commissioner or Commissioners for the Ward, District, or Division within which he or they is or are assessed to the Extent aforesaid, either in the first or any subsequent Rent Roll to be made by or under Authority of the said first or any subsequent Commissioners for executing this Act; and that every Person who shall stand possessed of and liable to pay the said Rates upon a free yearly Rental of Ten Pounds shall and may and is hereby declared qualified to be elected and chosen a Commissioner for the Ward, District, or Division within which he is assessed to that Extent, either in the first or any subsequent Rent Roll or Assessment to be made in virtue of this Act: Provided always, that if any Person shall be in the Occupation of Property situated in Two or more Wards, which separately would not entitle him to elect or be elected a Commissioner, but together would afford him a Vote, or qualify him to be elected, he shall be entitled to have the same estimated *in cumulo*, so as to entitle him to vote or to be elected in or for the Ward where the Property liable to the highest Assessment is situated, or, in case of Equality, in such Ward in which he shall declare his Option to vote or be elected, in Writing, to the Clerk of the Commissioners, Ten Days at least previous to the Day of Election; and also, and in case any Person shall be elected a Commissioner for Two separate Wards, he shall and he is hereby required to declare his Option, in Writing, to the other Commissioners, or their Clerk or Treasurer, within Three Days after such Election is intimated to him; and in such Event the Ward for which he shall decline to act shall be entitled to elect a new Commissioner, as is provided for in case of a Vacancy by Death, Declinature, or Disqualification, as after mentioned.

Qualifications of Electors and Commissioners.

VII. And be it further enacted, That the Commissioners for the said several Wards shall be elected annually within Ten Days after the annual

Regulating Elections of Commissioners.

annual Election of the Magistrates and Town Council of the said City of *Perth*, and that by the Inhabitants and other Persons qualified to be Electors as aforesaid, at a Meeting or Meetings to be held at such Hours and Places within the said City and Suburbs as the said first or subsequent Commissioners respectively shall from Time to Time fix and determine, of the Times and Places of which Meetings Intimation shall be given by the Clerk or Treasurer in any Newspaper then published in *Perth*, if any, and by Notices fixed upon the Church Doors of the Four Parishes of *Perth*, at least Ten Days previous to the Day of such Meeting or Meetings; and at the Meetings so called the Majority of Votes of the qualified Members (the Preses, in case of Equality, having the casting Vote in addition to his own Vote,) shall, as to the Election of Commissioners for each several Ward, be final and decisive; and such Votes shall be taken either by Ballot, by calling the Roll, or by a Show of Hands, as the Majority of such Meeting or Meetings so convened shall determine: Provided always, that in case the said first Commissioners hereby appointed shall have made the Division into Wards, and shall have prepared the Rent Roll hereinbefore mentioned, and shall have taken all the Steps hereby declared to be necessary before any annual Election of Commissioners shall have taken place, and shall judge it proper and expedient that the first Election of Commissioners should take place at an earlier Period than within Ten Days after the Election of the Magistrates and Town Council of the City of *Perth* in the present Year One thousand eight hundred and twenty-nine, such first Commissioners shall cause their Clerk to give Intimation of a Meeting or Meetings for such Elections by Notices in the Manner hereinbefore mentioned as to the annual Elections of Commissioners; and the Commissioners appointed at such Meetings, along with the *ex officio* Commissioners hereinbefore mentioned for the Time being, shall and may act and continue to act as Commissioners for the Purposes of this Act, from the Dates of their Election respectively until the annual Period of the Election of Commissioners in the Year One thousand eight hundred and thirty.

Mode of supplying Vacancies of Commissioners.

VIII. And be it further enacted, That in the Event of any Commissioner so elected for all or any of the said Wards, Districts, or Divisions declining to accept of or exercise the Duties of the said Office of Commissioner, in consequence of his Election for another Ward, or otherwise, or in the Event of any such Office becoming vacant by the Death or permanent Absence from the Country of any Person chosen a Commissioner, or by his being at the Time of his Election or afterwards becoming disqualified by holding any Office or Situation of Emolument or Profit under or by virtue of this Act, as hereinafter mentioned, or in any other Way, it shall be lawful for and in the Power of the Persons within the said Ward in which such Vacancy by such Declining, Death, Absence, or Disqualification shall occur, to proceed to the Election of another Commissioner or Commissioners, qualified as hereinbefore mentioned, to supply such Vacancy, at a Meeting of the qualified Voters within the Ward, to be called by the Clerk to the Commissioners by Intimation to be given in Manner before mentioned, which Intimation such Clerk, upon a Requisition signed by Six or more qualified Voters

Voters within the said Ward, is hereby required to give, allowing always Ten free Days to expire betwixt the Day of giving such Intimation and the Day of Meeting fixed to supply such Vacancy.

IX. And be it further enacted, That in the Election of the said Commissioners any Company or Companies holding and occupying Property within the said Limits assessed to the Extent entitling an Individual to vote shall be entitled to exercise the said Right in the Election of Commissioners, by the Vote of either the Managing Partner, or of any other Partner duly authorized; and in like Manner the Manager or any other Partner of such Company or Companies holding and occupying Property assessed to the Extent which entitles an Individual to be chosen Commissioner shall be eligible as a Commissioner for the Purposes of this Act.

Rights of Companies in Election of Commissioners.

X. And be it further enacted, That the Rent Rolls, and Assessments in conformity therewith, to be made up in Manner herein mentioned, as well those originally made up by the said first Commissioners as those to be made up by the subsequent Commissioners; according to which the Qualifications of the Persons entitled to elect and be elected as Commissioners within the respective Wards shall be ascertained and fixed, shall be made up and completed at least One Calendar Month previous to the Day fixed for the first and every subsequent annual Election of Commissioners; and from and in accordance with which Rent Rolls and Assessments regular Lists shall be made out and prepared by the Clerk or Treasurer, of the Persons entitled to vote in the Election of and to be elected as Commissioners within the respective Wards; which Lists so made out shall be open and patent to the whole Persons assessed at least Fourteen Days preceding the Day fixed for any such Election, without Prejudice to the Commissioners to alter and modify, upon Cause shown, the Rental or Valuation of any Property so assessed, and the Assessment thereon, in order to afford Relief to the Parties assessed, or to correct any Assessment which shall to them appear to be erroneous either in Rate or Amount.

Lists of Electors and Persons eligible as Commissioners to be made up annually.

XI. And be it further enacted, That it shall not be competent to any Person (although otherwise qualified) holding any Office or Situation of Emolument or Profit under or by virtue of this Act to be elected or act as a Commissioner, but without prejudice to his voting in the Election of a Commissioner for any Ward within which, according to the Extent of the Assessment upon him, he may be entitled to vote; and in the Event of any of the said Commissioners elected for any particular Ward ceasing to occupy Premises within the Ward for which he was elected, assessed at the Sum requisite to entitle him to be chosen or act as a Commissioner, or his becoming a Commissioner *ex officio*, or his accepting of and holding an Office or Situation of Emolument or Profit under the Commissioners; in each and every of these Cases such Person shall be disqualified from continuing, and shall cease to act as a Commissioner in virtue of his Election by such Ward; but the whole Acts and Deeds of any such Commissioner shall, notwithstanding of any such Change of Circumstances, be legal, valid, and binding upon all concerned, until a

Disqualifications of Persons to be Commissioners.

new Election in his Room shall take place in Manner hereinbefore mentioned; except that no Commissioner shall be entitled to vote for Two several Wards, or in Two several Capacities; and no Commissioner shall sit, vote, or otherwise act as a Commissioner in any Matter or Question in which he, or his Father, Mother, Brother, or Sister, is personally interested.

Penalty on Commissioners refusing to accept or act.

XII. And be it further enacted, That every Person elected a Commissioner under this Act, being duly qualified to be elected within the Ward for which he is chosen, and not liable to or under any of the Disqualifications hereinbefore specified, who shall refuse to accept of and execute the Duties of the said Office, or shall decline the same, or neglect to intimate his Acceptance thereof, or to declare his Option, if elected for Two Wards, within Three Days after a Notice in Writing of his Election, and Requisition to accept or decline shall have been made to him by the Clerk or Treasurer, shall be liable to pay to the Commissioners under this Act, for the Purposes thereof, a Penalty of Five Pounds Sterling, to be recovered and levied by a summary Application to the Judge Ordinary of the Bounds: Provided always, and it is hereby declared, that no Person shall be liable or subject to any such Penalty who shall have exercised the Office and Duties of a Commissioner under this Act, either *ex officio* or by Election, for a Period of Four consecutive Years, and that a Period of at least Two Years shall not have intervened betwixt the Time of his having held such Office, or having paid such Penalty, and the Time of his Re-election; provided nevertheless, that any such Person paying any such Penalty shall be re-eligible at any Time thereafter to be a Commissioner under this Act, in case he shall choose to serve as a Commissioner; and provided also, that it shall be in the Power of the said Commissioners to prevent or stay any Application for such Penalties, or, if awarded, to mitigate the same in any Case where they shall see just Cause so to do.

Penalty on unqualified Persons voting.

XIII. And be it further enacted, That any and every Person knowingly voting for the Election of a Commissioner for any of the said Wards, and not being duly qualified as aforesaid, shall forfeit and pay a Sum not exceeding Two Pounds Sterling, to be recovered and levied in Manner hereinafter mentioned: Provided always, that it shall be in the Power of the said Commissioners to prevent and stay any Application for such Penalties, or, if awarded, to mitigate the same in any Case where they shall see just Cause so to do.

Meetings of the Commissioners.

XIV. And be it further enacted, That the said Commissioners *ex officio*, and to be elected as aforesaid, shall hold at least Two General Meetings yearly, of which Meetings due Notice shall be given by the Clerk or Treasurer, by written or printed Intimations, to be given and delivered to each Commissioner personally, or at his respective Dwelling Place or usual Place of Business, situated within the Boundaries aforesaid, Twenty-four Hours at least previous to such Meeting, and specifying therein the Time and Place thereof; the first of which Meetings shall be held within One Calendar Month after the Election of the said Commissioners, and the

the other of the said Meetings in the Month of *August* in each Year; such Meetings to take place at the said Times and Periods annually after the first Election of Commissioners in virtue of this Act; and at all Meetings of such Commissioners the Quorum of Commissioners necessary to do Business shall be Five; with Power also to the said Commissioners, at such Meetings so assembled, to adjourn the same from Time to Time as they shall judge expedient, Notice of such Adjournments being always given by the Clerk or Treasurer in the same Manner as is hereinbefore directed as to General Meetings; and it shall be in the Power of the said Commissioners, or any Three or more of them, from Time to Time and at any Time to require a Special Meeting of the Commissioners as they shall see Cause, by Requisition in Writing to the Clerk or Treasurer, who within Two Days after receiving the same shall be obliged to call a Meeting in Manner before mentioned, and with similar Notice; and at all such Annual, General, Adjourned, or Special Meetings, the Commissioners present shall be empowered to perform and execute all the Powers conferred on them by this Act: Provided always, that the said Commissioners shall not have Power at any such Meeting to alter the Wards, Rate, or Mode of Assessment, to displace or elect any Clerk, Treasurer, Collector, Engineer, or Superintendent of Works, to borrow Money or pledge the Security of the Assessment for the same, or to direct the Erection of any Works, or contract for the Execution of any new Erections or Works to be made or executed, unless such Meeting shall have been called by the Clerk or Treasurer, whom failing by Three or more of the Commissioners, by Insertion of a Notice thereof in any Newspaper then published in *Perth*, if any shall be so published, and giving such Notice by affixing the same upon the Doors of the Four Parish Churches of *Perth* at least Ten Days previous to such Meeting, such Notices specifying the Time and Place or Places of Meeting, and the explicit Object and Purpose thereof.

XV. And be it further enacted, That the said Commissioners shall have full Power and they are hereby authorized and empowered to procure, obtain, and take from the River *Tay*, and the Banks or Grounds adjoining thereto, within the Limits aforesaid, a full and ample Supply of Water for the Use of the said City of *Perth* and its Suburbs, and the Inhabitants thereof, and of Properties in the Vicinity, to whom the Benefit of this Act may be extended in Manner hereinafter mentioned, and for that Purpose make, form, dig, build, and erect, upon and within the said Limits, or in or upon any other Property which may belong heritably to the Community of the City of *Perth*, Pits, Tanks, Wells, Cisterns, and Reservoirs, and all and every Erections and Buildings for such Tanks, Cisterns, and Reservoirs, and with and containing Machinery propelled by Steam or otherwise, with all Pipes and other Conductors to and from the same, within the aforesaid Limits, for obtaining, collecting, raising, maintaining, and distributing such Supply of Water as aforesaid, and for otherwise carrying the Purposes of this present Act into effect; and the said Commissioners shall also have full Power and they are hereby authorized and empowered to make, form, and uphold such Pits, Tanks, Wells, Cisterns, and Reservoirs, at, in, and upon that Island, in the Channel or Course of the said River *Tay*, the Property of
Sir

Power to take Water from the *Tay* and *Barnhill* Island, &c.

Sir *David Moncrieffe* of *Moncrieffe*, Baronet, or others, called *Barnhill* or *Moncrieffe Island*, or by whatever other Name or Appellation it may be known, although the same be situated without or beyond the Limits aforesaid, and to lay or otherwise convey Pipes or other Conductors for transmitting and conveying the Water from such Tanks, Pits, Wells, Cisterns, or Reservoirs, under the Bed or Channel of the said River *Tay*, to the City of *Perth*, and Suburbs and Vicinity thereof, and to form and make or cause to be formed and made, upon the said Island or adjoining thereto, any Embankment or other Erection or Operation necessary for protecting the Tanks, Pits, Wells, Cisterns, or Reservoirs so to be made as aforesaid against the Operations, Effects, or Inundations of the said River, and also to uphold, clean, and repair the same in all Time coming; the said Commissioners, out of the Funds placed under their Management in virtue of this Act, paying to the Owners and Occupiers of the said Island, and other Properties, Fishings, or Heritages interfered with in carrying this Act into execution, for the Value of such Property as may be taken or used, and for any Damage that may arise from the Operations hereby authorized, such Value to be ascertained, adjusted, and settled in Manner hereinafter mentioned.

Pipes not to be laid under the Bed of the River *Tay* without Consent.

XVI. Provided always, and be it enacted, That the said Commissioners shall not be entitled to execute the Operation of first laying the said Pipes or other Conductors for Water under the Bed or Channel of the River *Tay* during the Salmon Fishing Season, without the Consent of the Proprietor of the Fishing or Fishings within the Bounds of which Fishing or Fishings the said Pipes or other Conductors for Water are to pass under the Bed of the River first had and obtained for that Purpose, nor shall the said Commissioners perform any other Operation upon the River during the Fishing Season without such Consents, unless in a Case of Necessity arising from unavoidable Accident.

Power to contract for executing Works.

XVII. And be it further enacted, That the said respective Commissioners shall have Power, and they are hereby authorized and empowered, by themselves, or in the Name of their Clerk or Treasurer duly authorized at a Meeting or Meetings legally called for the Purpose as aforesaid, to contract and enter into Contracts or other Agreements with any Person or Persons engaging to execute and perform the Works, Erections, Machinery, and other Operations hereby authorized, and which Contracts and Agreements shall be binding upon the Commissioners entering into the same, and their Successors in Office, until the same shall be fully and fairly implemented.

Map or Plan deposited with the Clerk of the Peace to remain there, and be open to Inspection.

XVIII. And whereas a Map or Plan exhibiting the Place, Extent, and Situation of the Tank, Pit, Well, or Reservoir intended to be formed upon the North End of the Island before mentioned, commonly denominated *Barnhill* or *Moncrieffe Island*, of the Line and Direction of the Pipes or Conductors communicating therewith under the Bed of the said River *Tay* to the Main Land, where the principal Reservoir and other Works for raising and distributing the said Water are meant to be erected, and the general Line of the conducting

Pipes from thence to supply the said City and Suburbs within the Boundaries aforesaid, has been lodged with the Clerk of the Peace for the County of *Perth*, and which Plan shews and exhibits those Parts and Portions of the said City of *Perth* and Suburbs thereof to which the Powers granted by the present Act are to extend, together with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of the Lands and other Property intended to be affected; be it further enacted, That such Map or Plan shall remain in the Hands of the said Clerk of the Peace for the County of *Perth* along with the Book of Reference lodged therewith, and that all Persons having Interest shall have Liberty and be entitled, at all reasonable Times, to have Access to and inspect, examine, and take Copies or Extracts from the same, on paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and for Copies of or Extracts from the said Book of Reference at the Rate of Sixpence for every One hundred Words; and the said Commissioners, in the Formation or Erection of such Tanks, Pits, Wells, Cisterns, Reservoirs, Embankments, or other Erections necessary for carrying the Purposes of this Act into effect, shall not deviate more than One hundred Yards from the Course or Direction delineated upon the said Map or Plan, and set forth in the said Book of Reference, without the Consent in Writing of the Owners and Occupiers of the Property affected by such Change or Alteration.

XIX. Provided always, and be it enacted, That nothing herein contained shall authorize and empower the said Commissioners, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purpose of bringing a sufficient Supply of Water into the said City of *Perth* and the Suburbs and Vicinity thereof, or for any other the Purposes aforesaid, any House or other Building which was erected or built on or before the passing of this Act, or any Land or Ground which was then set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House, except such as are mentioned in the said Map or Plan or Book of Reference, or in this Act or the Schedule hereunto annexed, without the Consent in Writing of the Owners and Occupiers thereof, and Persons interested therein respectively.

Houses and Gardens not to be injured.

XX. Provided always, and be it further enacted, That it shall be lawful to and in the Power of the said Commissioners to carry the Purposes of this Act into execution, notwithstanding that in the said Plan or Book of Reference or in the said Schedule the Name or Names of any Owner or Owners, Occupier or Occupiers of Lands or Premises on or through which the Operations or Works requisite may be performed or erected, or pass or be conducted, may happen to have been erroneously described, omitted, or mis-stated in the said Map, Plan, or Book of Reference, or in the said Schedule, in case it shall appear to any Two or more Justices of the Peace for the said County of *Perth*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Misnomers in Plan or Book of Reference not to prevent Execution of Works.

XXI. And be it enacted, That the said Commissioners shall be and they are hereby authorized and empowered, for the Purpose

Power to open Streets, &c. for laying Pipes.

[Local.]

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Power to authorize private Pipes, &c.

of laying Pipes and Conductors of the said Water to all and every Part or Place they shall judge expedient within the Limits aforesaid, and for repairing or altering the said Pipes, or the Line or Direction thereof or of any Part of the same, from Time to Time, to open or cause to be opened up all Streets, Lanes, Turnpike and other Roads, Passages, and Accesses, within the said Limits, and also, upon Application to them, to authorize similar and all other Operations necessary for the conducting of the said Water into Dwelling Houses or other Premises by private or branch Pipes, which are to be formed, made, and conducted and regulated, as to Ball Cocks and Cisterns, and as to Pipes or other Conductors for returning the waste or superfluous Water to the Kennels or Common Sewers made or that may hereafter be made, or otherwise disposing thereof, and in all other respects, under the Direction and to the Satisfaction of the said Commissioners or such Person or Persons as they shall appoint: Provided always, that in all such Cases the said Commissioners, and those Persons to whom they shall grant the Privilege of private Pipes as before mentioned, shall respectively be bound and obliged to replace the Streets, Lanes, Roads, Passages, and Accesses interfered with by them, and Pavements of the same, in the same Situation and like good Order and Condition, in every respect, as when they commenced their several Operations thereon; and provided also, that the said Commissioners shall have no Power themselves, nor Power to authorize others, to lay such private or branch Pipes along any private Lane, Passage, or Access, or to open or cause the same to be opened for that Purpose, save and except in such Cases where the Person or Persons requiring such private Pipe or Pipes shall have a joint or mutual Interest in such Lane, Passage, or Access, or a legal Right of Servitude of Ingress and Egress by, through, or along the same.

Persons to pay for Erection of private Pipes.

XXII. And be it further enacted, That for such private Pipes so to be granted as aforesaid (excepting in the Cases hereinafter mentioned), if the Persons requiring the same are otherwise assessed for the Properties for the Use of or to which the Water is conducted by such private Pipes, no further Charge shall be made beyond such Assessment, but such Person or Persons shall pay and defray the whole Expence of such private Pipes, and of the necessary Operations, and any Damage he or they may occasion by the laying of such private Pipes, as the same shall be ascertained and adjusted by the said Commissioners.

Water Pipes not to be allowed to interfere with or injure Gas Pipes.

XXIII. And be it further enacted, That the said Commissioners shall conduct their Operations of laying all Water Pipes or Conductors so as not to interfere with or injure the Gas Pipes already laid in or along the said Streets, Roads, Lanes, or Passages of the said City or Suburbs; and the said Commissioners, or other Person or Persons acting under Authority from them, shall have full Power and Authority, within the Limits aforesaid, (if it shall be found that the Water Pipes cannot be advantageously conducted without altering the Gas Pipes presently laid,) at their own Expence to alter the Position of any of the said Gas Pipes already laid or that may be hereafter laid, so as to prevent the same from being prejudicial in any respect to the Water Pipes or Conductors of Water hereby authorized to be made and laid.

XXIV. And

XXIV. And be it further enacted, That all and every the Pipes and Conduits to be laid or used for the Conveyance of Gas in, under, below, across, or around any Ground, Road, Street, Square, Market Place, Lane, Passage, Court, or other Place within the Limits of this Act, shall be laid at the greatest practicable Distance from the nearest Part of any Water Pipe already laid down or hereafter to be laid down by the Order of the said Commissioners, for the Conveyance of Water in, under, through, along, across, or around any of the said Roads, Streets, Squares, Lanes, Passages, Courts, or other Places as aforesaid, and, whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any such Water Pipe, unless in Cases where it shall be unavoidably necessary to lay the Gas Main Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above such Water Pipes at the greatest practicable Distance therefrom, and shall form therewith as nearly as possible a Right Angle, and in such Case such Gas Pipes so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down any such Gas Pipes it shall not be lawful for any Gas Light Company, or Person or Persons supplying the said City of *Perth* with Gas, to join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials; and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every respect prevent the said Gas from escaping therefrom and from any Part thereof, upon pain of forfeiting for every such Offence (if the said Gas Light Company, or Person or Persons supplying the said City with Gas as aforesaid, neglect or refuse to make such Gas Pipes air-tight, within Twenty-four Hours after Notice thereof given to them in Writing,) the Sum of Ten Pounds.

Protection
from Gas
Pipes.

XXV. And be it further enacted, That whenever the Water of the said Commissioners shall be contaminated or affected by the Gas of any Gas Light Company, or Person or Persons supplying the said City of *Perth* with Gas, such Gas Light Company, or Person or Persons supplying Gas as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered; and in every such Case the said Gas Light Company, or Person or Persons supplying the said City with Gas as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any of the said Commissioners or by any Person or Persons using the Water, to be left at the usual Place of transacting Business of the said Gas Light Company, or Person or Persons supplying Gas as aforesaid, cause the most proper and effectual Measures to be taken effectually to stop and prevent the Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Commissioners;

For remedy-
ing Injury
from Gas.

sioners; and in case the said Gas Light Company, or Person or Persons supplying Gas as aforesaid, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Gas Light Company, or Person or Persons supplying Gas as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the said Commissioners, over and above the above-mentioned Penalty of Twenty Pounds, any Sum not exceeding Ten Pounds for each and every Day during which the Water of the said Commissioners shall be and remain contaminated, tainted, or affected by the Gas of the said Gas Light Company, or Person or Persons supplying Gas as aforesaid, such Penalty to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered.

For ascer-
taining if the
Water is con-
taminated.

XXVI. And be it further enacted, That in case it shall at any Time or Times be or become a Question upon such Complaint as aforesaid whether any such Water be contaminated or affected by the Gas of any Gas Light Company, or Person or Persons supplying the said City of *Perth* with Gas, then and in every such Case it shall be lawful to and for the said Commissioners, or Person or Persons so complaining, after giving Notice in Writing to the Magistrates, Trustees, Surveyors, or other Persons under whose Controul or Superintendence any public Streets, Roads, Lanes, or other public Passages and Places may be, or to the Party or Person having the Property of or in any Ground, Stones, Soil, or Pavement, as the Case may be, and having an Order signed by any Justice or Justices of the Peace, (which Order such Justice and Justices is and are hereby required to grant, on Oath made before him or them that such Water is believed to be contaminated,) to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of any such Gas Light Company, or Person or Persons supplying Gas as aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or be occasioned by the Gas of any such Gas Light Company, or Person or Persons supplying Gas as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of any such Gas Light Company, or Person or Persons supplying Gas as aforesaid, the Costs and Expences of the said Digging, Search, and Repair of the Pavement of the Street or Streets or other public Place, or such Part or Parts thereof which shall be so taken up or disturbed, and the filling in of the Soil so broken up, shall be borne and paid by such Gas Light Company, or Person or Persons supplying Gas as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by the Sheriff Deputé of the County of *Perth*, or his Substitute, and be recovered in like Manner as any Penalty is hereby directed to be sued for and recovered: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of any such Gas Light Company, or Person or Persons supplying Gas as aforesaid, then and in such Case the said Commissioners, or Party or Parties so complaining, shall bear and pay all the Costs

and Expences of such Examination, Repair, and Search, and shall also forthwith pay and make good to the said Magistrates, Trustees, Surveyors, or other Persons respectively under whose Controul or Superintendence any such public Streets, Roads, Lanes, and other public Passages and Places, or any Part thereof, shall be, or to the Party or Person having the Property of or in Ground, Stones, Soil, or Pavement, as the Case may be, which shall or may have been so broken up for the Purposes aforesaid, all Costs, Charges, and Expences which shall or may be incurred by such Magistrates, Trustees, Surveyors, or Party or Persons respectively, in repairing, restoring, and making good any public Street, Road, Lane, or other public Passage or Place, or any Part thereof, which may have been so broken up; and the said Commissioners, or Party or Persons so complaining, shall also, in the Case aforesaid, forthwith pay and make good to the said Gas Light Company, or Person or Persons supplying Gas as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of such Gas Light Company, or Person or Persons supplying Gas as aforesaid, in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained in the said Cases respectively, if necessary, by the said Sheriff Depute of the County of *Perth*, or his Substitute.

XXVII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by any Gas Light Company, or Person or Persons supplying the said City of *Perth* with Gas, such Gas Light Company, or Person or Persons supplying Gas as aforesaid, shall, at their own Expence, immediately after receiving Notice by Parol or in Writing of any such Escape of Gas from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case such Gas Light Company, or Person or Persons supplying Gas as aforesaid, shall not, within Twenty-four Hours next after such Notice by Parol or in Writing being giving of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case such Gas Light Company, or Person or Persons supplying Gas as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be sued for and recovered as any Penalty is hereby directed to be sued for and recovered.

For stopping
the Escape
of Gas.

XXVIII. And be it further enacted, That if any Gas Light Company, or Person or Persons supplying the said City of *Perth* with Gas, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever which shall arise or be produced in the Gas Works of such Gas Light Company, or Person or Persons supplying Gas as aforesaid, or in the Manufacture or Process of making or procuring Gas by such Gas Light Company, or Person or Persons supplying Gas

Penalty for
conveying
Washings
into any
River, &c.

[*Local.*]

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as

as aforesaid, into any River or Brook or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any other Annoyance, Act, or Thing to the Water contained in any such River or Brook or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case such Gas Light Company, or Person or Persons supplying Gas as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, before any Court competent within *Scotland*, and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been sued for or recovered or not), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in Manner aforesaid, into any River or Brook or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Body or Bodies Politic or Corporate, or Person or Persons whomsoever, to such Gas Light Company, or Person or Persons supplying Gas as aforesaid, and such Gas Light Company, or Person or Persons supplying Gas as aforesaid, shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing in Manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Gas Light Company, or Person or Persons supplying Gas as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in Manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is hereby directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Sheriff Depute or Substitute before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage, by any Act so done or committed.

XXIX. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered to make or cause to be made, at such Times and Places as shall appear proper to them, such Number of public Wells within the said City and Suburbs as they shall deem expedient, not being less than Forty in Number, to which the whole Inhabitants shall have free and unlimited Access, with all convenient Appurtenances of Cocks, Stop Cocks, Waste Pipes, and other necessary Appendages thereto, and to use and take all Means for the Establishment, Support, and Continuance of such Wells, with or without the Consent or Concurrence of the Proprietors or Occupiers of the Premises upon or adjoining to which such public Well shall be made, the said Commissioners and the Funds under their Management being only liable for the Property actually taken possession of for the said Purposes, to be valued and paid for in Manner hereinafter mentioned; and the said Commissioners shall be and they are also hereby authorized and empowered to make and form or cause to be made and formed; at such Places and in such Manner as they shall judge expedient, in the said Streets, Lanes, or Passages, Fire Plugs, Fire Cocks, or other necessary Conveniences for the Purpose of obtaining a ready Supply of Water in the Case of Fire.

Power to
make public
Wells, &c.

XXX. And be it further enacted, That the said Commissioners shall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered to sell, feu, let, and convey all such Lands, Grounds, or other Heritages as the said Commissioners are by this Act enabled to purchase, take, or make use of for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners and Occupier or Occupiers as shall be agreed upon by and between the said Commissioners and such Owner or Owners and Occupier or Occupiers, or as shall be awarded in Manner hereinafter mentioned.

Incorporated Persons,
&c. empowered to
convey.

XXXI. And be it further enacted, That all Contracts, Agreements, and Conveyances of Lands, Grounds, and Heritages to the said Commissioners may be effectually made according to the following Form, or in Terms to a similar Effect:

Form of
Conveyance
to the Com-
pany.

‘ I A. B. in consideration of the Sum of
‘ to me paid by the Commissioners appointed by or in virtue of
‘ an Act passed in the Ninth Year of the Reign of His Majesty
‘ King George the Fourth, intituled [here insert the Title of this
‘ Act], do hereby sell, dispo,ne, and convey, from me, my Heirs and
‘ Successors whomsoever, to the said Commissioners and their Suc-
‘ cessors in Office, all [describing the Premises to be conveyed], and all
‘ my Right, Title, and Interest to and in the same and every Part
‘ thereof; to hold to the said Commissioners and their Successors in
‘ Office for ever. In witness whereof I have subscribed these Pre-
‘ sents, consisting of this and the preceding Pages of Paper
‘ stamped

‘ stamped according to Law, written by upon the
 ‘ Day of in the Year before these Witnesses
 ‘ and ’

And each such Conveyance, being first duly stamped, shall be registered in the General Register of Sasines for *Scotland*, or in the Register of Sasines for the County of *Perth*, and which the respective Keepers of the said Registers are hereby authorized and required to register, shall receive the same Effect, and be as valid and effectual, to all Intents and Purposes, as if a formal Disposition had been executed and followed by Charter and Sasine according to the Form of the Law of *Scotland*, any Law, Statute, or Custom to the contrary notwithstanding; and the Originals of all such Conveyances shall be kept by the Clerk to the said Commissioners, who shall from Time to Time, when required, deliver attested Copies thereof to any Person or Persons demanding the same; and such Clerk shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words.

Sheriff to
 summon a
 Jury to fix
 Value of
 Lands, &c.
 in case of
 Dispute.

XXXII. And be it further enacted, That the said Commissioners shall pay the Value of the Lands, Grounds, or other Heritages which they may acquire or take Possession of under the Authority of this Act to the Owner or Owners and Occupier or Occupiers thereof, and shall also pay any Damage or Loss that the Owner or Owners, Occupier or Occupiers of such Lands, Grounds, Fisheries, or other Heritages may at any Time sustain by the Operations of the said Commissioners; and if the said Commissioners shall not come to an Agreement with the Owner or Owners and Occupier or Occupiers of the Lands, Grounds, or other Heritages which may be required for bringing in the said Supply of Water, or the Value thereof, Application shall be made to the Sheriff Depute of the County of *Perth* or his Substitute to summon a Jury in order to value the said Lands, Grounds, or other Heritages; and the said Sheriff Depute or his Substitute is hereby empowered and required, upon such Application, to order Notice thereof to be given to such Owner or Owners, Occupier or Occupiers as aforesaid, and afterwards to issue a Summons in the usual Manner for calling together and impannelling a Jury consisting of Fifteen Persons in Number, to examine into, and after such Examination to return a Verdict upon Oath as to the Value of such Lands, Grounds, or other Heritages; and after a Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute is hereby required to adjudge Payment of the Value of such Lands, Grounds, or other Heritages, and the Amount of the Loss or Damage thereby awarded, to the Persons having a Right thereto; and upon Payment being made by the said Commissioners, out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties interested, within One Calendar Month after the Sum shall be so agreed for, adjudged, or awarded, or Consignation of the said Sum in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company of Scotland*, in Manner hereinafter mentioned, the said Commissioners shall from thenceforth have Right to take and use such

such Lands, Grounds, and other Heritages ; and the said Proceedings and Orders of the said Sheriff Depute or his Substitute shall be final and conclusive without being subject to Reduction or to Review, by Advocation, Suspension, or otherwise howsoever.

XXXIII. Provided always, and be it further enacted, That in the Event that such Jury shall award a greater Compensation than the Commissioners shall have offered, but less than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of the Proceedings shall be defrayed and borne by the said Commissioners and the said Owner or Owners, Occupier or Occupiers, equally ; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the whole of the said Expence shall be paid by the said Commissioners ; and on the other Hand, if the Jury shall award the Sum offered by the said Commissioners, or a less Sum, the whole of the said Expence shall be paid by the Owner or Owners, Occupier or Occupiers : Provided always, that in all Cases where any Person or Persons shall by reason of Absence be prevented from treating with the said Commissioners, the said Expence shall be paid by the said Commissioners.

Expences of the Proceedings how to be paid.

XXXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, or other Heritages taken or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, Person or Persons under Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company of Scotland*; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Grounds, or other Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Grounds, or other Heritages, or affecting other Lands, Grounds, or other Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes ; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Grounds, or other Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Grounds, and other Heritages which shall be so taken or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect ; and in the meantime, and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid,

Re-investing Purchase Monies if amounting to 200*l.*

[*Local.*]

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by

by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Grounds, or other Heritages in case such Purchase or Settlement were made.

If less than
200l. and ex-
ceeding 20l.

XXXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or Heritages taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Grounds, or Heritages so taken or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into One of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Two or more of the Commissioners acting under the Authority of this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in any Manner before directed, as far as the Case be applicable.

If less than
20l.

XXXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Grounds, or other Heritages so taken or used for the Purposes of this Act, in such Manner as the said Commissioners or any Two or more of them shall think fit, or, in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
not making
out Titles.

XXXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Grounds, or other Heritages be not known or discovered, then and in every such Case it shall and may be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company of Scotland*, to the Credit of the Parties interested (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any

Part

Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Manager of the Bank of the *British Linen Company of Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXXVIII. And be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the said Banks in pursuance of this Act as aforesaid, the Person or Persons who shall have been in possession of such Lands, Grounds, or other Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Grounds, or other Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Grounds, or Heritages, or to some Estate or Interest therein.

Where Questions arise touching the Title.

XXXIX. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any such Lands, Grounds, or other Heritages as aforesaid, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Grounds, and other Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of Purchases in case of Disability.

XL. And be it further enacted, That in case the said Commissioners shall not purchase the Lands and Heritages described in the said Map or Plan, and Book of Reference, and shall not complete the necessary Works thereon, within the Space of Five Years from and after the passing of this Act, all the Powers and Authorities hereby granted for purchasing such Lands and Heritages, and executing such Works, so far as not completed, shall thenceforth cease and determine, save and

Works to be completed in Five Years.

and except with the Consent of the Owners of such Lands and Heritages.

Assessment
to be raised
and levied.

Maximum
Rate of As-
sessment.

Exemptions
from the
Assessment.

XLI. And be it further enacted, That for the Purposes of this Act, and in order to carry the same into effect, the said Commissioners shall be and they are hereby authorized and empowered to raise, levy, and recover, from the Owners or Occupiers in possession of Lands, Tenements, and Heritages within the said City of Perth and its Suburbs, within the Limits aforesaid, whether such Lands, Tenements, or other Heritages hold Burgage or not, annually, and payable at such Time or Times as the said Commissioners shall direct, such Sum as they shall deem sufficient to carry into effect the Purposes of this Act, to be made up, apportioned, levied, and collected in Manner hereinafter mentioned, such annual Assessment not exceeding in any Case the Sum of Five Pounds *per Centum per Annum* upon the actual Rent, or on the Valuation, to be made in Manner hereinafter mentioned, where the Property is in the Occupation of the Owner, of all Buildings or Subjects within the Limits aforesaid, occupied as Dwelling Houses, and not exceeding One and One Quarter *per Centum per Annum* upon the actual Rent or Value as aforesaid of all Buildings or Subjects occupied and possessed as Shops, Warehouses, Cellars, Counting-rooms, Manufactories, Places of Business, or otherwise than as Dwelling Houses, whether belonging to Individuals or to Companies, within the said Limits, and which Proportion betwixt the respective Assessments shall be observed in all Reductions and Augmentations of the annual Rate of such Assessments; but excepting always from the said Assessment all Churches and Places of Divine Worship, Schools and Seminaries for Education, the whole County Buildings, Courts of Law, Incorporation Halls, the City's Public Offices, all Houses and other Buildings the yearly Rent or yearly Value of which, estimated in Manner before mentioned, shall not amount to One Pound Sixteen Shillings Sterling, and every other House, Building, or Place from the Occupation of which Profit or Emolument is not drawn or receivable by the Owner or Proprietor, but when any such Properties are let out for Profit or Emolument, for any other Purposes than those entitling them to Exemption as aforesaid, they shall be liable and subject to be assessed; also excepting the Inches and the Customs, and every other Branch of the Town's Revenue let by the Corporation to Tenants; save and except Dwelling Houses, Shops, Cellars, Workshops, Manufactories, or Warehouses for which the Occupiers as Tenants of an Individual would be liable; with full Power and Authority to the said Commissioners to grant such Exemptions from or Modifications of the said Rates of Assessment as shall in the special Circumstances of each particular Case appear to them to be fair and reasonable; and in all Cases where any Property shall be occupied partly as a Dwelling House and partly as a Shop, Warehouse, or otherwise, to which the lower Rate of Assessment would attach, the said Commissioners shall have Power to take the same into their Consideration, and fix the Rate of Assessment to be paid for the same, and their Decision shall be final: Provided always, that for each House, Building, Yard, or Premises occupied by any Innkeeper, Victualler, Livery Stable Keeper, Maltster, Brewer, Distiller, Tanner, Bleacher,

Bleacher, Dyer, Boiler, Hatter, Woolcomber, or other Person who shall require or use larger Quantities of Water in his or her Trade or Business, and being supplied therewith by means of a private Pipe, than if the Premises were occupied merely as a Dwelling House or Dwelling Houses, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to apportion, fix, demand, and take from such Person or Persons such further Sum annually as the said Commissioners shall think reasonable, over and above what such Person or Persons would have paid had they occupied the Premises merely as Dwelling Houses; and in case of Refusal to pay such further Sum, the said Commissioners are hereby authorized and empowered to decline to give such extra Supply of Water.

XLII. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered, upon the Application of the Owner or Occupier of any Lands, Houses, or other Heritages in the Vicinity of the said City and Suburbs, although situated without and beyond the Limits aforesaid, to admit him or them to a Participation of the whole Rights, Benefits, and Advantages to be derived from the Supply of Water in virtue of this Act, by supplying them with Water; such Owners or Occupiers respectively being always at the sole Expence of such additional Pipes as may be necessary for that Purpose, and of laying the same; each Person so supplied contributing and paying the same yearly Rate and Assessment, according to the yearly Rent or Valuation of the respective Properties, as is paid by the Occupiers within the Limits aforesaid, such yearly Rent and Valuation to be ascertained in the same Manner as hereinbefore directed with regard to Properties within the said Limits, and also contributing such Sum as shall, in proportion to the Amount of such yearly Rent or Valuation, be held and considered an equal Share and Proportion of the original Expence of bringing Water within and distributing the same through the said Limits, in so far as then liquidated, and such Persons shall be subject to the whole other Rules and Regulations contained in this Act; and the Lands, Houses, and other Heritages so supplied beyond the said Limits shall thereafter be entitled to be included in One of the said Wards, and the Owners or Occupiers thereof shall enjoy the Privileges of Inhabitants of such Wards respectively in all Time thereafter; and provided also, that it shall be in the Power of the said Commissioners (if they shall think fit) to grant the Privilege of private Pipes to such Dwelling Houses and other Premises as are not liable to be assessed under this Act, and to such Properties as are specially exempted, upon Payment of such Sums as to the said Commissioners shall appear fair and reasonable.

Power to extend the Privileges of the Act beyond the Limits, at the Request of Owners or Occupiers.

XLIII. And be it further enacted, That the said Commissioners hereinbefore specially appointed, and the said Commissioners *ex officio*, and to be hereafter appointed in Manner before mentioned, shall be and they are hereby authorized and required, the said first Commissioners hereby appointed so soon after the passing of this Act as can conveniently be done, and the subsequent Commissioners annually some Time in the Month of *July* (commencing in the

Rent Rolls to be made up annually.

first Month of *July* One full Year after the passing of this Act), to cause a full and complete Rent Roll to be made up, from such Surveys and Information as they shall judge expedient, of all Dwelling Houses, Shops, Warehouses, Cellars, Manufactories, and other Buildings and Properties within the said City and Suburbs, and within the Limits before mentioned, which Rent Roll or Valuation shall and may be examined, corrected, and adjusted as to the said respective Commissioners may seem equitable and proper, and being so examined, and authenticated by the Signature of Five or more of the said Commissioners for the Time being, such Rent Rolls shall be and the same are hereby declared and appointed to be the Rule for ascertaining and determining the Qualifications of the Persons entitled to elect, and of the Persons entitled to be elected as Commissioners for the several Wards, for putting this Act into execution, as well as fixing the Rate and the Amount of Assessment to be made upon the several Occupiers and Possessors of Dwelling Houses and other Premises as aforesaid: Provided always, that so soon as the said respective Rent Rolls are made up, and before signing or authenticating the same, Notice shall be given in any One Newspaper published in *Perth* at the Time (if any), and upon the Church Doors of the Four Parishes of *Perth*, of such Rent Roll being so prepared, so that the Persons to be assessed by such Rent Roll may have an Opportunity of appealing to the said respective Commissioners against the same, such Appeal to be taken and lodged with the Clerk to the said Commissioners any Time within Ten Days after the publishing and affixing of such Notices; and which Appeals the said respective Commissioners are hereby authorized and empowered to hear and determine finally, in such Manner as shall to them appear fair, just, and equitable; and which Rent Rolls, when so adjusted and authenticated as aforesaid, shall remain with the Clerk to the said Commissioners, and at all seasonable Times be open and patent to the Inspection of all and every Person liable to the Assessment.

Mode of Assessment when Premises are taken for less than a Year.

XLIV. And be it further enacted, That if any Dwelling House, Shop, Warehouse, Cellar, Manufactory, or other Building which shall be unoccupied and not possessed at the Time of laying on the yearly Assessment aforesaid, shall afterwards during the Currency of that Year become occupied or possessed, it shall be lawful to and in the Power of the said Commissioners to assess the same, in Manner and according to the Rates hereinbefore prescribed; as also that the said Commissioners shall, and they are hereby authorized and empowered, in the Case of travelling Merchants, Auctioneers, or others taking up a temporary Residence within the said City or Suburbs, within the before-mentioned Limits, for the Purpose of disposing of Merchandize, Goods, or other Effects, to assess them according to the Rates aforesaid for the Shop, Warehouse, or other Place or Premises occupied by them for these Purposes, in proportion to the Time of their Occupation; and such Person or Persons taking Premises for a less Period than One Year shall be bound to pay or find Security to the Satisfaction of the said Commissioners for Payment of such Assessment, previous to their commencing Business, and that for a Period of not less than Three Months, notwithstanding that such Premises shall have been taken

taken or may be occupied for a shorter Period, declaring that it shall be competent to the Judge Ordinary, upon summary Application by any Two or more of the said Commissioners, to interdict and prevent the said Person or Persons from commencing or carrying on Business within the aforesaid Limits until he or they pay or find Security, in Manner before mentioned, for Payment of such Assessment.

XLV. And be it further enacted, That if any Person or Persons who shall be so rated and assessed as aforesaid shall refuse or neglect to pay the Rates or Assessments charged upon him, her, or them, for the Space of Twenty-one Days next after such Rates or Assessments shall be due, and demanded by the Collector entitled to receive the same, such Demand being made by a written or printed Notice, to be left at his, her, or their respective Dwelling Houses or Places of Abode, or Shops or other Places of Business, or Premises, on account whereof the said Assessment is made, it shall be lawful for the said Collector to apply to any of the Magistrates of *Perth*, if the Person or Persons deficient in Payment shall live within the Jurisdiction of the said Magistrates, or to the Sheriff Depute of the County or his Substitutes, or to any Two Justices of the Peace for the said County, if such Person or Persons shall live without the Burgh, but within the County of *Perth*, and to the Sheriff Depute or his Substitute, or to any Two Justices of the Peace or other Magistrates, in any other County of the United Kingdom, to which such Person or Persons has or have removed, for a Warrant to any of their respective Officers to enter the Houses, Shops, Manufactories, or other Places, and to seize, take possession of, and carry away the Goods or Effects of the Person or Persons so refusing or neglecting as aforesaid, or so much thereof as shall appear to be necessary, as hereinafter mentioned; and it shall be competent to the said Magistrates of *Perth*, the Sheriff Depute for the County of *Perth* and his Substitute, or the said Justices or other Magistrates, and they are hereby respectively authorized and required to grant such Warrant, upon a Certificate signed by the Collector or Person who made the Demand, of such Demand having been made, and of such Person or Persons being in arrear to the Amount stated in the Certificate; and if such Rates or Assessments shall not be paid, together with the Costs or Charges incurred in obtaining such Warrant (as the same shall be fixed by the Judge, and stated in the Warrant), upon Presentment of the said Warrant to the Party or Parties, or at his or their Dwelling House, Shop, or Place of Business, the Collector is hereby authorized to cause an Officer or Officers to seize, take possession of, and carry away so much of the Goods and Effects of the Person or Persons refusing or neglecting to pay as aforesaid, as shall appear sufficient for satisfying, by the Sale thereof, the Assessments due by him, her, or them respectively, with the Costs fixed as aforesaid; and the further Charges incurred or to be incurred in carrying the Warrant into execution; and if such Rate or Assessment shall not be paid within Four Days next after such Seizure is made, together with the Costs and Charges, then the said Collector is hereby authorized to sell the said Goods and Effects so seized by public Auction, at the Market Cross of *Perth*, or such other public Place

Mode of
levying
Assess-
ments.

Place within the said City as may by the Commissioners be declared to be a proper Place for such Sales; or in case the Goods or Effects be not found within the said City of *Perth* or Suburbs thereof, or within such Distance that they can be conveniently removed thereto, then at such Place as the Judge granting the Warrant may direct, such Collector returning the Surplus of the Price (if any be) after Payment of the said Assessment and the Costs and Charges to the Owner or Owners thereof, on Demand.

Power to borrow Money.

XLVI. And be it further enacted, That in order to enable the said Commissioners to carry into effect the Purposes of this Act it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time, to borrow and take up at Interest upon the Security and Credit of the Rates, Duties, and Assessments given, granted, and authorized to be levied by virtue of this Act, any Sum or Sums of Money not exceeding in the whole at any One Time the Sum of Ten thousand Pounds.

Powers to grant Assignments for Money borrowed transferrable by Indorsements.

XLVII. And be it further enacted, That for the greater Security of the Person or Persons who shall advance or lend such Monies, or any Part thereof, the said Commissioners shall and may and they are hereby authorized and empowered to assign and make over the Whole or any Part of the Rates, Duties, and Assessments to be levied and collected in virtue of this Act, to the Person or Persons from whom the said Sum or Sums of Money shall be respectively borrowed and received, in security of the Payment of the said Sum or Sums of Money, and Interest of the same, and which Assignments shall be subscribed by Five at least of the said Commissioners duly authorized to grant the same in Manner after mentioned, and shall be duly entered in a Book to be kept by the said Commissioners, or such Person or Persons as they shall appoint; and all such Assignments shall be transferrable by simple Indorsement, in the following Words, or Words to the like Effect:

Form of Transfer of Assignment.

‘ I *A. B.* do hereby transfer and make over this Assignment, with
 ‘ all Right, Title, or Interest which I have under the same, to
 ‘ *C. D.*, his, her, or their (*as the Case may be*) Executors, Adminis-
 ‘ trators, or Assigns. Dated at this
 ‘ Day of . (Signed) *A. B.*
 ‘ Witness *E. F.*’

Which Transfer or Indorsement shall be notified to the Clerk or Treasurer of the said Commissioners, who shall and he is hereby required to register a full and exact Copy of such Indorsement in the same Book or Books in which Assignments so granted are appointed to be entered, and shall specify his having done so upon the said Assignment immediately under or after each Indorsement, and which Indorsement, when so made, notified, entered, and certified, shall operate as a complete Transfer of the Assignment so indorsed, and of the Security thereby afforded, and of the Sum or Sums for which the same was granted; and the Person in whose Favour such Transfer is so made may in like Manner again transfer such Assign-

Assignment to any other Person or Persons so often as shall be necessary.

XLVIII. And be it further enacted, That so often as the said Commissioners shall be called upon to pay up the Whole or any Part of the Principal Sums that may have been borrowed for the Purposes of this Act, it shall be lawful for them and they are hereby empowered to borrow such Sum or Sums as they shall find necessary to pay those which have been called up; and they may either require the Holder or Holders of such Bonds or Assignments to discharge the same, or transfer them to the new Lender or Lenders, according to the Form hereinbefore prescribed.

Power to borrow to pay off previous Loans.

XLIX. And be it further enacted, That the said respective Commissioners shall have Power and are hereby authorized and empowered to impose and levy, or cause to be levied, the Assessments hereinbefore authorized, not exceeding the Rates before mentioned, unless in the Cases specially provided for, so and to such Extent as thereby to raise a yearly Revenue or Income sufficient and adequate to defray the annual Expence attending the Establishment, supporting the Works, Erections, and Appurtenances thereof, and carrying into effect the Purposes of this Act, to satisfy and pay the Interest of the Sum originally expended in procuring this Act, forming the Reservoirs, Pits, Tanks, Wells, Erections, and Machinery necessary, providing and laying Pipes and other Works and Operations by this Act authorized, and to provide a Surplus or Sinking Fund of such an Extent as may be estimated to be sufficient to liquidate the whole Debt incurred for the Purposes of this Act within a Period not less than Thirty Years nor more than Fifty Years from the Commencement of this Act; and the said Rates of Assessment being once fixed, it shall not be in the Power of the said Commissioners to lower the same (further than by giving Relief to Individuals upon Cause shown), without the Concurrence in Writing of Three Fourths in Amount of Sum of the Creditors who have advanced Money upon the Security of the said Assessments.

Purposes and Extent of Assessment.

L. And be it further enacted, That the said annual Assessment hereby authorized to be imposed shall be calculated from *Whitsunday* to *Whitsunday* yearly, and commencing at and from the Term of *Whitsunday* prior to the Period at which the Works hereby authorized to be made shall be completed, and that for the Year following.

Assessments to run from Whitsunday to Whitsunday.

LI. And be it further enacted, That the Clerk for the Time being to the said Commissioners shall and he is hereby required to keep regular and clear Entries in a Book or Books to be for that Purpose provided by the said Commissioners, of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners and of every Creditor under this Act without Fee or Reward; and the said Commissioners and Creditors aforesaid,

Accounts to be kept by Clerk.

or any of them, may take Copies of or Extracts from the said Book or Books or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners or Creditors to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

Abstract of Accounts to be made up annually.

LII. And be it further enacted, That the said Clerk shall make up yearly and each Year a full and complete Statement or Abstract, under distinct Heads, showing the Amount of the Debt, Amount of the Assessment made, and Sums recovered or deemed recoverable, and the Application thereof towards the annual Expence, Interest of the Debt, or Liquidation of the same, such Account so to be made being submitted to the Commissioners at a Meeting to be held for the Purpose at least Ten Days previous to the Meeting for adjusting the Rent Rolls and making the new Assessment; and which Account, when so examined, found correct, and attested by the Commissioners or any Three or more of them, shall be open and patent at all seasonable Times to every Person assessed in Manner before mentioned and every Creditor upon the said Assessments; and the Commissioners shall have Power and Authority to print and circulate the same publicly should they judge this proper or expedient.

Power to appoint Clerks, Treasurers, and other Officers and Servants.

LIII. And be it further enacted, That the said respective Commissioners for the Time being shall have Power and they are hereby authorized and empowered, from Time to Time, and under such Regulations, Securities, and Conditions as to them shall seem proper and expedient, to nominate and appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Assessments, an Engineer or Engineers, Superintendent or Superintendents of Works, and all such other Officers and Servants under them as they may find or consider proper or necessary for carrying this Act into execution, with reasonable and adequate Salaries, Wages, or other Allowances, and at Pleasure to suspend, remove, or dismiss the same or any of them, and to elect others in their Place; but the Clerks, Treasurers, or other Officers who shall have been so appointed, and who shall not have been removed or dismissed, shall continue to act notwithstanding any Change in the Commissioners by new Election or otherwise, without being again elected; and any Bonds or Securities granted by them upon their respective Appointments shall continue in full Force, and shall vest in the Commissioners for the Time being.

Collectors to give Security.

LIV. And be it further enacted, That the said Commissioners shall be and they are hereby required to take sufficient Security from their Treasurer, and from the Collector or Collectors to be appointed as aforesaid, for duly accounting for the Monies received by such Treasurer and Collector or Collectors.

Clerk and Treasurer not to be

LV. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been

or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

the same
Person.

LVI. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously obstruct, hinder, or molest any Officer, Servant, or other Person or Persons employed in the Execution of any of the Powers committed by this Act to the said Commissioners, or shall wilfully, knowingly, or maliciously damage, destroy, or injure any of the Tanks, Pits, Reservoirs, Wells, Cisterns, Conducting Pipes, or other Works or Erections for conveying, raising, or distributing the said Water as aforesaid, such Person or Persons shall be liable to pay a Penalty not exceeding Five Pounds for the First Offence, and Ten Pounds for the Second and every subsequent Offence, to be levied and applied in Manner after mentioned, and that over and besides making good the Injury or Damage which he or they may have done or occasioned; and in case such Person or Persons shall not forthwith satisfy and pay such Penalty or Penalties, and such Sum as may be awarded as the Amount of the said Damage or Injury, it shall be competent to and in the Power of the Judge Ordinary, or any Two Justices of the Peace before whom a Complaint may be brought, to commit such Person or Persons to the Common Gaol of the County where he or they reside, for a Period not exceeding Two Calendar Months, or until the said Penalty and Damage is paid; but without Prejudice to the said Commissioners to recover the said Penalty and Sum awarded as Damages, by Attachment of the Goods or Effects of such Person or Persons, and Sale thereof, in the same Manner as is provided for the Recovery of the Assessments under this Act, which they are hereby authorized and empowered to do.

Penalty on
Persons ob-
structing the
Execution of
this Act or
injuring
Works.

LVII. And

Penalty for
injuring the
Water.

LVII. And in order to preserve the Water to be conveyed to the said City of *Perth* and Suburbs thereof, and also the Water in the said Reservoirs, pure and wholesome, be it enacted, That no Person or Persons shall bathe in any Tank, Reservoir, or other Receptacle for Water to be made and constructed in virtue of this Act, or wash any Dog or other Animal therein, or cast, throw, or put any Dog or other Animal, or any Filth, Dirt, or noisome or offensive Thing, or wash or cleanse any Cloth or any other Thing in any of the said Tanks, Reservoirs, or Receptacles, or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into the same, or into any of the said Pipes, or cause any Annoyance to be done to the said Water, upon pain of forfeiting for every such Offence a Sum not exceeding Ten Pounds.

Mode of Re-
covery of
Penalties.

LVIII. And be it further enacted, That all Expences, and also all Penalties, Forfeitures, and Fines by this Act directed to be paid or inflicted, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before the Sheriff Depute or Substitute, or Judge Ordinary of the Bounds, or any Two Justices of the Peace for the said County of *Perth*, either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses or other competent Evidence, be levied, together with the Expences attending the Information and Conviction, by Pounding and Sale of the Goods and Effects of the Party offending, by Warrant under the Hand of such Sheriff Depute or Substitute, or Judge Ordinary, or Justices, (which Warrant such Sheriff Depute or Substitute, or Judge Ordinary, or Justices, is or are hereby empowered to grant), and the Surplus (if any), after deducting such Expences, Penalties, Forfeitures, and Fines, and the Charges of such Pounding and Sale, shall be returned unto the Owner of such Goods and Effects; and in case such Expences, Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Sheriff Depute or Substitute, or Judge Ordinary, or Justices, to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Pounding, unless the Offender shall give sufficient Security, to the Satisfaction of such Sheriff Depute or Substitute, or Judge Ordinary, or Justices, for his or her Appearance before such Sheriff Depute or Substitute, or Judge Ordinary, or Justices, on such Day as shall be appointed for the Return of such Warrant of Pounding, which Security the said Sheriff Depute or Substitute, or Judge Ordinary, or Justices, is or are hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for the said Sheriff Depute or Substitute, or Judge Ordinary, or Justices, and they are hereby authorized and required, by Warrant under their Hand, to cause such Offender to be committed to the Common Gaol, there to remain for any Time not exceeding Three Months, unless such Expences, Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid; and the Monies recovered or levied for such Expences shall be applied to the
Payment

Payment of the same respectively; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid, if not otherwise directed to be applied by this Act, shall be paid to the said Commissioners, and shall be by them applied to the Purposes of this Act.

LIX. Provided always; and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Decision, Warrant, or Order of any Sheriff Substitute, or of any Justice or Justices of the Peace, or of the said Commissioners, in the Execution of this Act, it shall be competent to such Person or Persons to apply for Redress by Way of Appeal to the Sheriff Depute of the said County of *Perth* when the Decision, Warrant, or Order is given or pronounced by the Sheriff Substitute, and when the same is given by a Justice or Justices of the Peace, or by the said Commissioners, to the Justices at the next Quarter Sessions of the Peace for the said County, provided that such Appeal or Application for Redress shall be entered within Ten Days after the Decision of the said Sheriff Substitute, Justice or Justices, or Commissioners, shall have been given, and Security for the Payment of Costs and Issue of Suit being given by the Party appealing or applying for Redress; and the said Sheriff Depute or the said Justices in their Quarter Sessions, on Appeal to them respectively, shall in all Cases proceed and determine summarily, and their Decision shall be final, and not subject to Review of any superior Court, by Suspension, Advocation, Reduction, or otherwise.

Appeal allowed to Sheriff Depute or Quarter Sessions.

LX. And be it further enacted, That the said respective Commissioners may sue or be sued for any Matter or Thing to be done or ordered by them in the Execution of this Act, for Recovery of the Assessments, Penalties, or Forfeitures before mentioned, or otherwise, in the Name of their Clerk or Treasurer for the Time being, or in the Name of any One of the Commissioners; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer, by virtue of this Act, shall cease or abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk or Treasurer to the said Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action.

Commissioners may sue and be sued in Name of their Clerk or Treasurer.

LXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, alter, abridge, lessen, change, or interfere with any Jurisdiction, Power, or Authority presently vested in the Sheriff Depute of the County of *Perth*, or his Substitutes, or in the Lord Provost, Magistrates, or Town Council of the said City of *Perth*, or in His Majesty's Justices of the Peace for the County of *Perth*, or the Rights, Privileges, and Property of the said Magistrates, Town Council, or Community of the said City, or of any Individual, unless for the Purposes of this Act, and as is herein specially authorized and directed.

Rights and Jurisdictions of the Magistrates of *Perth*, Sheriff and Justices of the County, specially reserved.

LXII. And be it further enacted, That the Expence of preparing, applying for, and obtaining this Act, as well as the carrying it into effect,

Expence of Act.

[*Local.*]

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effect, shall be a Burden upon the Assessments hereby authorized ; and that the Expence of so preparing, applying for, and procuring this present Act shall be defrayed and paid from the first Monies levied or borrowed by virtue of this Act, and be preferable to all other Claims thereon.

Public Act.

LXIII. And be it enacted, that this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

SCHEDULE to which this Act refers.

Nos. in Plan.	Names of Owners.	Names of Occupiers.	Description of Property.	Parish.	County.
1.	Sir David Moncrieffe, Baronet, and his Trustees.	Duncan Menzies, Innkeeper.	Farm and Shingle.	Kinnoull or Perth	Perth.
2.	The Earl of Kinnoull	- - -	Fishing -	Ditto	Ditto.
3.	The Community of Perth.	William Thrift, and Campbell & Forbes.	Coal Yard -	West Church, Perth	Ditto.
4.	Ditto	Public - -	Public Streets	East, West, Middle, and Saint Paul's Church Parishes, of Perth.	Ditto.
5, 6, 7.	The Public (being Streets running through the Grounds belonging to the Feuars of Blackfriars; Feuars from Glover's Incorporation; Feuars from King James the Sixth's Hospital.)	Ditto	Ditto	East and West Church Parishes of Perth.	Ditto.
8.	Trustees for Dunkeld and Crieff Turnpike.	Ditto	Turnpike Road.	East Church Parish of Perth.	Ditto.

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