



ANNO SEXTO

# GEORGII IV. REGIS.

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*Cap. clxxiii.*

An Act for providing a greater and more regular Supply of Water in the River called *The Water of Leith*, in the County of *Edinburgh*.

[22d June 1825.]

**W**HEREAS the Supply of Water in the River called *The Water of Leith*, which, after a Course of about Fifteen Miles, flows through the Northern Suburbs of the City of *Edinburgh* and terminates in the Harbour of *Leith*, is very deficient and irregular, particularly during the Summer Months, when frequently the same is not sufficient for the Purposes of the Mills and Works thereon : And whereas it would be of great Benefit and Advantage to the Owners and Occupiers of Mills and Works, and other Property on the said River, and to the numerous Population in the Neighbourhood, and would also be of public Utility, as providing a cheap and steady Power for the Movement of Machinery, if a regular Supply of a sufficient Quantity of Water were provided in the said River : And whereas the same may be provided by storing the Surplus or Flood Waters of the said River in a Reservoir or Reservoirs to be formed at or near the Sources of the said River, and letting out from such Reservoir or Reservoirs the Water stored therein, whenever the ordinary Discharge of the said River shall become deficient : And whereas the several Persons herein-after named are desirous, at their own Cost and Charges, to construct the said Reservoir or Reservoirs, and the Works and Conveniences requisite therefor, on the Terms and Conditions herein-after mentioned, but the same cannot be accomplished 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 Con-

[Local.]

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sent

sent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Incorporation of Bakers in *Edinburgh*, *James Cunningham*, *Thomas Veitch*, *John Sawers*, *Robert Paterson*, *James Gibson Craig*, *Patrick Borthwick*, and Sir *Thomas Gibson Carmichael* Baronet, being all Proprietors of Mills, Works, or Falls on the said River below the Reservoirs by this Act authorized to be made; and all and every such other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, being Proprietors of such Mills, Works, or Falls as aforesaid, who shall from Time to Time become a Subscriber or Subscribers, and be duly admitted a Proprietor or Proprietors, or a Member or Members of the Company herein-after mentioned, and their several and respective Heirs, Successors, and Assignees, shall be and are hereby united into a Company for making, completing, and maintaining the said Reservoirs, and the Works and Conveniences requisite thereto, according to the Rules, Orders, and Directions herein-after mentioned, and shall for that Purpose be one Body Corporate, by the Name and Style of *The Water of Leith Reservoir Company*, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors shall have Power and Authority at all Times from and after the passing of this Act to purchase and possess Lands, Tenements, and Heritages for the Use of the said Undertaking, not exceeding in the whole at any one Time any greater Quantity than Two hundred and fifty *Scotch Acres*.

Incorporated.

Estimated Expence to be subscribed before Act put in force.

II. And whereas the probable Expence of carrying into Effect the Purposes intended by this Act will, according to an Estimate made thereof, amount to the Sum of Fifteen thousand Pounds: And whereas the Sum of Twelve thousand five hundred Pounds, being more than Four-fifth Parts thereof, has been subscribed under a Contract binding the Subscribers, their Heirs, Executors, and Administrators, for Payment of the several Sums of Money so subscribed by them respectively; be it enacted, That the whole of the said Sum of Fifteen thousand Pounds shall be subscribed in like Manner, and that Three-fourth Parts thereof shall be vested in the Public Funds, or paid into the Bank of *Scotland*, *Royal Bank of Scotland*, or the Bank of the *British Linen Company in Scotland*, in the Name of the Treasurer of the said Company of Proprietors, or such other Officer or Officers as they shall appoint for that Purpose, before any of the Powers given by this Act shall be put in force.

Proprietors may raise Money among themselves not exceeding 15,000*l*.

III. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized to apply such Sum of Money, or a competent Part thereof, for carrying the Purposes of this Act into Execution, not exceeding in the whole the said Sum of Fifteen thousand Pounds Sterling; which Sum of Fifteen thousand Pounds Sterling, or so much thereof as shall be raised and contributed, shall be divided into Shares of Twenty-five Pounds each, and such respective Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number applied thereto; and no Person subscribing to or becoming a Proprietor in the said Undertaking, shall subscribe for, or be or become a Proprietor of, less than One Share; and the said Shares shall be and are hereby vested in the several Bodies Politic,

Politic, Corporate, or Collegiate, and Persons so raising and contributing the same, and their several and respective Heirs, Successors, or Assignees; and the said Bodies Politic, Corporate, or Collegiate, and Persons, and their several and respective Heirs, Successors, or Assignees, shall be entitled to and receive, at such Time and Times as the said Company of Proprietors shall direct and appoint, an equal proportional Distribution, according to the Money by them respectively paid, of the net Profits and Advantages which shall and may arise and acerue to the said Company of Proprietors by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, Person or Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportional Sum towards carrying on the same in Manner herein directed and appointed.

IV. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and of all and every other Person or Persons whomsoever, of and in the Works or the Joint Stock or Fund of the said Company, shall be deemed Personal Property; but the same shall be attachable and transmissible in the same Manner, and shall descend according to the same Rules in Succession, as a Tack or Lease by the Law of *Scotland*.

Shares to be Personal Property.

V. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person, their, his, or her respective Heirs, Successors, and Assignees, who shall have subscribed for or shall become entitled to and be in the actual Possession of One or more Share or Shares in the said Undertaking, shall have a Vote at the Stated General and Special General Meetings of the said Company to be held as herein appointed, for every such Share, but not exceeding Four Votes, although possessed of more than Four Shares in the said Undertaking; and every Person entitled to vote as aforesaid, who cannot attend such Meetings personally, shall be entitled to give his or her Vote or Votes by Proxy constituted under his or her Hand, every such Proxy being a Proprietor in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person: Provided always, that no Person shall be Proxy for more than Ten absent Proprietors; and every Question, Matter, and Thing which shall be proposed, discussed, or considered at any such Meeting of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present, computing the Votes as aforesaid; and the Appointment of such Proxies may be made in the Words or to the Effect following; (that is to say),

Proprietors to have a Vote for every Share, but not more than Four Votes; and may vote by Proxy.

‘ I *A. B.* of  
 ‘ One of the Proprietors of *The Water of Leith Reservoir Company*, do  
 ‘ hereby nominate, constitute, and appoint *C. D.* of  
 ‘ to be my Proxy, in my Name and in my  
 ‘ Absence to vote or give my Assent or Dissent to any Business, Matter,  
 ‘ or Thing relating to the said Undertaking, which shall be mentioned  
 ‘ or proposed at any Meeting of the Company of Proprietors of the said  
 ‘ Undertaking, in such Manner as the said *C. D.* shall think proper,  
 ‘ according to his Opinion and Judgment, for the Benefit of the same, or  
 ‘ any thing appertaining thereto. In witness whereof I have hereunto  
 ‘ set my Hand the Day of

Form of Appointment of Proxies.

Provided

Provided always, that in case of Minors, Married Women, or other Persons by Law incapable of voting or acting *sui juris*, or Persons furth of the Kingdom, their Tutors, Curators, Trustees, or Factors, or other Person or Persons duly authorized by or for them, shall be entitled to vote for them as aforesaid: Provided further, that no Proprietor shall have a Vote at any Meeting of the said Company, upon any Question or Questions relating to the Concerns of the said Company in which such Proprietor shall have a separate personal Interest.

Joint Proprietors, or Bodies Corporate, how to vote.

VI. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to One or more Shares in the said Undertaking, such Persons shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietors of such Share or Shares; and it shall be lawful to any Body Politic, Corporate, or Collegiate, to give their Vote or Votes, by their Clerk or other Officer, or by a Proxy to be appointed by him, or by such Body Politic, Corporate, or Collegiate, for that Purpose.

Place of General Meetings, Parties to pay their Expences.

VII. And be it further enacted, That all the General Meetings of the said Company shall be held in the said City of *Edinburgh*; and that at all and every such Meetings the Parties composing the same shall pay their own Expences, the Hire of the Office or Place in which the Meeting shall be held only excepted.

First and other General Meetings.

VIII. And be it further enacted, That the First stated General Meeting of the said Company of Proprietors for putting this Act into Execution shall be held at *Edinburgh* as aforesaid upon the Third *Wednesday* of *May* in the Year One thousand eight hundred and twenty-six, at the Hour of Twelve Noon, and all future stated General Meetings of the said Company shall be held on the Third *Wednesday* of *May* in every Year thereafter, at the Hour of Twelve Noon; of all which Meetings Ten Days previous Notice at the least shall be given by public Advertisement, mentioning the Place and Hour of Meeting, in any Two or more of the Newspapers usually published in *Edinburgh*; and at all General Meetings of the said Company, whether stated, special, or adjourned, the Chairman of the Committee of Management herein-after mentioned shall preside; and if such Chairman shall not be present, then the Member of the said Committee present whose Name shall stand highest on the List thereof after mentioned; and failing any such, a Person to be named by the Majority of the Meeting shall be Chairman thereof; and the Chairman of such Meeting shall not only be entitled to vote as a Principal or Proxy as aforesaid, but in case of an Equality of Votes shall have a decisive or casting Vote.

General Meeting of Proprietors may be specially convened.

IX. And be it further enacted, That if at any Time after the passing of this Act it shall appear that for the more effectually putting this Act into Execution a Special General Meeting of the said Company is necessary to be holden, it shall and may be lawful to and for any Three or more of the said Proprietors who may be collectively possessed of One-tenth at the least of the Shares of the Capital Stock of the said Company for the Time, or any Two or more of the Committee of Management for the Time being, upon specifying in Writing subscribed by them the Purpose

Purpose thereof, to require the Clerk of the said Company of Proprietors to call such a Meeting; and the said Clerk shall thereupon convene such Meeting by giving at least Fourteen Days Notice thereof by Advertisement as aforesaid, specifying in such Notice the Reason and Intention of requesting such Special Meeting, and the Time when and the Place where the same shall be holden; and if the said Clerk shall neglect or refuse to call such Special Meeting as aforesaid when so required, it shall be lawful for the Persons making such Requisition to call such Special Meeting, giving Fourteen Days Notice thereof as aforesaid in any Three of the said Newspapers; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with regard to the Matters so specified in such Notice only; and all such Acts of the Proprietors at such Special Meeting shall be as valid, with respect to the Matters specified in the said Notice, as if the same had been done at any stated General Meeting.

X. Provided always, and be it further enacted, That if at any General Meeting of the said Company, whether stated, special, or adjourned, there shall not be Persons present as Principals and Proxies who shall be possessed of or entitled to Forty Shares in the said Undertaking, no Business shall be done at such Meeting, but the same shall be adjourned, and there shall be another General Meeting of the said Company upon that Day se'nnight thereafter, and so from Time to Time until there be Persons present at such General Meeting, having as Principals and Proxies such Number of Shares as aforesaid; and of every such adjourned Meeting Five Days Notice shall be given by Advertisement as aforesaid.

Meeting to consist at least of Proprietors or Proxies of Proprietors holding Forty Shares.

XI. And be it further enacted, That the Deacon for the Time being of the said Incorporation of Bakers, the said *Thomas Veitch, John Sawers, Robert Paterson, James Gibson Craig, and Patrick Borthwick*, shall be, and are hereby constituted and appointed the Committee for the Management of the Affairs and Concerns of the said Company until the General Meeting of the Proprietors of the said Company to be holden as aforesaid upon the Third *Wednesday of May* in the Year One thousand eight hundred and twenty-six, when the Two Persons whose Names stand at the Head of the List of the Committee above set forth shall go out of Office, and the Proprietors assembled at such Meeting shall elect Two other Proprietors in their Stead, whose Names shall be added at the Bottom of the said List; and the Persons so elected, and the remaining Members of the Committee above named, shall constitute the Committee of Management of the said Company until the Meeting of Proprietors to be held on the Third *Wednesday of May* in the Year One thousand eight hundred and twenty-seven; and in like Manner, at the Meeting of Proprietors to be held upon the Third *Wednesday of May* in the Year One thousand eight hundred and twenty-seven, and on the Third *Wednesday of May* in every Year thereafter, the Two Members of the Committee of Management whose Names shall stand at the Head of the List thereof for the preceding Year shall go out of Office, and Two other Proprietors shall be elected by the said Company to act with the remaining Members of the Committee of the preceding Year, as the Committee of Management of the said Company for the

Appointment of Committee of Management.

[*Local.*]

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Certain Persons disqualified from being Members of Committee.

ensuing Year, the Two Members of the Committee so to be chosen annually being always placed at the Bottom of the List for the ensuing Year: Provided always, that it shall not be lawful to re-elect for the then ensuing Year any One of the Two Members of the said Committee so going out of Office by Rotation, and that no Person shall be qualified to be a Member of the said Committee of Management who shall not be possessed of Four Shares at the least in the Stock of the said Company; and in the Event of any Member of the said Committee ceasing to be a Proprietor of Four Shares in the Stock of the said Company, such Person shall no longer be entitled to act as a Member of the said Committee: Provided also, that no Person shall be qualified to be elected, or to serve as a Member of the Committee of Management of the said Company, who shall hold any Place of Profit under the said Company, or who shall be concerned or interested in any Contract to be made or entered into under this Act, or who shall offer to take, or who shall actually participate in any Manner in any Work to be done for the said Company, whether by Contract or otherwise: Provided further, that if at any such General Meeting such a Number of Proprietors as Principals or Proxies as are herein-before required to enable the Meeting to proceed to Business shall not attend, the Two Members of the Committee of Management before appointed to go out of Office in Rotation shall continue in Office until an adjourned General Meeting shall be held as herein-before directed.

For supplying Vacancies in the Committee.

XII. And be it further enacted, That when and as often as the Chairman or any other Member of the Committee of Management of the said Company shall die or become disqualified as aforesaid, or shall refuse or neglect to attend the Meetings of the said Committee for the Space of Six Calendar Months, it shall be lawful for the remaining Members of the said Committee to choose some One of their Number to be their Chairman, and some other Proprietor being duly qualified, and not disqualified as aforesaid, as a Member of Committee in the Place which may thus be vacated; and the Person who shall be chosen as a Member of Committee to supply such Vacancy shall continue in his Office as a Member of the said Committee so long as the Person in whose Place or Stead he was elected would have been entitled to have continued if such Death, Disqualification, Refusal, or Neglect, had not happened.

Meetings of Committee.

XIII. And be it further enacted; That for the better Management of the Affairs of the said Company, it shall and may be lawful for the Committee of Management for the Time being, and they are hereby authorized and required from Time to Time to assemble and meet together at any Place or Places in *Edinburgh* for the Direction and Management of the Affairs of the said Company; and they shall hold Special Quarterly Meetings on the First *Wednesday* of each of the Months of *August*, *November*, *February*, and *May* in every Year; and it shall be lawful for the said Committee, and they are hereby required, at their First Meeting after the passing of this Act, and also at their First Meeting after the stated General Meeting of the said Company to be held on the Third *Wednesday* of *May* in the Year One thousand eight hundred and twenty-six, and after each stated General Meeting of the said Company to be held on the Third *Wednesday* of *May* in

in each Year thereafter, to elect One of their own Number to be their Chairman; and at all Meetings of the Committee the Chairman, and in his Absence the Member of Committee present whose Name stands highest on the List shall preside; and any Three or more Members of Committee, but not less, shall be a sufficient Number or Quorum to constitute a Meeting for the Purpose of doing all the Acts, Matters, and Things, and exercising all the Powers and Authorities vested in or committed to them as a Committee of Management; and all Questions, Matters, and Things, which shall be proposed, discussed, or considered by the said Committee of Management at their Meetings shall be decided and determined by the Majority of the Members of Committee then present; but no Member of Committee shall have more than One Vote at any such Meeting, except in Cases of Equality of Votes, when the Chairman or Member presiding shall have a casting or decisive Vote; and provided also, that no Member of the said Committee shall be entitled to vote at any Meeting of such Committee upon any Question or Questions relating to the Concerns of the said Company in which he shall have a separate personal Interest, and the said Committee may adjourn their Meetings from Time to Time as they shall see cause: Provided always, that if on the Day appointed for any Meeting of the Committee of Management such a Number shall not attend as are hereby required to constitute a Meeting for exercising the Powers hereby vested in the said Committee of Management, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to any future Day fixed by the Member or Members then present, or if no Member of Committee shall be present, by the Clerk to the said Company, or such other Person as shall attend in his Place: Provided always, that it shall and may be lawful for the said Committee of Management from Time to Time to appoint any of their Number as a Sub-Committee for particular Purposes, for the better attending to and transacting the Business of the said Company, and subject to the Approbation of the Committee of Management or their Quorum before specified; and provided also, that the Chairman for the Time being of the said Committee, or any Two or more Members thereof, may, at any Time when he or they shall think fit, call a Meeting of the Committee of Management; provided always, that Notice in Writing, or in Print, of every Meeting of the said Committee shall be sent by the Clerk of the said Company to the Residence or Place of Address of every One of the Members thereof Three Days at least before the same is to take place.

Chairman.

Quorum.

XIV. And be it further enacted, That it shall and may be lawful for the said Committee of Management, and they are hereby authorized and required from Time to Time to nominate and appoint a Treasurer or Collector, and also a Clerk or Clerks to the said Company, and such Engineers, Surveyors, and other Officers, as the said Committee of Management shall think proper and expedient for the better carrying the Purposes of this Act into Execution, and to give them such Salaries or Allowances as they may think proper; the said Committee of Management always taking good and sufficient Security, and to such Extent as they shall think requisite, from such Treasurer, Collector, or other Officer appointed to receive Money or have the Care or Custody thereof, for the due accounting for all such Monies with which he or they may be entrusted,

Committee  
to appoint  
Officers,and take  
Security.

trusted, and for the faithful Discharge of the Trust reposed in him or them; and also from Time to Time to discharge and dismiss any such Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officers, and appoint others in their Stead, as the said Committee of Management shall think fit; and all such Treasurers, Collectors, Clerks, Engineers, Surveyors, or other Officers, of the said Company, who shall at any Time quit or be dismissed from the Service of the said Company, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such other Person or Persons as they shall appoint, all the Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody or Power of such Treasurers, Collectors, Clerks, Engineers, Surveyors, or other Officers, Executors, or Administrators respectively, in any ways relating to the said Undertaking.

Committee  
not answer-  
able for Mis-  
takes, &c. of  
Officers.

XV. Provided always, and be it enacted, That the said Committee shall not be answerable for Mistakes, Omissions, nor for the Sufficiency or Responsibility of any Security or Securities to be taken under the Authority of this Act, nor for Receipts, Acts, or Commissions of the Treasurer, Clerk, or other Officer of the said Company, nor any One of the said Committee for the others, but each of them for his own Receipts, Acts, and Commissions only.

Same Per-  
son not to be  
Clerk and  
Treasurer.

XVI. Provided always, and be it further enacted, That it shall not be lawful to appoint the Person or Persons who may be appointed Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, 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 of Suit by summary Complaint before the Sheriff Depute or Substitute of the County where the Offender may reside.

Powers of  
Committee.

XVII. And be it further enacted, That the said Committee of Management shall have full Power and Authority on behalf of the said Company of Proprietors to contract for and purchase all such Lands, Tenements, and Heritages, and again dispose thereof if they shall see cause, and all such



such Materials and other Things as shall or may be wanted for the said Undertaking and the Works hereby authorized to be made, and to treat and agree with all and every Person or Persons, Bodies Politic, Corporate, or Collegiate whomsoever, touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given; and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Persons, in and about or for carrying on the said Undertaking and Works or any Part thereof as shall be thought expedient; and to enter into and make all such Contracts, Bargains, and Agreements whatever touching or in anywise concerning the said Undertaking as they shall think proper; and to order and direct how the several Works shall from Time to Time be carried on, and generally to direct and manage all and singular the Affairs and Business of the said Company of Proprietors, and to do, and execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large at any Meeting or Meetings of such Proprietors to be held as herein directed.

XVIII. And be it further enacted, That the Orders and Proceedings of every Meeting of the said Company, or of the Committee of Management, shall be entered by the Clerk in a Book or Books to be provided and kept for that Purpose, and no Business shall be transacted at any Special General Meeting of the Company besides the Business for which such Meeting shall have been called, and no other Business shall be transacted at any adjourned Special General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place.

Proceedings at Meetings of Company and of Committee to be entered.

XIX. And be it further enacted, That the Committee of Management shall enter or cause to be entered in a Book or Books a full and true Account of all Money disbursed and Payments made by such Committee of Management, and by all and every Person and Persons employed by or under them, and of all Monies that shall be paid to or received by them respectively for or on account of the said Company; and also a full and true Account, or proper Notes or Minutes, of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on behalf of the said Company, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever, in and about the Business and Affairs of the said Company; and that no Money shall be issued or paid by the Treasurer or other Persons having Charge thereof for the said Company, for or on account of the said Company, otherwise than in such Manner as shall be directed by the Committee of Management.

Committee to enter their Proceedings.

Money not to be issued but as directed.

XX. And be it further enacted, That the said Committee of Management shall and they are hereby required to balance or cause to be balanced the Books of the said Company at the Term of *Whitsunday* in every Year, the first Balance to be made at the Term of *Whitsunday* in the Year One thousand eight hundred and twenty-six; or at such other Period in each Year as any General Meeting of the said Company may from Time to Time appoint; and the same being so balanced shall be

Books to be balanced annually.

examined, doqueted, and signed by a Quorum of the said Committee, and shall be produced at the General Meeting of the said Company to be held on the Third *Wednesday* of *May* in the Year One thousand eight hundred and twenty-six, and on the Third *Wednesday* of *May* in every Year thereafter, so that any of the Proprietors attending such Meetings may have an Opportunity of inspecting the same; and the Books of the said Company shall be open and patent for the Inspection of all the Proprietors for One Calendar Month subsequent to the said Third *Wednesday* of *May* in each Year.

Committee  
may make  
Bye-Laws.

XXI. And be it further enacted, That the said Committee of Management shall also have full Power and Authority from Time to Time to make such Rules, Orders, and Bye-Laws, as to them shall seem meet and proper, for the good Government of the Affairs of the said Company, and for regulating their own Proceedings as well as the Proceedings of all Deputies, Officers, Servants, and Workmen to be employed in and about the Affairs and Business of the said Company, and for the orderly Behaviour of all Workmen and other Persons who shall be employed in or about the said Undertaking, and for their Superintendence in all respects whatever, and for the well and orderly using of the said Undertaking and the Works thereto belonging; and from Time to Time to alter or repeal such Orders and Bye-Laws, or any of them, and to make others, and to impose and inflict such reasonable Fines upon all such Persons employed by the said Company offending against such Rules, Orders, and Bye-Laws, or any of them, not exceeding Five Pounds Sterling for any One Offence, as to the said Committee of Management shall seem expedient, provided that such Rules, Orders, and Bye-Laws, be not repugnant to the Law of *Scotland*, or to any express Directions and Provisions of this Act, or to any Contract or Agreement entered into by the said Company; and provided that such Rules, Orders, and Bye-Laws shall be under the Common Seal of the said Company, and that a printed or written Copy thereof shall be hung up in a conspicuous Place in the Office of the said Company during the Hours of Business, and that the said Rules, Orders, and Bye-Laws shall be subject to the Review of any General Meeting of the Company.

Appeal from  
Bye-Laws.

XXII. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Sentence, Order, or Judgment made or given in pursuance of any such Rule, Order, or Bye-Law, may within Six Weeks next after any such Order or Judgment or Determination shall have been made or given (first giving Ten Days Notice in Writing to the Clerk of the said Company, and to the Person or Persons against whom any Complaint is intended to be made), complain to the Sheriff Depute of the Shire of *Edinburgh*, or to any of his Substitutes who shall hold his Court in the said City of *Edinburgh*, who shall hear and determine the said Complaint; and the said Sheriff Depute or his Substitutes, if he or they see cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of any such Rule, Order, Bye-Law, or Determination, and may also order and award such further Satisfaction to be made to the Party injured, as he or they may judge reasonable; and the Determination of such Sheriff Depute or his Substitutes in any Action or Suit brought before him or them, shall

be

be final and conclusive, and not subject to the Review of any Court or Courts whatever; any Law or Custom to the contrary notwithstanding.

XXIII. And be it further enacted, That the Committee of Management shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the several Subscribers to and Proprietors of the said Undertaking, in proportion to the several Sums subscribed by them respectively, in order to defray the Expences of or for carrying on the same, as they shall from Time to Time find necessary for these Purposes until the Sums subscribed are fully paid, so that no such Call shall exceed at any one Time the Sum of Ten Pounds on each Share, so that no such Calls be made but at the Distance of Three Months at least from each other, and so that Two Months Notice at least shall be given of every such Call by a Circular Letter addressed to each Proprietor or to his known Agent; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer of the said Company, to be issued, paid, and applied for carrying on the said Undertaking in such Manner as the said Committee of Management shall from Time to Time order and direct.

Committee of Management to make Calls for Money.

XXIV. And be it further enacted, That every Proprietor of any Share or Shares in the said Undertaking shall from Time to Time pay his or her Proportion of the Money to be called for, as herein-before mentioned, into the Hands of the Treasurer or other Person appointed by the said Committee of Management to receive the same, at such Time and Place as shall be appointed for that Purpose by the Committee of Management making such Call, and of which such Notice shall be given as is herein-before directed; and if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called as aforesaid at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, it shall be lawful for the said Committee of Management to sue for and recover the same, with Interest at the Rate of Five Pounds Sterling *per Centum per Annum* from the Time appointed for the Payment thereof, in any competent Court in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, as the Case may be; and in case any such Person shall neglect or refuse to pay his, her, or their proportionable Part of the Money so first to be called for as aforesaid for the Space of Three Calendar Months after the Time to be appointed for Payment of the said First Call as aforesaid, and the same shall not have been sued for by the Company as aforesaid, or if sued for shall not have been recovered by them, then and in such Case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof, and any Deposit or Deposits made by such Person or Persons; and all Shares and Deposits that shall or may be so forfeited shall be vested in the said Company in Trust for and for the Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the Committee of Management of the said Company, be sold by public Auction for the most Money that can be got for the same; and the Produce thereof shall be divided among them in proportion to their respective Shares and Interests in the said Undertaking;

Proprietors to pay Money called for;

and if First Call not paid within Three Months, Shares and Deposits to be forfeited.

Undertaking; and in the Event that any Person or Persons paying any such First Call as aforesaid shall neglect or refuse to pay his, her, or their proportionable Part or Parts of the Money to be thereafter called for as aforesaid for the Space of Three Months after the Time to be appointed for Payment thereof as aforesaid, and the same shall not be sued for by the said Company as aforesaid, or if sued for shall not be recovered by them, then and in such Case such Share or Shares shall and may be sold by the said Company or their Committee of Management by public Auction, for the highest or best Price or Prices that can be got for the same, every such Sale being advertised at least once a Week for Three Weeks successively in some One or more of the Newspapers published in *Edinburgh*; the said Company or their Committee of Management rendering an Account of every such Sale or Sales to every such Person or Persons when demanded, and paying to every such Person any Overplus of such Price or Prices, after deducting all such Charges and such further proportional Sum or Sums of Money which may remain due upon such Share or Shares by such Person or Persons to the said Company; but no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Undertaking as aforesaid unless the same shall be declared at some General or Special Meeting of the said Company, or at some Meeting of the said Committee of Management, which shall be held not earlier than Two Months next after the said Forfeiture shall happen; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, his, her, or their Heirs, Executors, Administrators, Successors, and Assignees so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assignees, and the said Company, with regard to the future carrying on and Management of the said Undertaking.

Directions  
for Proceed-  
ings in Ac-  
tions for  
Calls.

XXV. And be it further enacted, That in all Actions or Suits brought by the said Company against any Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defender or Defenders, Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such and so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defender or Defenders, Defendant or Defendants (as the Case may happen to be), whereby an Action or Suit hath accrued to the said Company by virtue of this Act without setting forth the special Matter; and in such Action or Suit it shall only be necessary to prove that the Defender or Defenders, Defendant or Defendants, at the Time of making such Call or Calls was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls or other Matter whatsoever; and the said Com-  
pany

pany shall thereupon be entitled to recover the Call or Calls which shall appear to be due, and the legal Interest that may be due thereon, and the Expences that maybe incurred in prosecuting for and recovering the same.

XXVI. And be it further enacted, That after a Call of such Money shall have been made by such Committee as aforesaid every Person and all Persons selling or transferring any Share or Shares which he, she, or they shall possess in the said Undertaking, shall, as well as the Person or Persons to whom such Share or Shares shall be sold, be liable in the Payment of every such Call in the Manner directed by this Act unless such Person or Persons so selling or transferring shall at the Time of such Sale or Transfer have paid to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been previously called for upon each Share so sold or transferred.

Persons selling Shares after a Call to be liable for such Call.

XXVII. And be it further enacted, That in case the said Sum of Fifteen thousand Pounds Sterling herein-before authorized to be raised shall be found insufficient for the Purposes of this Act, then it shall and may be lawful for the said Company or their Committee of Management for the Time being, by and with the Advice and Direction of any General Meeting of the said Company, to borrow or take up in Loan at or below legal Interest, any Sum or Sums of Money not exceeding in the whole the Sum of Five thousand Pounds, and to grant, execute, and deliver to and in favor of the Lenders thereof such Bonds, Obligations, or other Deeds in Writing as may be required, binding the whole Works of every Kind belonging to the said Company for Payment of the Sum or Sums so borrowed with Interest and Penalty as is usual in such Cases; and such Deeds shall, if required, contain the Clauses usual and necessary by the Laws of *Scotland* for vesting in the Lenders of the said Monies the heritable Subjects belonging to the said Company in Security of the said Sums.

Proprietors may raise a greater Sum if necessary by Loan.

XXVIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Heirs, Successors, and Assignees, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules, Conditions, and Restrictions herein mentioned, the Conveyance of which Shares may be in the Form and to the Effect following; *videlicet*,

Shares may be sold and transferred.

‘ I *A. B.* of \_\_\_\_\_ in consideration of \_\_\_\_\_ do hereby sell, assign, dispo<sup>n</sup>e, convey, transfer, and make over in favor of *C. D.* Proprietor of [*here specify the Mill, Work, or Fall whereof C. D. is Proprietor*] his Heirs and Assignees whomsoever, the Sum of \_\_\_\_\_ Capital Stock of and in the Water of *Leith* Reservoir Company, being One Share [*or so many Shares, as the Case may be*] in the said Undertaking; but subject to the same Rules, Orders, and Restrictions, and under the same Conditions that I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to take and accept the said Capital Stock subject to the same Rules, Orders, Restrictions, and Conditions. In witness whereof we have subscribed these Presents written upon Paper duly stamped by \_\_\_\_\_ at \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ before these Witnesses \_\_\_\_\_ and \_\_\_\_\_

Form of Conveyance.

[*Local.*]

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Provided

Shares not to be transferred except to Proprietors of Mills or Falls on the River.

Provided always, that it shall not be lawful for any Proprietor or Proprietors of Stock in the said Company to sell, dispo<sup>n</sup>e, or in any way convey the same, or any Part thereof, to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are not at the Time of or shall not become by virtue of such Conveyance possessed of or entitled to a Mill, Work, or Fall on the said River, below the Reservoirs by this Act authorized to be made; and if any Proprietor or Proprietors of Stock in the said Company shall do in the contrary, such Sale or Conveyance shall be utterly void and of none Effect, and the Stock so sold or conveyed, and all the Profits or Advantages accrued or to accrue thereupon shall be forfeited to and become vested in the said Company, in Trust for the Benefit of the rest of the Proprietors, in proportion to their respective Interests in the said Undertaking: Provided farther, that if any Proprietor or Proprietors of Stock in the said Company shall cease to be possessed of such Mill, Work, or Fall aforesaid, he, she, and they shall, so long as he, she, or they are not possessed thereof, be incapable of voting or acting in the Affairs of the said Company in any Manner of Way, without Prejudice nevertheless to such Proprietor or Proprietors drawing and receiving the Dividends corresponding to, or selling or disposing of such Stock as aforesaid; and on every such Sale or Transfer the Deed of Conveyance, being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the Purchaser or Purchasers for his, her, or their Security, after the Clerk of the said Company of Proprietors shall have entered in a proper Book or Books to be kept for that Purpose, a Copy or Memorial of such Conveyance, and have testified the Entry of such Copy or Memorial by Indorsement on the said Deed of Conveyance, for which no more than Two Shillings and Sixpence Sterling shall be paid; and the said Clerk is hereby required to make such Entry of such Copy or Memorial, and grant such Certificate thereof without any undue Delay; and until such Copy or Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Right to draw any Part or Share of the Profits or Advantages of the said Undertaking or have any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking.

Conveyance to be kept by Purchaser, and entered in Books of Company.

Names of Proprietors to be entered and Certificates delivered.

XXIX. And be it further enacted, That the said Committee of Management shall and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of the Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by the Clerk of the said Company, and after such Entry to cause the same to be signed by their Chairman, and shall also cause a Certificate, signed by the said Chairman, to be delivered to every Proprietor on Demand, and specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor or Proprietors, his, her, or their Heirs, Successors, and Assignees, to the Share or Shares therein specified; but the want of such Certificate shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

XXX. And

XXX. And be it further enacted, That the Bodies Politic, Corporate, and Collegiate, and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as Subscribers, or as Heirs, Successors, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of every Call or Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and all Notices hereby required to be given to the Proprietor or Proprietors of any Share or Shares in the said Undertaking shall, if given to the Party or Parties appearing by the said Register Book of the said Company to be such Proprietor or Proprietors or their Representatives, by Letter transmitted through the General Post Office in *Edinburgh* to his, her, or their last or most usual Place of Abode, be in all respects good, sufficient, and conclusive, and all Payments of Dividends or other Sums of Money due and to become due on such Shares shall be made to such Persons as by the said Books of the said Company shall so appear to be the Proprietors thereof; and that no Assignment, Transfer, Conveyance, or Sale of any Share or Shares, or other Instrument giving Title to any Share or Shares which shall not have been enrolled or registered as directed by this Act, shall be admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company to recover the said Calls, or to entitle any Person to recover any Share or Shares forfeited to the said Company, or to make the said Company liable to the Payment of Dividends or other Sums of Money due or payable in respect of any Share in the said Undertaking to any other Person than such as appear from the said Book to be Proprietors of the said Shares, but that in all Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Share or Shares.

Persons whose Names stand in Company's Books as Proprietors to be deemed such.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Company or their Committee of Management, and they are hereby empowered, as often as it may be necessary, to contract and agree for the absolute Purchase of any Lands, Tenements, or Heritages, which may be required for the Purposes of this Act, with any Body Politic, Corporate, or Collegiate, Heirs of Entail or Life-renters, Husbands, Married Women, Trustees, Tutors, or Curators, not only for and in behalf of themselves, their Heirs and Successors, but also for and in behalf of the respective Persons for whom they are Trustees, Tutors, or Curators, whether Pupils, Minors, Issue unborn, Fatuous or Furious Persons, Married Women, or other Person or Persons, or with any Person or Persons whomsoever, who shall be willing to sell the same for the Uses and Purposes of this Act; and it shall and may be lawful to and for the said Company to hold such Lands, Tenements, and Heritages so purchased, without incurring or being subject to any Penalties, Irritances, or Forfeitures whatsoever: Provided always, that it shall not be lawful for the said Company to purchase of or from Heirs of Entail, Tutors, Curators, or Trustees, or other Persons under any legal Disability or Incapacity,

Company may contract for the Purchase of Lands.

Incapacity, any greater Quantity of Land than Two hundred and fifty Scotch Acres in the whole.

Power to form Reservoir.

XXXII. And be it further enacted, That it shall and may be lawful to the said Company, and they are hereby authorized and empowered to form, make, and maintain a Reservoir or Reservoirs on the Lands of the Right Honourable the Earl of *Morton*, the Reverend Doctor *Laird*, and *Michael Linning* Esquire, in the Parishes of *Midcalder* and *Kirknewton* and County of *Edinburgh*, at or near the Places mentioned and delineated on the Map or Plan deposited at the Office of the Clerk of the Peace for the County of *Edinburgh*, as herein-after mentioned, or any of them, with the necessary Mounds, Dam-Heads, Embankments, or other Works for collecting and damming up the said Surplus or Flood Waters of the said River and its tributary Streams; provided always, that the Consent in Writing of the Owners and Occupiers of the Lands whereon the same shall be formed be first had and obtained.

Company to lodge Descriptions of Reservoirs in the Office of Sheriff Clerk.

XXXIII. And be it enacted, That the said Company shall be and they are hereby required, before commencing any Reservoir hereby authorized to be made, to lodge at the Office of the Sheriff Clerk of the County of *Edinburgh* a precise Specification or Description thereof, mentioning the Contents thereof and the Depth of the Water that may be collected therein at any Time, and the Kind of Work proposed in constructing, and all other Particulars respecting the same, necessary for the Information of the Parties concerned; and after such Specification or Description shall have been so lodged as aforesaid the Engineer for the Commissioners of the *Caledonian* Canal, the Engineer for the Breakwater at *Plymouth*, the Engineer for the *Liverpool* Docks, the Engineer for the *Forth* and *Clyde* Canal, the Engineer for the *Edinburgh* and *Glasgow* Union Canal, the Engineer for the Royal Burghs of *Scotland*, all for the Time being, or any Two or more of them to be named by the Sheriff Depute of the said County, shall consider the said Specification or Description, and shall declare by Writing under their Hands that in their Opinion the Work if constructed agreeably to such Specification or Description will be a sufficient Security against any Damage arising from the Embankment or Head of the Reservoir bursting or giving way or otherwise.

Engineers to inspect and report the Progress of the Work.

XXXIV. And be it enacted, That one or more of the above named Engineers to be appointed by the said Sheriff Depute shall visit the Works while in progress, and from Time to Time report to the said Sheriff Depute, by Writing under his or their Hand or Hands, that the Execution of the Work is proceeding according to the Terms of the said Specification or Description, or the contrary, as the Case may be; and in case of any material Deviation therefrom, not specially authorized in Writing by the said Engineer or Engineers, the said Sheriff Depute shall forthwith issue his Order to stop the Works so executing contrary to the said Specification or Description.

Engineers to declare the Sufficiency of the Work.

XXXV. And be it enacted, That when any Reservoir to be formed by virtue of this Act is completed, the abovenamed Engineers, or any Two or more of them to be appointed by the said Sheriff Depute in Manner before mentioned, shall visit and inspect the same, and declare by a Writing or Writings



Writings under their Hands that the Works have been completed according to the said Specification or Description, and that in their Opinion they form a sufficient Security against any Damage being done by the bursting or giving way of such Reservoir, or the contrary Opinion, as the Case may be; and it shall not be lawful to or for the said Company to collect or dam up any Water in any Reservoir until the same shall have been declared to be completed and sufficient as aforesaid; and the whole Expence of the Examination of the Engineers, and Inspection of and Attention to the Works, shall be borne and paid by the said Company; and the said Specification or Description, and the Reports and Opinions of the Engineers, shall remain in the Office of the said Sheriff Clerk of the County of *Edinburgh*, open to the Inspection and Perusal of all Parties concerned.

XXXVI. And be it enacted, That upon the said Reservoir or Reservoirs being completed and declared to be sufficient in Manner before-mentioned, the same shall be kept in proper Repair by the said Company in all Time thereafter; and it shall be lawful to any of the Owners of Lands, Mills, or Works on the said *Water of Leith*, or any Person paying Rates or Duties to the said Company as herein-after mentioned, to apply to the Sheriff Depute of the said County, alleging that the said Reservoirs, or any of them, have become insufficient or want Repair, whereupon the said Sheriff shall cause Inquiry to be made into the Truth of such Allegation by a skilful Person or Persons, and thereupon make such Orders for the Repairs thereof or otherwise, binding on the said Company, as the Case may require, so as that the said Reservoirs may be always kept in a sufficient State of Repair.

Power to apply to the Sheriff Depute in case of the Works wanting Repair.

XXXVII. And be it enacted, That the said Engineers, or any Two of them, or some other qualified Person or Persons to be appointed by them, shall be and they are hereby respectively required to measure, gauge, and estimate, in such Manner as to them shall seem proper, the average ordinary Discharge of the said *Water of Leith*, exclusive of Flood Waters, during the Months of *May, June, July, August, September, and October*, at or near the upper End of the Reservoir furthest down the River, and to determine on the Situation or Situations and Dimensions of a Gauge or Gauges, Sluice or Sluices, to be so placed as to allow the average ordinary Discharge of the said *Water of Leith*, as the same shall be ascertained as aforesaid to flow at all Times from the said Reservoir; and the Certificate or Certificates to this Effect, under the Hands of the said Engineers or the Person or Persons appointed by them, to be lodged by the said Engineers or Person or Persons with the Sheriff Clerk of the County of *Edinburgh*, shall be final and conclusive, so far as respects the ordinary average Delivery of the said *Water of Leith*.

Engineers to measure and ascertain average ordinary Discharge of Water.

Certificates by Engineers lodged with Sheriff Clerk.

XXXVIII. And be it further enacted, That when the Water of the said *Water of Leith* shall by Floods or Rains or from any other Cause be raised or increased beyond the average ordinary Quantity, ascertained in the Way above directed, such Increase shall be considered and taken as Surplus or Flood Waters, and it shall be lawful for the said Company or their Committee to collect and dam up such Surplus or Flood Waters in the Reservoir or Reservoirs to be formed by virtue of this Act; provided

Power to dam up Flood Waters.

vided always, that no such Surplus or Flood Waters shall be so collected or dammed up until the average ordinary Discharge of the said River shall have been fixed and regulated as aforesaid.

Expences of  
Engineers  
paid by  
Company.

XXXIX. Provided always, and be it enacted, That all the Expences of the several Persons to be appointed as aforesaid, and of obtaining the Direction of the said Sheriff Depute in the Matters herein-before mentioned, shall be paid and defrayed by the said Company; and the Appointments of the said Sheriff Depute in the said Matters shall be binding, conclusive, and final to all Intents and Purposes whatsoever against all Bodies Politic, Corporate, or Collegiate, and all Persons, and shall not be liable to Review by Advocation, Suspension, Reduction, or otherwise, any Law or Statute to the contrary notwithstanding.

In case of  
the bursting  
of Embank-  
ments.

XL. And be it further enacted, That if the Embankment or Dam-head of any of the said Reservoirs shall at any Time burst or give way in consequence of Floods or other Causes, the Damage thereby done to the Owners or Occupiers of Lands, Mills, or other Works, or Establishments, shall be paid by the said Company, and shall and may be recovered from them by the Party injured in any Court of competent Jurisdiction, and all the Members of the said Company shall be liable conjunctly and severally for the same.

Map to re-  
main with  
the Clerk of  
the Peace.

XLI. And whereas a Map or Plan describing the Site or Situation of the said intended Reservoirs, and the Lands in which the same are intended to be made, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, has been deposited with the Clerk of the Peace for the County of *Edinburgh*; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of such Clerk of the Peace, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and obtain Copies or Extracts thereof, paying to such Clerk at the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

Powers to  
Heirs of En-  
tail, &c. to  
treat.

XLII. And be it enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Heirs of Entail, Life Renters, Husbands, Married Women, Tutors, Curators, or Trustees, not only for and on behalf of themselves, their Heirs, and Successors, but also for and on behalf of those for whom they are Tutors, Curators, or Trustees, whether Pupils, Minors, Issue unborn, Fatuous or Furious Persons, Married Women, or other Person or Persons, and to and for all and every other Person or Persons whomsoever, though under any Disability or Incapacity, who is or are or shall be seised, possessed of, interested in or entitled to any Lands or other Heritages required for the Purposes of this Act, to contract for, sell, and convey the same and every Part thereof to and in favor of the said Company of Proprietors; and that all such Contracts, Agreements, Sales, or Conveyances, shall be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, or Custom, or other Matter or Thing whatsoever to the contrary notwithstanding.

XLIII. And

XLIII. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons herein-before capacitated to sell or convey Lands or other Heritages, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Heritages to be taken or used for the Purposes of this Act, may accept and receive Satisfaction for the Value of such Lands and Heritages, and for the Damages to be sustained by making and completing the said Works in gross Sums.

Satisfaction to be made to Owners.

XLIV. And be it further enacted, That if any Money shall be agreed or contracted to be paid for any Lands, Tenements, or Heritages, purchased or taken or used by virtue 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, Pupil, Minor, Furious or Fatuous Person, or other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to 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, 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, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid affecting the said Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or 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, Tenements, or 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, Tenements, or Heritages which shall be so purchased, 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 Product of such Money shall from Time to Time be paid 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 Lands, Tenements, and Heritages, so hereby directed to be purchased in case such Purchase or Settlement were made.

Application of Purchase Money amounting to 200l.

XLV. Provided always, and be it further enacted, That if any Money so agreed or contracted to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under any 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, Tenements, and Heritages so purchased, taken, or used, or of his, her, or their Tutors

When less than 200l. and above 20l.

or

or Curators, in case of Pupilarity, Minority, Fatuity, or Furiosity, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Committee of Management (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 herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Approbation or Direction of the said Court of Session.

When less than 20l.

XLVI. Provided also, and be it further enacted, That where such Money so agreed or contracted 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, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee, or any Three or more of them, shall think fit, or in case of Pupilarity, Minority, Fatuity, or Furiosity, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where Questions shall arise touching the Right to Money.

XLVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid in pursuance of this Act for the Purchase of any Lands, Tenements, or Heritages, or of any Right or Interest in any Lands, Tenements, or Heritages so to be purchased in pursuance thereof, or to any Interest of such Money, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession until the contrary shall be shewn to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made to 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, Tenements, or Heritages, or to some Right or Interest therein.

Court may order Payment of Expences, &c.

XLVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, or to be applied in the Purchase of other Lands, Tenements, or Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Session to order the Expences of all Purchases to be made from Time to Time in pursuance of this Act, or so much of such or other Expences

Expences as the Court shall deem reasonable, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Expences as the said Court shall direct.

XLIX. And be it further enacted, That if at any Time or Times hereafter any Person shall sustain any Damage in his, her, or their Lands, Tenements, Heritages, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained in such Manner as herein-before directed in respect of any other Recompence or Satisfaction herein-before mentioned.

How Damages not provided for to be recovered.

L. And be it enacted, That if any Person or Persons shall wilfully hinder or interrupt the said Company, or their Deputies, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works by this Act directed, or in exercising any of the Powers and Authorities by this Act granted, or shall in anywise cause the same to be done, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Ten Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption; such Damage to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Penalty for interrupting Workmen.

LI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, injure, damage, or destroy any Dam-Head, Embankment, Sluice, or any other Part of the Reservoir or Works to be made or erected by virtue of this Act, or the Materials used or provided for the same, every such Person shall forfeit and pay to the said Company any Sum not exceeding Ten Pounds, and also the full Amount of the Damage sustained by the said Company, which shall be recovered in the like Manner as the said Penalty is hereby authorized to be recovered.

Penalty for injuring Works.

LII. And whereas it is apprehended that the damming up the Flood Water of the said River as aforesaid may affect the scouring of the said Harbour of *Leith*, which is situated at the Mouth thereof, be it therefore enacted, That in the Event of the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, as Proprietors of the said Harbour, deeming it necessary to provide other Means for scouring the same, in order to compensate for any Injury that may arise thereto by damming up the said Flood Waters as aforesaid, the said Company shall be obliged and they are hereby authorized and empowered, when thereto required by the said Lord Provost, Magistrates, and Council, to construct, erect and make upon one or both of the Draw-Bridges in the said Harbour, proper Flood-Gates for holding up and retaining at full Tide the Water which shall have flowed above the said Draw-Bridges, or either of them, to be sluiced off down the said Harbour when the Tide has fallen, at such Time and in such Manner and Quantity as the said Lord Provost, Magistrates, and Council, or their Harbour Master or other Officer appointed by them for that Purpose shall direct, for the more effectually scouring the said Harbour; such Flood-Gates to be constructed in such Manner and

For protecting the Harbour of *Leith*.

Form and of such Materials as shall be fixed and settled by Three Engineers of Experience in such Matters or by the Majority of them ; One of such Engineers to be appointed and chosen by the said Lord Provost, Magistrates, and Council, another by the said Company, and the Third by the said Two first chosen Engineers: Provided always, that it shall be lawful for the said Lord Provost, Magistrates, and Council to close the said Flood-Gates, so as to hold up or retain the Water which shall have flowed as aforesaid, at all Times between Six o'Clock on *Saturday* Evening and Six o'Clock on *Monday* Morning, but not at any other Time: And provided further, that the Expences of constructing, erecting, and making the said Flood-Gates shall be defrayed by the said Company, and the said Lord Provost, Magistrates, and Council, in equal Portions; and in case of any Dispute arising between the said Lord Provost, Magistrates, and Council, and the said Company, in regard to such Expences, the same shall be determined by the Sheriff Depute of the said County, whose Decision shall be final, and not subject to Review in any way whatever: And provided further, that it shall not be lawful for the said Company, after they shall be required by the said Lord Provost, Magistrates, and Council, to construct, erect, and make the said Flood-Gates as aforesaid, and after the Engineer to be appointed by the said Lord Provost, Magistrates, and Council as above provided, shall have been so appointed by them, and Notice of such Appointment given in Writing to the said Company by any Officer or Servant of the said Lord Provost, Magistrates, and Council, to dam up the Flood Waters of the said River as aforesaid until the said Flood-Gates shall be completed to the Satisfaction of the Three Engineers to be appointed as aforesaid or of the Majority of them: Provided always, that if the said Lord Provost, Magistrates, and Council, shall delay to appoint the Engineer to be chosen by them as aforesaid, and to give Notice to the said Company of such Appointment for One Year after being required by the said Company or their Clerk to make such Appointment, then the said Company shall be and they are hereby freed from all Obligation in regard to the said Flood-Gates, and from thenceforth it shall be lawful for them to dam up the Flood Waters of the said River as aforesaid: Provided also, that nothing herein contained shall prevent the said Lord Provost, Magistrates, and Council from making and constructing the said Flood-Gates at their own Expence at any Time they may see fit after the Lapse of the Year before mentioned.

Company  
may take  
Rates for  
supplying  
Water.

LIII. And be it further enacted, That it shall and may be lawful for the said Company to enter into Contracts and Agreements to and with any Person or Persons for a Supply of Water, to be delivered from the said Reservoir or Reservoirs into the Channel of the said River, on such Terms and Conditions, and for Payment to the said Company of such Rates, Duties, or Sums of Money annually, half-yearly, or quarterly, for such a Period of Time as shall be mutually agreed upon between the said Person or Persons and the said Company.

The Persons  
receiving  
Rents of  
Mills, &c.  
for the Time  
may contract  
to pay Rates  
to the said  
Company.

LIV. And be it further enacted, That it shall and may be lawful to and for the Person or Persons entitled for the Time to receive the Rents of any Mill, Work, or Property, situated on the said River, to enter into such Contracts or Agreements for a Supply of Water as aforesaid, and thereby to declare the same to be a real Burden on such Mill, Work, or Property, or any Part thereof; and the Conditions and Prestations contained

contained in such Contracts or Agreements to be obligatory, not only on himself, herself, or themselves, but also on the Person or Persons who shall receive the Rents of the said Mill, Work, or Property for the Time in all Time thereafter, notwithstanding that the Person or Persons entering into such Contracts or Agreements possess such Mill, Work, or Property, under strict Entail, or are merely Liferenters thereof; or Tutors, Curators, or Trustees for others; and every such Contract and Agreement, being recorded in the particular Register of Sasines for the County of *Edinburgh*, (which the Keepers of such Register are hereby authorized and required to do, on Payment of the same Fees as they are entitled to exact for a Sasine of the same Length), shall be a real and effectual Burden and obligatory as aforesaid: Provided always, that previous to any such Contract or Agreement for a Supply of Water as aforesaid affecting any Mill, Work, or Property possessed by a Liferenter or an Heir of Entail, being recorded as aforesaid, the said Company shall and they are hereby required to apply by Petition to the Lord Ordinary on the Bills in the Court of Session, exhibiting therewith such Contract or Agreement, and praying the Lord Ordinary to interpose his Authority thereto, and to approve of the same; which Petition shall be intimated by a Messenger at Arms to the Fiar, in the Case first preceded for, and to the Two Heirs of Entail, if so many be, of such Mill, Work, or Property, next in the Order of Succession to and not descended of the Body of the Heir then in Possession thereof; and upon such Intimation being certified to the said Lord Ordinary, by Production of the Messenger's Execution, the said Lord Ordinary shall interpose his Authority to such Contract or Agreement, and declare therein by Writing under his Hand that he approves thereof or otherwise as he shall think fit; and until such Contract or Agreement shall be so approved of by the said Lord Ordinary, the same shall not be binding on any Person or Persons other than the Person or Persons entering into the same, nor shall the same affect or be a Burden on any Mill, Work, or Property, possessed under Entail or by Liferenters, other than to the Extent of the Interest therein of the Person or Persons entering into such Contract or Agreement.

LV. And be it enacted, That in case any Person shall think that he or she is not supplied with Water in Terms of his or her Contract with the said Company, it shall be lawful for any such Person to apply by Petition and Complaint to the said Sheriff Depute or Substitute of the County of *Edinburgh* for the Time being for Redress; and such Sheriff Depute or Substitute shall thereupon make Enquiry into the Matter of Complaint, and shall make such Order therein binding on the said Company, and shall award such Costs and Expences to such Person or Persons making such Complaint, or to the said Company, as to the said Sheriff Depute or Substitute shall seem just; and the Judgment or Determination of such Sheriff Depute or Substitute shall be conclusive and final, and not subject to Review.

Complaint of  
Supply of  
Water how  
to be judged.

LVI. Provided always, and be it enacted, That in case the Works intended to be carried into Effect under the Authority of this Act shall not have been completed so as to answer the Objects of this Act within the Term of Ten Years from and after the passing thereof, all the Powers and Authorities given by this Act shall thenceforth cease and determine,  
save

Purposes of  
this Act to  
be completed  
in Ten Years.

save only as to so much of such Works aforesaid as shall have been completed within the said Term of Ten Years.

Limitation  
of Action.

LVII. And be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance or by virtue of this Act, after the Expiration of Six Calendar Months next after the Fact committed, or Cause of Action incurred for which Suit or Action shall be so brought.

Notices on  
the Com-  
pany how to  
be served.

LVIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices or any legal Proceedings upon the said Company, the Service thereof upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Application  
of Money to  
be raised.

LIX. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act is hereby directed and appointed to be laid out and applied, in the first Place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all the necessary Expences preparatory and relating thereto; and all the Residue and Remainder of the said Money for and towards making, completing, and maintaining the said Reservoirs and other Works, and the other Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Public Act.

LX. 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.

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