

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccii.

An Act for better supplying with Water the City
of *Edinburgh* and Places adjacent.

[9th July 1847.]

WHEREAS an Act was passed in the Fifty-ninth Year of the
Reign of His late Majesty King *George* the Third, intituled
An Act for more effectually supplying the City of Edinburgh 59 G. 3.
and Places adjacent with Water: And whereas another Act was passed c. 116.
in the Seventh Year of the Reign of His late Majesty King *George*
the Fourth, intituled *An Act for more effectually supplying the City of* 7 G. 4.
Edinburgh and Places adjacent with Water; and for supplying the Town c. 108.
and Port of Leith and Places adjacent, and His Majesty's Dock Yards
at Leith, with Water: And whereas another Act was passed in the
Fifth Year of the Reign of His late Majesty King *William* the Fourth,
intituled *An Act to enable the Edinburgh Water Company to borrow a* 5 & 6 W. 4.
further Sum of Money: And whereas another Act was passed in the c. 33.
Sixth and Seventh Years of the Reign of Her Majesty Queen *Victoria*,
intituled *An Act to enable the Edinburgh Water Company to bring in* 6 & 7 Vict.
an additional Supply of Water; and to alter and amend the Acts relating c. 89.
to the said Company: And whereas the said Company are proceeding
with the Execution of the Works authorized by the last of the said
recited Acts; but as the Sum thereby authorized to be raised for
that Purpose is insufficient, it is necessary that the Company should
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be empowered to raise a further Sum of Money to enable them to complete the said Works: And whereas it is expedient and would be for the public Benefit if the said Company were authorized to extend their Works still further, for the Purpose of securing a more ample and certain Supply of Water, for which Purpose it is also necessary that a further Sum of Money should be raised by the said Company: And whereas the Objects aforesaid may be more conveniently attained if the said Acts were repealed, and further Powers and Provisions made and granted instead thereof; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 before-recited Acts shall be and the same are hereby repealed: Provided always, that all Acts, Matters, and Things made, done, or executed under or by virtue of and in accordance with the Provisions of the said recited Acts, prior to the Commencement of this Act, shall be good, valid, and effectual to all Intents and Purposes; and that all Offences which shall have been committed, and all Penalties and Forfeitures which shall have been incurred, previous to the Commencement of this Act, shall and may be punishable and recoverable respectively under the said recited Acts as if the same had not been repealed.

Recited
Acts re-
pealed.

Short Title.

II. And be it enacted, That in citing the said recited Acts in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, or other Documents, it shall be sufficient to use the Expression "The *Edinburgh Water Company's Act*," with the Year of the passing of such Act; and that in citing this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, or other Documents, it shall be sufficient to use the Expression "The *Edinburgh Water Company's Act*, 1847."

Re-esta-
blishment
of the Edin-
burgh Water
Company.

III. And be it enacted, That from and immediately after the passing of this Act the several Persons and Bodies Corporate who at the Time of the passing of this Act are Proprietors of Shares in the Joint Stock or Fund of the *Edinburgh Water Company* under the said recited Acts shall be and they are hereby re-united into a Company for better supplying with Water the City of *Edinburgh* and Town and Port of *Leith*, and Places adjacent, within the Limits of this Act, and for that Purpose shall be one Body Corporate by the Name of "The *Edinburgh Water Company*," and by that Name shall have perpetual Succession, and shall have a Common Seal, and shall have Power to purchase and hold and sell Lands for the Purposes of this Act, and to execute this Act, subject to the Provisions and Restrictions contained in this and the Acts herein-after incorporated therewith.

Works
vested
in the Com-
pany.

IV. And be it enacted, That from and immediately after the passing of this Act the whole Undertaking of the said *Edinburgh Water Company*, and the Lands, Streams, and Waterworks connected therewith, and all the Rights, Titles, Powers, and Privileges, Estates
and

and Interests whatsoever, of or to which the said *Edinburgh* Water Company, or any Person in trust for them, were possessed of or entitled to immediately before the passing of this Act, and all Rates and Monies due or accruing to, and all Securities, Books, Accounts, Documents, Effects, and Property vested in the said Company, shall be and the same are hereby well and effectually vested in and shall belong to the *Edinburgh* Water Company hereby incorporated, for their absolute Use and Benefit, to hold to them and their Successors for the Purposes of this Act in such and the like Manner as the said *Edinburgh* Water Company, or any Persons in trust for them, immediately before the passing of this Act, held or would have continued to have held the same if the said recited Acts had not been repealed; declaring that the Company hereby incorporated shall in all respects come and be in lieu and place of the Company dissolved by the Repeal of the said recited Acts, subject nevertheless to such Charges, Interests, and Liabilities as at the Time of the passing of this Act the said Company and Undertaking were and are respectively subject to.

V. And be it enacted, That all Conveyances, Leases, Grants, Mortgages, Bonds, Assignations, Covenants, Agreements, Contracts, Arbitrations, Awards, Securities, and other Instruments made, executed, or entered into by or between any Persons and the Company dissolved by the Repeal of the said recited Acts, with, in favour of, or by or for any such Persons and the dissolved Company respectively, shall and the same are hereby declared to be, remain, and continue in full Force and Effect, and the Company hereby incorporated and all such Persons shall respectively be bound by and liable to execute and perform the same; and no Action, Suit, Prosecution, Information, or other Proceeding, commenced or pending by, with, or against the dissolved Company, shall become invalidated, made void, discharged, abated, discontinued, prejudiced, or affected by the Repeal of the said recited Acts, but the same and each of them shall continue and remain in full Force and Effect, and the Company hereby incorporated shall be liable to all Debts and Engagements to which the dissolved Company was or is liable at the Time of the Repeal thereof; and the Repeal of the said recited Acts shall not affect any Rights or Remedies which could at the Time of the passing of this Act be exercised by any Mortgagee or Creditor against the dissolved Company.

Agreements,
Deeds, &c.
to remain in
force, and
Company
liable to
Debts, &c.

VI. And be it enacted, That, except where otherwise provided for in this Act, all Works, Matters, and Things which, under the Provisions of the said recited Acts hereby repealed, or any of them, the said dissolved Company is or may be authorized or required to make, execute, or complete, or so much thereof as shall not have been already made, executed, or completed, and all Repairs thereof, and all Regulations and Restrictions which by the said Acts respectively were imposed upon the dissolved Company, shall and may be constructed, maintained, done, executed, performed, and carried into effect by or against the Company hereby incorporated, as fully; to all Intents and Purposes, as the same are by the said Acts or any of them authorized and required to be done, maintained,

Works au-
thorized by
repealed
Acts to be
completed.

observed,

observed, performed, and kept by the said dissolved Company, and as if the several Provisions in such Acts in reference thereto had been repeated and re-enacted in this Act, and been made applicable to the Company hereby incorporated: Provided always, that where any particular Time is by the said Acts limited for the Completion of such Works, the same shall, save where otherwise provided for by this Act, be so executed and completed within the Period so limited; and provided also, that where by the said Acts any Powers are given for the compulsory taking of Lands it shall be lawful for the Company to exercise such Powers at any Time within the Time limited by the said Acts.

Repealing of
Acts not to
prejudice
Rights of
Land-
owners, &c.

VII. And be it enacted, That, except as is herein otherwise specially provided, or except so far as the same may be repugnant to the Provisions of this Act, nothing herein contained shall extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Accommodations, or Exemptions which under or by virtue of the said recited Acts or any of them are given, granted, continued, or reserved to or for the Benefit of any Persons or Corporations whose Estates, Properties, or Interests are, have been, or may be in anywise affected in or by the making or maintaining or otherwise on account of the Works respectively by the said Acts hereby repealed authorized to be made and maintained, or to which such Persons or Corporations are or may be, or but for the Repeal of the said recited Acts would have been, otherwise entitled, but all such Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions shall be and they are hereby declared to be as valid and effectual as if the said recited Acts had not been repealed, and such several Persons and Corporations shall be entitled to, and shall have, use, and enjoy, the same Rights, Privileges, Liberties, and Powers, Accommodations and Exemptions, or such and so many of them as immediately before the passing of this Act they were entitled, or as but for the passing of this Act they would hereafter have been entitled to have, use, and enjoy, as fully and effectually as if the said Acts had not been repealed, and shall and may have and be entitled to such or the like Powers and Remedies upon and against the said Company hereby incorporated, for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Accommodations, and Exemptions, as under the Provisions of the said recited Acts they had or would or might have been entitled to against the said dissolved Company in case the said recited Acts had not been repealed: Provided always, that nothing herein contained is intended to continue, or shall be held or construed to continue, the Guarantee imposed on the City of *Edinburgh* by the first of the said recited Acts for any Injury to be done by the bursting of the Reservoir constructed under the Authority of the said last-mentioned Act, but such Guarantee shall be and the same is hereby absolutely discharged, and the City of *Edinburgh*, and the Community and Revenues thereof, shall be no longer liable, in respect of such Guarantee or otherwise, to make Compensation to the Owners and Occupiers of Lands, Mills, Buildings, Works, or Establishments, or any other Person or Persons whatsoever, for any Damage or Injury that may be occasioned by the bursting of the said Reservoir.

VIII. And

VIII. And be it enacted, That all Works and Things which, under the Provisions of the said recited Acts hereby repealed, or any of them, the said dissolved Company was bound, required, empowered, or made liable to make, construct, complete, or maintain, and all Repairs thereof respectively, and all Regulations and Restrictions which under the Provisions of the said Acts were imposed upon or required to be observed by the said dissolved Company, for the Safety, Protection, Accommodation Convenience, Enjoyment, and Benefit of Persons and Corporations whose Estates, Properties, or Interests were or might be affected by the making and maintaining of the Works by the said Acts or any of them authorized to be made and maintained by or otherwise vested in the said dissolved Company, and for the Protection of such Estates, Properties, and Interests, and for securing the Enjoyment of such Estates, Properties, and Interests as aforesaid, and all such Payments, annual and in gross, as under the Provisions of the said Acts or any of them were required to be made by the said dissolved Company, or such and so many of the aforesaid Works, Acts, Matters, Things, Regulations, Restrictions, and Payments as the said dissolved Company would have been bound or liable to construct, complete, maintain, make, do, execute, observe, perform, or pay in case this Act had not been passed, shall, unless otherwise provided for by this Act, be constructed, maintained, made, done, executed, observed, performed, kept, and paid by the Company hereby incorporated, as fully, to all Intents and Purposes, and in the same Manner, as the same were by the said Acts or any of them required to be made, done, executed, maintained, observed, performed, kept, and paid by the said dissolved Company, and as if the several Provisions in the said Acts or any or either of them contained in reference thereto respectively had been specially repeated and enacted in and by this Act, and had been made applicable to the Company hereby incorporated.

Works, &c. required to be done by dissolved Company for Benefit of Land-owners, &c. to be performed by new Company.

IX. And be it enacted, That, notwithstanding the Repeal of the said recited Acts, the Company hereby incorporated shall have Power and they are hereby authorized, within the Time specified in the said recited Acts, to take the Lands and Streams which they were thereby empowered to take, and to construct and complete the Waterworks authorized by the said recited Acts; and all the Powers given by this Act, and the Acts incorporated therewith, for taking Lands and Streams, and constructing the Waterworks delineated on the Plans herein referred to, shall be applicable to the taking of the Lands and Streams and constructing the Waterworks authorized to be taken and constructed under the said recited Acts.

Company may take Lands and Streams which they were authorized to take by former Acts.

X. And be it enacted, That it shall be lawful for the Company hereby incorporated and they are hereby authorized and empowered to maintain, support, and complete the several Waterworks, Reservoirs, Aqueducts, Conduits, Bridges, Embankments, Feeders, Drains, Soughs, Sluices, Waste-gates, Stop-gates, Weirs, Gauges, Roads, Engines, Pipes, and other Works which at the Time of passing this Act were vested in, or possessed, placed, or provided by the dissolved Company, together with the several Erections, Buildings, Tenements, and Works belonging thereto.

Company hereby established authorized to maintain the Works already made.

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XVII. And

Rates or Rents now payable to be paid.

XI. And be it enacted, That all Rates, Rents, or Charges made or imposed under or by virtue of the said recited Acts, and which at the Time of the passing of this Act shall be due and payable, or if this Act had not passed would have accrued due and payable to the dissolved Company, shall continue in force and be due and payable to the Company hereby incorporated, and may be collected and recovered by such Means, and under such Restrictions and Regulations, as any Rates, Rents, or Charges may be collected or recovered under or in pursuance of this Act.

Certificates and Transfers to remain in force.

XII. And be it enacted, That all Certificates, Sales, Transfers, and Dispositions before the passing of this Act made or executed of or in respect of any Share in the Joint Stock of the said dissolved Company, under or in pursuance of the said recited Acts, shall remain in full force and virtue, and shall be and continue available in all respects whatsoever.

Books, &c. made Evidence by former Acts, &c. to continue.

XIII. And be it enacted, That all Books, Plans, and other Documents whatsoever by the said recited Acts authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in any Courts whatsoever.

Officers under former Acts to account.

XIV. And be it enacted, That all Officers and Persons who at the Time of the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, Securities, Goods, or Effects, under or by virtue of any of the Provisions of the said recited Acts, shall account for and deliver up all such Money, Books, Documents, Papers, Writings, Securities, Goods, and Effects to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officers or Persons had been appointed, and had become possessed of such Money, Books, Documents, Papers, Writings, Securities, Goods, or Effects, under the Provisions of this Act.

Present Officers continued.

XV. And be it enacted, That all Officers and Persons appointed under the recited Acts shall continue in their respective Offices and Employments according to their respective Appointments until removed therefrom according to the Provisions of this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and all such Officers and Persons, and all Sureties, shall be liable to the same Conditions, Penalties, Obligations, Restrictions, and Regulations, as if such Officers and Persons had been appointed and such Sureties had become bound under this Act.

8 & 9 Vict. cc. 17. & 19. and 10 & 11 Vict. c. 17. Incorporated with this Act.

XVI. And be it enacted, That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Waterworks Clauses Consolidation Act, 1847," shall be incorporated with and form Part of this Act, except where the same shall be inconsistent with or repugnant to any of the Provisions of this Act.

XVII. And

XVII. And whereas the Capital of the Company is at present One hundred and eighty-four thousand Pounds in Seven thousand three hundred and sixty Shares of Twenty-five Pounds each, and it is expedient that the said Capital should be increased to Two hundred and seventy-six thousand Pounds; be it enacted, That the Capital of the Company hereby incorporated shall be increased to Two hundred and seventy-six thousand Pounds.

Amount of
Capital.

XVIII. And be it enacted, That every Person possessed of a Share of Twenty-five Pounds of the existing Capital of the dissolved Company at the passing of this Act shall be entitled in lieu thereof to One Share of a like Amount of Twenty-five Pounds in the Capital of the Company under this Act.

As to Shares
created un-
der former
Acts.

XIX. And be it enacted, That in lieu of and on Cancellation of the existing Certificates of Shares there shall be granted to the Proprietors of such Shares Certificates of the Shares given to them by this Act in lieu of their Shares under the recited Acts hereby repealed.

Old Certi-
ficates to be
cancelled.

XX. And be it enacted, That the Shares given in lieu of Shares held under the said recited Acts shall immediately after the passing of this Act go, be, remain, and endure, and be held and enjoyed, and the several Persons to whom the same shall be granted or allotted by virtue of this Act shall thenceforth hold and stand possessed thereof respectively, to and upon such and the same Trusts, if any, and for such and the same Interests, and under and subject to such and the same Dispositions, and subject to such and the same Judgments, Charges, Liens, and Incumbrances, if any, as the Shares in respect whereof such Shares in the Company hereby incorporated were allotted under this Act are or should or would have remained to, for, upon, under, and subject to in case this Act had not been passed.

Shares to be
held under
the same
Trusts.

XXI. And be it enacted, That it shall be lawful for the Company hereby incorporated from Time to Time to create such Number of new Shares, and of such Amount each, as they may find necessary for the Purpose of completing the Capital of the Company to the said Sum of Two hundred and seventy-six thousand Pounds; and such new Shares shall be denominated "*Edinburgh Water Company New Stock*," and shall be entered by that Title in the Registers or Books of the Company.

Power to
create new
Shares.

XXII. And be it enacted, That in the first instance the said new Shares or Stock shall be offered to the Proprietors of Stock of the said Company at the Time the same shall be created in proportion to the Share which they respectively hold of the existing Stock; and the Price of the said new Stock shall be payable by such Calls and at such Periods as the Directors of the Company hereby incorporated shall fix and determine; and in case any Proprietor of the existing Stock shall fail to declare his Acceptance of the said new Stock, or shall have failed to pay the first Call thereon at the Time appointed by the Directors, then the Proportion of new Stock corresponding to the Shares of the existing Stock held by such Proprietor so failing to declare his Acceptance of the same shall be placed at the Disposal of the said
Directors,

New Stock
to be in the
first instance
offered to
the present
Proprietors
of Stock.

Directors, and be disposed of or sold by them in such Manner as they shall think proper, for the Benefit of the Company.

Dividends on new Stock to be preferable to the Extent of 5½ per Cent. per Annum.

XXIII. And be it enacted, That the said new Shares or Stock shall be preferable to the other Shares or Stock of the Company to the Extent of Five Pounds Ten Shillings *per Centum per Annum* upon the Rates and Duties leviabie by the Company from the Parties supplied by them with Water; (that is to say,) before any Dividend shall be paid on the other Shares or Stock of the Company, a Dividend of Five Pounds Ten Shillings *per Centum per Annum* shall be paid to the Holders or Proprietors of the said new Shares or Stock hereby authorized to be created, and the free Revenue of the Company shall be thereafter applied in paying a Dividend to the like Extent of Five Pounds Ten Shillings *per Centum per Annum* to the Holders of the other Shares or Stock of the Company; and any Surplus that shall remain after Payment of such Dividends shall be applied to increase the Dividends of both Stocks equally.

Calls.

XXIV. And be it enacted, That Five Pounds *per Share* shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and that Two Thirds of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share, and that Four Months at the least shall intervene between successive Calls.

Power to borrow Money.

XXV. And be it enacted, That after the whole of the Capital of the Company shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond any Sum of Money, so that the Sums due by the said Company on Mortgage or Bond do not at any One Time exceed in the whole the Sum of One hundred and thirty-three thousand Pounds.

Securities to be stamped.

XXVI. And be it enacted, That every Deed for securing Money to be hereafter borrowed by the Company shall be duly stamped, and shall truly state the Consideration Money, and the Interest on all Securities granted by the Company shall only be transferable by Deed duly stamped.

Securities to be without Preference, but not to prejudice existing Mortgages;

XXVII. And be it enacted, That all Persons to whom Securities shall be given for any Money to be hereafter borrowed by the Company, or who shall be entitled to the Monies thereby secured, shall be entitled one with another to their respective Proportions of the Rates, Sums, and other Property comprised in such Securities, according to the Sums advanced by such Persons respectively, and to be repaid the Sums so advanced without any Preference one above the other by reason of the Priority of the Date of any such Securities, or on any other Account whatsoever; saving and excepting always the Security herein-after provided to the Owners of Lands, Mills, and other Works upon *Logan Burn* and the *North Esk* River, in the event of their sustaining any Loss or Damage by the bursting of the Reservoir already constructed upon *Glencorse Burn*, and by this Act authorized to be altered or enlarged, or of the Reservoir hereby authorized

saving Preference of Guarantee to Owners of Lands, Mills, and Works on

authorized to be constructed at *Loganlea*: Provided always, that nothing herein contained shall be held to alter, affect, or diminish any Security granted for Money borrowed under the said recited Acts, but the same shall during the Continuance thereof remain good, valid, and effectual, and shall have Priority and be preferable to any Security which shall be granted by virtue of this Act.

Logan Burn
and North
Esk River.

XXVIII. And be it enacted, That the First General Meeting of the Company hereby incorporated shall be held within Three Calendar Months next after the passing of this Act, and a General Meeting of the Company shall likewise be held on the Third *Monday* of *June* in every Year thereafter, and all Meetings of the Company shall be held in the City of *Edinburgh*.

First and
other Ge-
neral Meet-
ings of the
Company.

XXIX. And be it enacted, That the Quorum for any General Meeting of the Company shall be not less than Ten Shareholders holding in the aggregate not less than One hundred Shares in the Capital of the Company.

Quorum of
General
Meeting.

XXX. And be it enacted, That Extraordinary Meetings of the Company may be called on the Requisition of any Ten Shareholders holding in the aggregate not less than One hundred Shares in the Capital of the Company, or on the Requisition of any Five of the Directors.

Extraor-
dinary Meet-
ings of the
Company.

XXXI. And be it enacted, That the Number of Directors shall be Seventeen; (that is to say,) the Lord Provost of the City of *Edinburgh* for the Time being, the Professor of Natural Philosophy in the University of *Edinburgh* for the Time being, the Professor of Chemistry in the said University for the Time being, Two Members of the Town Council of the City of *Edinburgh* to be annually named by the said Town Council as after provided, and Twelve Shareholders to be elected by the Company, each of such Twelve Directors holding not less than Four Shares in the Capital Stock of the Company.

Number and
Qualification
of Directors.

XXXII. And be it enacted, That it shall be lawful for the Town Council of the City of *Edinburgh* annually before the Third *Monday* of *November* to name and appoint Two Members of the said Town Council to be Directors of the Company for the ensuing Year: Provided always, that it shall not be necessary that the said Lord Provost, Professors, or Members of the Council be qualified as Shareholders in the said Company: Provided always, that if either or both of the said Members of Town Council who shall be so appointed Directors shall die, resign, or become disqualified during the Year for which he or they shall be so appointed, it shall be lawful, as soon after such Death, Resignation, or Disqualification as convenient to the said Lord Provost, Magistrates, or Town Council, to supply such Vacancy: Provided always, that if the said Town Council shall at any Time fail to elect the said Two Directors or either of them, or to supply such Vacancy, such Failure shall not affect the Acts or Deeds of the other Directors, who shall have and may exercise during the Term of such Failure all the Powers conferred on Directors by this Act, as fully as if the said Town Council had nominated and appointed the Number of Directors before mentioned, or had supplied such Vacancy.

Appoint-
ment of Two
Directors by
Town Coun-
cil of Edin-
burgh.

First Directors.

XXXIII. And be it enacted, That the Lord Provost of the City of *Edinburgh* for the Time being, the Professors of Natural Philosophy and Chemistry of the University of *Edinburgh* for the Time being, the Two Members of the Town Council of the City of *Edinburgh* who have been appointed Directors by the said Town Council under the Provisions of the said recited Acts hereby repealed, and *Alexander Clapperton, James Stormonth Darling, Archibald Horne, John Learmonth, Alexander Douglas, John Scott, James Blackadder, Francis Brown Douglas, Lewis Alexander Wallace, Thomas Ranken, John Brown,* and *James Smith,* being the Twelve Directors who have been appointed Directors by the Company under the Provisions of the said recited Acts hereby repealed, shall be the first Directors of the Company under this Act.

Directors to go out of Office.

XXXIV. And be it enacted, That the above-named *Alexander Clapperton, James Stormonth Darling, Archibald Horne, John Learmonth, Alexander Douglas, John Scott, James Blackadder, Francis Brown Douglas, Lewis Alexander Wallace, Thomas Ranken, John Brown,* and *James Smith,* shall continue in Office as Directors until the first Ordinary Meeting of the Company to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue them or any Number of them in Office, or may elect others to supply the Places of those not continued in Office, the above-named Directors being always re-eligible.

Election of new Directors.

XXXV. Provided always, and be it enacted, That at the Ordinary Meeting to be held on the Third *Monday* of *June* in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions in the said Companies Clauses Consolidation (*Scotland*) Act, 1845, contained, and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said Companies Clauses Consolidation (*Scotland*) Act, 1845.

Quorum.

XXXVI. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Committees of Directors.

XXXVII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Nine, and the Quorum of each Committee shall be the Majority.

Remuneration of Directors.

XXXVIII. And be it enacted, That the Remuneration of the Directors shall from Time to Time be fixed by a General Meeting of the Company, and shall be paid out of the Rents, Rates, or Sums receivable under this Act.

Power to Company to fix Rates to

XXXIX. And be it enacted, That the Company shall have full Power and Authority from Time to Time to fix and ascertain the annual Water Rates or Rents to be paid to the said Company by all and every Person

Person or Persons whatsoever having Water conveyed to their private Houses from the Reservoirs and Pipes belonging to the Company, and such Rates or Rents shall be payable in advance at *Whitsunday* yearly: Provided always, that such Rates or Rents shall not exceed Ten-pence *per* Pound on the real Rent of the said Houses and other Premises as they may be assessed for the Police Tax of the City of *Edinburgh* for the Year for and in respect of which the Water is to be supplied, or if without the Bounds of Police, upon Four Fifths of the actual Rent or annual Value of the said Premises; and provided further, that the Company shall not be obliged to supply Water to any Party for any House or other Premises whatsoever at a less Rate or Rent than Four Shillings for any One Year or for a shorter Period than One Year.

be paid by
Inhabitant
House-
holders.

XL. And be it enacted, That Brewers, Distillers, and other Manufacturers, Hotel Keepers, and other Persons having public Establishments or Shops requiring an extraordinary Supply of Water, having Water conveyed to their Premises from the Distribution Pipes belonging to the Company, and also Ship Masters or others connected with the Shipping in the Port of *Leith* requiring Supplies of Water, shall pay such annual or other Rates or Rents for the same as may be agreed on between them and the Company, or, in case of Difference in Opinion between them, by the Sheriff Depute of the County of *Edinburgh* for the Time being, or, in the Option of any of the aforesaid Parties requiring Water, by the Sheriff Substitute of the said County, whose Judgment or Determination shall be conclusive and final, and not subject to Review.

Additional
Rates for
Breweries,
Distilleries,
&c.

XLI. And be it enacted, That the said Company shall from Time to Time fix and ascertain the annual Water Rates or Rents to be paid by Shopkeepers and Warehouse Holders requiring an ordinary Supply of Water, having Water conveyed into their Shops or Warehouses from the Reservoirs or Pipes belonging to the said Company: Provided always, that such Rates and Duties shall not exceed One Pound Five Shillings *per Centum* on the real Rent of the said Shops or Warehouses as they may be assessed for the Police Tax, which is in no Case to be calculated on a higher Rent than One hundred and twenty Pounds, and which Rates or Rents shall not be calculated on a Rent exceeding One hundred and twenty Pounds.

As to Rates
for Shop-
keepers and
Warehouse-
holders.

XLII. And be it enacted, That the Period to which the Books of the Company shall be brought to a Balance shall be the Term of *Whitsunday* in each Year.

Period for
balancing
Books.

XLIII. And be it enacted, That the prescribed Rate of Profits of the Undertaking to be divided among the Undertakers in any Year shall not exceed Six Pounds Ten Shillings in the Hundred Pounds by the Year on the paid-up Capital in the Undertaking, so long as no other Company for the Supply of Water within the Limits of this Act shall be established.

Prescribed
Rate of
Profits, 6½
per Cent.

XLIV. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some

Newspapers
for Insertion

of Adver-
tisements.

some One or more Newspaper or Newspapers published in the City of *Edinburgh* aforesaid.

Limits of
this Act.

XLV. And be it enacted, That the Limits of this Act shall comprise and include the City of *Edinburgh*, the Town and Port of *Leith*, and the Parishes of *Canongate*, *South* and *North Leith*, *Saint Cuthberts*, and *Duddingstone*.

Constant
Supply of
Water to be
kept.

XLVI. And in order to satisfy the Requirements of the Water-works Clauses Act, 1847, as to a constant Supply of Water being laid on under Pressure, be it enacted, That the said Company shall and they are hereby required, as soon as the full Quantity of Water authorized by this Act is brought into *Edinburgh*, to keep their Main Pipes charged with Water under Pressure so as to afford a constant Supply of Water under Pressure as provided by the last-mentioned Act and this Act.

Appoint-
ment of
Commission-
ers, and
annual Re-
port by
them on
accounts.

XLVII. And be it enacted, That the Lord Provost of the City of *Edinburgh*, the Convener of the Trades of the City of *Edinburgh*, the Lord Advocate of *Scotland*, the Dean of the Faculty of Advocates, the Deputy Keeper of the Signet, the Master of the Merchant Company of *Edinburgh*, and the Convener of the Southern Districts, shall be and they are hereby appointed Commissioners for the Purposes hereinafter mentioned, and they are hereby required to assemble and meet together at the Place appointed for the Management of the Affairs of the Company in *Edinburgh* as often as they shall be called together by the Clerk to the Company, by Desire of the Lord Provost or One of the Directors of the Company; and any Four or more Members of such Commissioners, 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 them; and the Members present shall, in the Absence of the Lord Provost, who when present shall always be Chairman, choose their own Chairman, and the Chairman, besides his own Vote, shall, in case of Equality, have a casting or decisive Vote: Provided always, that the said Commissioners shall annually hold a Meeting on the first *Monday* of *June* to examine the Books of the Company, and to report that the Water Rates or Rents collected by the Company during the Year previous to the Term of *Whitsunday* preceding have been laid out and expended in Payment of the Interest of the Money borrowed and at the Time due and owing by the Company, in keeping in repair the Works belonging to the Company, and necessary for the proper supplying with Water the City of *Edinburgh* and Town and Port of *Leith*, Her Majesty's Dockyards at *Leith* and Castle of *Edinburgh*, and other Places within the Limits of this Act, and the farther Works to be constructed by the Company, in paying to the Proprietors of the Stock in the Company the Dividend or Share of Profits to which they are entitled, in Office Rents and Salaries, and contingent Expences to the Office Bearers and Turncocks and other Servants of the Company, or other lawful Expences incurred in the Affairs of the Company; and if any Surplus shall remain after the before-mentioned Payments, the Company shall apply the same towards paying off the Debt or Sums due by the Company; and the said Commissioners shall, at their Meeting

Meeting appointed to be held on the first *Monday* of *June* annually, or the Adjournment thereof, for examining the Books of the Company, report that the Rates and Duties collected during the Year previous to the Term of *Whitsunday* preceding have been so applied, laid out, and expended; and it shall not be lawful for the Directors of the said Company to take Credit in their annual Accounts for any Articles which shall not be allowed in the Report of the said Commissioners: Provided always, that if at any Time any Article shall be disallowed by the said Commissioners, and their Decision shall be deemed objectionable by the Company, such Decision of the Commissioners shall be laid before the Sheriff, and after hearing the Company and the Commissioners thereon the Sheriff shall give Judgment, altering or affirming in whole or in part the Decision of the Commissioners, and his Judgment shall be final, and not subject to Review.

XLVIII. And be it enacted, That if on the Day before appointed for the annual Meeting of Commissioners a Quorum of their Number shall not attend, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to any future Day within Eight Days thereafter to be fixed by the Member or Members or Majority of them then present, or if no Member shall be present by the Clerk to the Company: Provided always, that One of the Directors of the Company appointed by the Directors may be present at all the Meetings of the said Commissioners, with a view to afford them requisite Explanations; and farther, that Notice of each Meeting of the Commissioners shall be given by the Clerk, in Writing or in Print, signed by him, to each Member thereof, at least Three Days before it is to take place.

In case a Quorum of Commissioners do not attend the Meeting to be adjourned.

XLIX. And whereas a Plan and Section describing the Lines, Levels, and Situations of the Channels, Cuts, Conduits, Aqueducts, Reservoirs, and other Works intended to be constructed by the Company under this Act, and the Lands through which the same are intended to be made, together with a Book of Reference to the said Plan, containing the Names of the Owners, Lessees, and Occupiers of such Lands, have been deposited at the Office of the Sheriff Clerk of the County of *Edinburgh*; be it enacted, That, subject to the Provisions in this Act and in the incorporated Acts as extended to this Act contained, it shall be lawful for the said Company to raise the Embankments of their existing Reservoir on *Glencorse Burn*, and to make and maintain the several Channels, Cuts, Conduits, Aqueducts, and other Reservoirs and Works necessary for the Purpose of obtaining, collecting, storing, and conveying to the City and Suburbs of *Edinburgh* a further Supply of Water, according to and in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be considered by them necessary for that Purpose, and to catch, divert, and take the Water from the same.

Powers to make Works according to Plans deposited.

L. And be it enacted, That it shall be lawful for the said Company from Time to Time to make, construct, lay down, and maintain, in and upon the Lands which shall be taken under the Authority

Power to erect Machinery,

[Local.]

30 B

of

Buildings,
&c.

of this Act, all such Waterworks, Steam Engines, Water-wheels, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Conduits, Engines, Waste-gates, Stop-gates, Stop-cocks, Sluices, Banks, Bridges, Pipes, Tunnels, Wells, Machinery, and Works, and also such Houses and Buildings as they find expedient for the Objects and Purposes of this Act.

Compensa-
tion to be
made for
Lands under
which Works
are made in
Tunnel.

LI. And be it enacted, That where the Aqueduct, Conduit, or Channel for conveying the said Water, or any of the other Works hereby authorized, shall be intended to be constructed under the natural Surface of the Land, or where such Work can be conveniently covered with Soil, so as to admit of the Land above the same being cultivated or used by the Owners and Occupiers thereof, it shall not be incumbent on the said Company to purchase or acquire the feudal Property in such Land, but it shall be lawful for them to purchase the Right to form and maintain the said Aqueduct, Conduit, Channel, or other Works, of and from the Persons interested in the said Lands, and who would be capacitated to sell and convey the same under the Powers of the said Lands Clauses Consolidation (*Scotland*) Act as extended to this Act, and such Rights shall and may be so purchased and acquired by the said Company by such and the same Means and subject to the same Provisions as are contained in the said Lands Clauses Consolidation (*Scotland*) Act with reference to the Purchase and Acquisition of Lands by the said Company; and upon such Purchase and Acquisition being completed it shall be lawful for the said Company to enter upon the said Lands for the Purpose of executing the said Work, and of thereafter from Time to Time making such Alterations and Repairs thereon as they shall find necessary: Provided always, that in estimating the Price to be paid for the Acquisition of such Right by the said Company due Regard shall be had to the possible Interference of the said Works with the Improvement of the Lands above the same, or with the Erection of Houses thereon, or with the working of Stone or Materials therein; provided further, that in the event of the said Company entering upon Possession of the said Lands after the Completion of the said Works, for the Purpose of altering or repairing the same, they shall do as little Damage as may be, and shall make Compensation to all Parties interested for the temporary Inconvenience or Damage thereby occasioned.

Power to
carry Works
under High-
ways.

LII. And be it enacted, That it shall be lawful for the said Company to construct, maintain, and from Time to Time repair or alter the Aqueducts, Conduits, Channels, and other Works hereby authorized to be made across, under, or along any Turnpike or other Highway, and any Road and Street, and for that Purpose to break up or open the Surface or Soil of such Turnpike Road, Highway, Road, or Street: Provided always, that the said Company shall do as little Damage as may be in the Execution of the said Powers, and shall, previous to the Commencement of their Operations, give Notice thereof to the Trustees or Commissioners having charge of such Turnpike Road, Highway, Road, or Street, or their Clerk or Surveyor, and shall, at the Sight of such Clerk or Surveyor, restore and re-causeway the Openings made thereon as soon as practicable, and so as to give as little Inconvenience to the Public as possible.

LIII. And

LIII. And be it enacted, That the Clauses in the Railways Clauses Consolidation (*Scotland*) Act, 1845, with respect to the temporary Use of Lands for the Purpose of obtaining Materials therefrom for the Construction or Repair of the Works by this Act authorized, or for forming temporary Roads to or from the same, such Lands not being more than Two hundred Yards from such Works, shall be incorporated with this Act, and such Clauses shall apply to the Waterworks and to the Company respectively, and shall be construed as if the Word Waterworks had been inserted therein instead of the Word Railway.

Certain Clauses in 8 & 9 Vict. c. 33. as to temporary Use of Lands incorporated with this Act.

LIV. And be it enacted, That it shall be lawful for the Company, in addition to the Lands authorized to be compulsorily taken by them under this Act, to contract at any Time or Times hereafter with any Party willing to sell the same for the Purchase of any Land not exceeding in the whole Twenty-five Acres, to be taken and used, in such Places as shall be deemed eligible, for the Purpose of obtaining an additional Supply of Water from Lands, Brooks, or Springs, or of making and providing additional Reservoirs or Tanks (such Reservoirs or Tanks not exceeding in Extent One Acre each), Aqueducts, Conduits, and other Works and Conveniences, or for laying Mains or Pipes, or for making convenient Roads or Ways for the same, or for any other Purposes connected with the said Works which the Company may think beneficial to the Undertaking.

Lands for additional Works.

LV. And be it enacted, That the Powers by this Act conferred on the Company for the compulsory Purchase or taking of Land for the Purposes of the Works authorized by this Act shall not be exercised after the Expiration of Three Years from the passing hereof.

Limiting Power to purchase Land compulsorily.

LVI. And be it enacted, That, notwithstanding the Repeal of the said last-recited Act, the Company shall be bound and obliged, under the Penalties therein contained, to bring into the said City, Towns, and other Places, before the First Day of *August* One thousand eight hundred and forty-eight, the whole of the Water which by the said last-recited Act they are authorized to take from the *Listonshiells*, *Bavelaw*, and *Black Springs*.

Provisions of Act 6 & 7 Vict. c. 89. as to Water of certain Springs to remain in force.

LVII. And be it enacted, That the Company shall, within Five Years from and after the passing of this Act, make, construct, and complete the necessary Works for the Purpose of bringing into *Edinburgh* and *Leith*, and Places adjacent, and shall bring in for the Supply of the Inhabitants thereof, the whole of the Water which they are authorized to take by this Act; and the said Company shall also, within Six Years from and after the passing of this Act, make, construct, and complete the necessary Town Reservoirs and Tanks, and all requisite Alterations on or Additions to their Main and Distribution Pipes, so as to enable them to supply Water to the Inhabitants on the Principle of constant Service; and in the event of the said Works not being completed, and the Supply of Water not being brought in as aforesaid within the said Periods of Five and Six Years respectively from and after the passing of this Act, the Company shall be liable in a Penalty
not

Penalties for Non-completion of Works.

not exceeding Five Pounds for every Day after the said Five and Six Years respectively until the said Works shall be completed and Supply brought in, which Penalties shall be recoverable before the Sheriff at the Instance of any Person paying Rates to the Company, and shall be paid over to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, to be applied by them towards the Reduction of the Assessment for the Relief of the Poor of the said City: Provided always, that it shall be lawful for any Person paying Rates to the Company, at any Time after Four and Five Years respectively from the passing of this Act, to apply to the Sheriff, alleging that the Company are not proceeding with due Expedition in the Execution of the said respective Works; and after hearing the Company, and examining into the Matter in such Way as the Sheriff shall think proper, it shall be lawful to the Sheriff to make such Order therein as he shall think fit, which shall be binding on the Company, and the Sheriff shall have Power to award Costs against either Party.

For regu-
lating the
Supply of
Water.

LVIII. And for the Purpose of securing to the Public the full Supply of Water which the Company are enabled to afford, be it enacted, That the Company shall provide and maintain upon their Main Pipe from *Crawley* and upon their Main Pipe from *Torduff* (when the same shall be formed) such Meters as shall be deemed practicable and shall be approved of by the Engineer of the Company and an Engineer to be named by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, or, if they differ, by a neutral Engineer to be named by the Sheriff on the Application of either Party, for measuring the Quantity of Water which is from Time to Time flowing through such Pipes, and the Company shall also provide and keep a Book or Register in which shall be entered a true Account of the average Quantity of Water indicated by the Meters as flowing through such Pipes, and shall once in each Month transmit a Copy of such Register for the Month immediately preceding, certified as correct by the Officer who shall keep the same, to the Town Clerk of the City of *Edinburgh*, in whose Hands the said Register shall be open at Business Hours to the Inspection of any Householder paying Water Rates; and it shall be lawful for the said Commissioners, from Time to Time as they shall see Cause, upon the Application of any Five Householdors paying Water Rates, Three of whom shall at least possess Houses or other Premises charged at a Rent of Fifty Pounds for the Police Tax, to authorize the said Five Householdors to apply to the Sheriff, who shall have Power, if he think fit, to appoint an Engineer to inspect the Works of the Company, and to ascertain, in such Way as the Sheriff shall direct, the Quantity of Water flowing in and through the said Main Pipes of the Company, and such Engineer shall report to the Commissioners thereupon, and upon such Report it shall be lawful for the Commissioners to require the Company to repair the existing Works, and to construct and repair such Works as by this Act they have Power to construct; and in the event of the Company failing to construct or repair such Works, in conformity with such Requisition, it shall be in the Power of the said Five Householdors or any Three of them to apply to the Sheriff, who shall, if he think fit, enforce such Requisition of the Commissioners; and the Sheriff shall determine whether the Expence of such Applications, Appoint-
ments,

ments, Inspections, and other Proceedings herein-before mentioned, or any of them, shall be borne and paid by the Company, or by the Householders at whose Instance the same may take place; and the Judgment of the Sheriff in any of the Matters aforesaid shall be final, and not liable to the Review of any Court whatever.

LIX. And be it enacted, That the said Company shall, in virtue of the Powers and Authorities hereby committed to them, and out of the Rates and Duties by this Act granted, supply Water to the public Wells of the City of *Edinburgh* as these existed at the Date of the first of the said recited Acts; and further, that they shall, out of the said Rates and Duties, provide and supply with Water Thirty additional public Wells, to be erected by the said Company in the poorer Localities of *Edinburgh*, *Leith*, and *Portobello*, in such Situations as may be fixed on by the resident Architect at *Edinburgh* of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or by any Officer to be appointed under any general Act for improving the Condition of Towns and populous Districts, or for providing a better Supply of Water, which may be passed in this or any future Session of Parliament.

Water to be supplied to Public Wells.

LX. And be it enacted, That the said Company shall perform all lawful Contracts entered into by the Lord Provost, Magistrates, and Council of the City of *Edinburgh* under any Act for the better supplying the said City with Water passed previously to the Date of the first of the said recited Acts, and shall free and relieve the said Lord Provost, Magistrates, and Council of all Obligations incumbent on them for or in respect of supplying Water either to the Inhabitants or to any of the public Institutions in the said City; and further, the said Company shall supply Water *gratis* to the Royal Infirmary, and House of Refuge, and Prisons in the said City: Provided always, that the necessary Expence of laying, maintaining, and upholding the Pipes for conducting the Water shall be defrayed by the Managers of the Royal Infirmary, and House of Refuge, and by the County Prison Board, so far as these Parties respectively are concerned.

Company to perform Contracts obligatory on Magistrates of Edinburgh.

Supply of Water to public Institutions.

LXI. And whereas it is intended by the Works to be constructed under the Authority of this Act to carry the Water of the *Black Springs* into the Conduit from the Cistern at *Robinsrig* to the *Clubbie Dean* Reservoir, instead of carrying the Waters of the said *Black Springs* to the *Crawley* Cistern or Fountain Head, as authorized by the said last-recited Act; be it enacted, That the Company shall not take or use any Lands which they were authorized to take by the said last-recited Act for conducting the Waters of the said *Black Springs* to the said *Crawley* Cistern or Fountain Head, except such as shall be necessary for conducting the Water of the said *Black Springs* into the Conduit from the Cistern at *Robinsrig* to the *Clubbie Dean* Reservoir, as authorized by this Act.

Company not to take Lands for conveying the Black Springs to Crawley.

LXII. And be it enacted, That the Company hereby incorporated shall not acquire, take, divert, and use the Spring marked D on the Plan referred to in the last-recited Act hereby repealed, or so much

Company not to take Spring marked D

on Plan, nor
Company
not obliged
to take the
Water of
Glencorse
Burn, &c.

much of the said Spring as had not been acquired, taken, diverted, or used by the Company, or take the Lands or Waters or construct the Works within the Parish of *Pennicuick* or *Currie* in the County of *Edinburgh* which would have been necessary for these Purposes; nor shall the said Company be obliged to take into their Pipes the Water of *Glencorse Burn* direct from the Bed of the said Burn by a Course commencing at a Point above the Compensation Reservoir, or to convey the said Water directly into the Filtering Beds to be carried directly to the said City, but the said Water may be allowed to flow into the said Reservoir through the ordinary Channel of the Burn.

Company
not to take
Lands for
constructing
certain
Works con-
nected with
Torphin
Cistern.

LXIII. And whereas it is intended, under the Authority of this Act, to construct a Store Reservoir on *Clubbie Dean Burn* in the Parishes of *Currie* and *Collinton*, for the Purpose of regulating the Supply of Water into *Edinburgh* from the *Listonshiells*, *Bavelaw*, and *Black Springs*, passing through the Conduit from *Robinsrig* Cistern, and to convey the said Water from the said Conduit into the said Reservoir, and from thence by a Pipe from the East End of the said Reservoir to the Pipe from the intended Cistern authorized to be made by the last-recited Act at *Torphin* to *Edinburgh* at or near a Point a little to the East of where the said Pipe was to cross the Parish Road which passes close to the Farm Steading of *Bonaly*, by which Works the Works between the above Two Points authorized by the last-recited Act hereby repealed will become unnecessary; be it therefore enacted, That the said Company shall not take or use any of the Lands which they were authorized to take by the said last-recited Act for conducting the Water passing through the Conduit from *Robinsrig* Cistern from the former to the latter Point, except such as shall be necessary for the Construction of any of the Works by this Act authorized.

For Protec-
tion of Bo-
naly Road.

LXIV. And whereas it would be prejudicial, both to the Public and to the Parties more particularly interested in the Parish Road within the Parish of *Colinton*, which passes the Steading of *Bonaly Farm* and the House or Grounds of *Bonaly*, were the Company, during the Progress of the Work in the Parish of *Colinton* authorized by this Act, to be at liberty to use the said Road for the Cartage and Carriage of Materials or any thing else, to and from or on account of the said Works; be it enacted, That it shall not be lawful or the Company or their Contractors, or any Person in their Service, to use the said Road for the said Purposes, excepting on such Occasions as the Company shall obtain Permission to do so by a Writing under the Hands of the Honourable *Henry Cockburn* Lord *Cockburn*, One of the Senators of the College of Justice, or his Successors in the Property of *Bonaly*, but that it shall be lawful to and in the Power of the said Company to use the Road which passes along and from *Fernielaw Cottage* on all Occasions for the above Purposes; under this Proviso, that the said Company shall always repair any Injury or Damage which the said Road shall sustain from being used by them for the Purposes aforesaid, and shall, at their own Expence, while using it, keep the same at all Times in proper Order and Repair, and leave it in the like Order and Repair when they shall cease to use it.

LXV. And

LXV. And in order to make Compensation for any Injury that may arise to the Owners and Occupiers of Lands, Mills, and other Property on the Streams called the *Dean Burn* and the *Bonaly Burn*, or the Streams into which they flow in their Course to the Sea, by the Construction of the Reservoirs by this Act authorized to be made on the *Torduff Burn* and at the *Bonaly Ponds*, and by the Storing and Diversion therein of the Waters of the said Streams, and of the Feeders thereof, and more particularly to the Mills on the Estate of *Duddingstone* belonging to the Most Noble the Marquis of *Abercorn*, be it enacted, That the Company shall be bound, when they shall for the first Time divert, take, and retain in the said Reservoirs on the *Torduff Burn* and at the *Bonaly Ponds*, or shall commence using the same for the Supply of the City of *Edinburgh*, and for ever after so long as they shall continue so to do, to discharge out of the said Reservoirs, and deliver into the *Bonaly Burn* just below the present Junction of the *Torduff* and *Dean Burns*, a Quantity of Water amounting at least to Sixty Cubic Feet *per Minute*; and in order to insure such Delivery of the said Quantity of Water the Company shall place and maintain on the *Bonaly Burn*, at a Point not exceeding One hundred and fifty Yards below the East End of the Offices attached to the House of *Bonaly*, a proper Water Gauge, which shall readily show and determine the Amount of Water so sent down the said Burn; and if any Question shall arise between the Company and any Party interested as to the Position, Construction, and Dimensions, or as to the Sufficiency and Repair of the said Gauge, the same shall be determined by the Sheriff of the County of *Edinburgh*, upon a summary Application to be made to him by any Party interested; and such Owners and Occupiers of Lands, Mills, and other Property on the said *Dean Burn* and *Bonaly Burn*, or on the Streams into which they flow in their Course to the Sea, and more particularly the said Marquis of *Abercorn*, and all Parties interested, shall have Access to the said Gauge, and the Decision of the Sheriff in the Matters aforesaid shall be final and conclusive; and in the event of the Company failing to deliver the said Quantity of Water they shall be liable to a Penalty, not exceeding Five Pounds *per Diem* for every Day in which they shall neglect or refuse so to discharge the aforesaid Quantity of Water *per Minute* into the Channel of the aforesaid Burn.

Compensation to be made to Owners and Occupiers on the *Dean Burn* and *Bonaly Burn*.

LXVI. And whereas there is a certain Spring or Springs, from which *Bonaly House* and Grounds are supplied with Water, now flowing at or near the End of the proposed Cut or Catch-water Drain above *Bonaly House*: And whereas, according to the Plan of the Works to be hereby authorized, such Spring or Springs might be intercepted and diverted; be it enacted, That the said Company shall be bound to collect and carry the Waters of the said Spring or Springs in a sufficient Pipe past the said Cut or Catch-water Drain so as to secure the Supply of Water from the said Spring or Springs to the said House and Grounds in all Time coming; and if any Question shall arise as to the Protection of the said Spring or Springs, it shall be competent to the said Lord *Cockburn*, or his Successors in the Property of *Bonaly*, after Notice given to the Company, to apply by summary Petition to the Sheriff, who, upon such Application, shall,

For protecting *Bonaly House*.

shall, with the Assistance of such Person as he shall think fit to appoint, direct the Supply of Water from the said Spring or Springs to be secured to the said House and Grounds; and if any Protection or increased Supply from the said Spring or Springs beyond what may have been offered by the Company shall be directed by the Sheriff to be provided, the Expence of such Application shall be borne by the Company.

Twenty
Cubic Feet
per Minute
to be always
running in
Dean Burn.

LXVII. And whereas Compensation in Water is by this Act provided to be made to the Owners and Occupiers of Lands, Mills, and other Property, as the same is fixed in manner herein specified; be it enacted, That out of the Compensation in Water so fixed to be discharged into the *Bonaly Burn* at or near *Bonaly House* a Portion of such Waters not less than Twenty Cubic Feet *per Minute* shall at all Times be discharged by the present Course of the *Dean Burn*, before its Junction with the said *Bonaly Burn*, through the said Grounds of *Bonaly* belonging to the said Lord *Cockburn*; and in order to prevent any Damage or Injury to *Bonaly House* and Grounds by the Discharge of Waters from the Reservoirs at *Bonaly Ponds* and on *Torduff Burn*, and at any Time when the Waters of the said Reservoirs may be discharged for the Purposes after mentioned, or otherwise, it shall not be lawful for the Company to let off at any Time into the *Dean Burn* below the Line of the proposed Cut or Catch-drain shown on the deposited Plans more than at the Rate of Sixty Cubic Feet *per Minute*, nor into the *Bonaly Burn* more than at the Rate of Five hundred Cubic Feet, including the said Sixty Feet, *per Minute*, this Quantity to be indicated on the Gauge to be erected, and the Sixty Feet in *Dean Burn* to be indicated on a Gauge to be erected on that Stream for the Purpose, but not within the Grounds belonging to the said Lord *Cockburn*.

Court of
Session or
Sheriff may,
on Applica-
tion, order
Repairs on
Reservoirs.

LXVIII. And be it enacted, That it shall be lawful to any of the Owners or Occupiers of Lands, Mills, or other Property on any of the Burns or Streams below the Reservoirs authorized by this Act to be formed, to apply to the Court of Session or the said Sheriff, alleging that the said Reservoirs or any of them, or the Embankments, or any Works connected therewith, are or have become insufficient or want Repair, whereupon the said Court or 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, as the Case may require, so as the said Reservoirs, Embankments, and other Works may be always kept in a sufficient State of Repair.

Compensa-
tion to be
made for
additional
Water ob-
tained by
digging or
trenching.

LXIX. And whereas by the last of the said recited Acts hereby repealed it was provided that it should not be lawful for the Company, after the Measurements thereby appointed to be made of the Discharge of the Springs and Feeders flowing into the *Bavelaw Burn* and the *Stream Burn*, and their Tributaries, exclusive of rain, surface, and flood Waters, which the Company had either already acquired or were empowered by that Act to acquire, had been made, to seek an increased Supply of Water from the Springs or Lands therein mentioned by digging, trenching, boring, or otherwise, unless they should grant Compensation in the like Proportion and Manner as
therein

therein provided for such additional Supply of Water so to be obtained: And whereas the said Measurements had been made, and it would be convenient, in the event of the Water Company desiring to obtain an additional Supply of Water by digging, boring, trenching, or otherwise, as aforesaid, that the Compensation to be made for the same should be ascertained by measuring the actual Quantity of Water abstracted; be it enacted, That the said Company, in the event of their seeking an additional Supply of Water as aforesaid, shall, at the Sight of an Engineer to be appointed by the Owners and Occupiers of Mills on the Water of *Leith* and *Bavclaw Burn*, erect and maintain a proper Gauge or Meter at such Place as the said Engineer shall appoint, and shall by means of the said Gauge register the Quantity of Water flowing through their Aqueduct during the Months of *March, April, May, June, July, August, September, and October* of the Two Years immediately following any Operations for the Purpose of measuring the Discharge of the Springs, and obtaining such additional Supply of Water; and the Compensation Reservoirs at *Threipmuir* and *Harlow* shall be constructed of such Capacity that they shall together be capable of containing One Half of the Sixteen Months Supply of the Spring Water abstracted by the said Company, as so ascertained by the said Gauge.

LXX. And in order to make Compensation to the Owners of Lands, Mills, and other Works upon *Logan Burn* and the *North Esk* River, for the Right conferred on the Company to stop, dam up, store, and use the whole Waters thereof above the *Crawley* Cistern, and for the Damage they might sustain by the Company being authorized to conduct the Waters of the said *Black Springs* to the Conduit leading from the Cistern at *Robinsrig* to the *Clubbiudean* Reservoir, instead of to the *Crawley* Cistern or Fountain Head, be it enacted, That from and immediately after the Completion of the said intended Reservoir at *Loganlea*, but not later than Five Years from the passing of this Act, the Company shall allow to flow through the Gauge presently placed near the said *Crawley* Cistern Forty Cubic Feet of Water *per Minute* during the Six Months of *May, June, July, August, September, and October*, and Twenty Cubic Feet of Water *per Minute* during the other Six Months of *November, December, January, February, March, and April*, in addition to the Quantity of Water stipulated to flow through the said Gauge by the last-recited Act hereby repealed, making the total Quantity to flow through the said Gauge at *Crawley* Two hundred and twenty Cubic Feet *per Minute* for ever thereafter, as a full Compensation for the Right hereby conferred on the Company to stop, dam up, store, and use the whole of the Waters draining by the said *Glencorse Burn* and its Tributaries above the said *Crawley* Cistern: Provided always, that in the event of the Compensation Reservoir already constructed and the Reservoir to be constructed at *Loganlea* proving inadequate to afford the Quantities of Water provided to the Owners of Lands, Mills, and other Works on the Course of *Logan Burn* and River *North Esk* by the aforesaid Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, and this Act, the said Owners or any of them shall be entitled to apply to the Sheriff, who shall ordain, in Terms of the Act first before recited, the said Burn and *Crawley Spring* to be turned into their original Channel, and to

Compensation to Owners of Lands, Mills, and Works on Logan Burn and North Esk River.

continue to flow therein, and through the aforesaid Gauge, for the Use of the said Lands and Mills, so long as a deficient Supply shall continue to exist, and that in lieu of the aforesaid Quantities of Water provided as aforesaid to the said Owners of Lands, Mills, and other Works.

Engineer to certify as to the Sufficiency of the Works.

LXXI. And be it enacted, That when the Embankments or Heads of the said Reservoirs are completed, an Engineer or Engineers, to be appointed by the Sheriff of the County of *Edinburgh* on the Application of the Company or of any Party interested in the Security thereof (of which Application Ten Days previous Notice shall be given in at least Three Newspapers published in *Edinburgh*), shall inspect such Embankments or Heads of Reservoirs, and certify by a Writing under his or their Hand that the Works have been completed in a proper Manner, and that in his or their Opinion they form a sufficient Security against any Damage being done by the bursting of the said Embankments or Heads, or their giving way, or the contrary Opinion, as the Case may be; and until such Report or Reports is or are made certifying the Works to be completed and sufficient, it shall not be lawful for the said Company to store Water in the said Reservoirs; and the whole Expence attending such Inspection and Report shall be borne and paid by the said Company, and such Report or Reports shall remain in the Office of the Sheriff Clerk of the said County, open to the Inspection and Perusal of all Parties concerned.

In case of Embankments bursting, Damage to be paid.

LXXII. And be it enacted, That if the Embankments or Dams of the Reservoirs by this Act authorized to be formed shall at any Time burst or give way, in consequence of Floods or other Causes, the Company shall be liable for any Loss or Damage occasioned thereby; and the Damage thereby done to the Owner or Occupier of Lands, Mills, or other Works, Establishments, and Buildings shall be ascertained, on the Application of any Party interested, by the Sheriff, with or without the Assistance of a Jury, which he is hereby empowered to summon for that Purpose, at the Desire of either of the Parties, whose Judgment or Verdict for the Payment of Damages by or absolving the Company, or in such Terms as he shall think fit to pronounce on advising such Application, shall be final, and not subject to Review in any Form or in any Court whatsoever.

Guarantee to Owners of Lands, Mills, and Works on Logan Burn and North Esk River.

LXXIII. And be it enacted, That if any Loss or Damage shall be sustained by the bursting or overflowing of the Reservoir already constructed upon *Glencorse Burn*, and hereby authorized to be altered or enlarged, or by the bursting or overflowing of the Reservoir authorized by this Act to be constructed at *Loganlea*, the Amount of such Loss or Damage, to be ascertained in manner before mentioned, shall be recoverable from the Property, Funds, and Effects, heritable and moveable, of the said Company, to the Extent of Fifty thousand Pounds, being the Amount of the Guarantee of the City of *Edinburgh*, which is hereby discharged, preferably to any Security granted or Debt contracted by the said Company subsequently to the passing of this Act, and subsisting and due at the Time such Loss or Damage may be occasioned, and reserving to the Parties concerned to recover from the said Company as an ordinary Debt any surplus Sum of
Damages

Damages to which they may be found entitled in manner aforesaid beyond the said Sum of Fifty thousand Pounds.

LXXIV. And be it enacted, That it shall be lawful to the Sheriff of the County of *Edinburgh*, upon Application to him by the Company, of which Application, except in Cases of Emergency, Seven Days previous Notice shall be given in at least Two Newspapers published in *Edinburgh*, to authorize the Company to draw and let off the Water of their Reservoirs, when and so often as it shall appear to them to be necessary, for the Purpose of repairing the same or any of their Works, the Company in drawing off the said Water doing as little Damage as may be, and making full Compensation for any Loss or Damage that may be thereby sustained, and at no Time letting into the *Dean Burn*, in so far as it flows through the Lands belonging to Lord *Cockburn*, more than Sixty Cubic Feet *per Minute*, nor into the *Bonaly Burn* in so far as it flows through the said Lands, above Five hundred Cubic Feet *per Minute*, nor into *Glencorse Burn* above Three thousand Cubic Feet *per Minute*.

Company may draw off Water from Reservoirs for Repairs.

LXXV. And be it enacted, That the Company shall not cleanse any of the Filter Beds already formed or which may be hereafter formed upon *Glencorse Burn* by flushing the same, or sending the Impurities therein collected down the said Burn, but they shall remove and carry away all such collected Matter and Impurities, so that the Quality of the Water in the Stream may not be thereby affected.

Prohibition against flushing Filters down Logan Burn.

LXXVI. And be it enacted, That in the event of the said Company making any Alterations on their Reservoir on the *Castle Hill*, or making a new Reservoir there, and when such Works are completed, an Engineer or Engineers, to be appointed by the Sheriff of the County of *Edinburgh* on the Application of the Company or of any Party interested in the Security thereof (of which Application Ten Days previous Notice shall be given in at least Three Newspapers published in *Edinburgh*), shall inspect such Works, and certify by a Writing under his or their Hand that the Works have been completed in a proper Manner, and that in his or their Opinion they form a sufficient Security against any Damage being done by bursting, leaking, or their giving way, or the contrary Opinion, as the Case may be; and until such Report or Reports is or are made certifying the Works to be completed and sufficient it shall not be lawful for the said Company to store Water in the said Reservoirs; and the whole Expence attending such Inspection and Report shall be borne and paid by the said Company, and such Report or Reports shall remain in the Office of the Sheriff Clerk of the said County, open to the Inspection and Perusal of all Parties concerned.

Engineer to certify as to the Sufficiency of the Works on Castle Hill.

LXXVII. And be it enacted, That if such Works shall at any Time burst or give way the Company shall be liable for any Loss or Damage occasioned thereby; and the Damage thereby done to the Owner or Occupier of Lands, Mills, or other Works, Establishments, and Buildings shall be ascertained, on the Application of any Party interested, by the Sheriff, with or without the Assistance of a Jury, which

In case of bursting of Castle Hill Reservoir Company to make good the Damage

which he is hereby empowered to summon for that Purpose at the Desire of either of the Parties, whose Judgment or Verdict for the Payment of Damages by or absolving the Company, or in such Terms as he shall think fit to pronounce on advising such Application, shall be final, and not subject to Review in any Form or in any Court whatsoever.

Supply of
Water to the
Town of
Portobello.

LXXVIII. And be it enacted, That if any Fifteen Persons resident in the Town of *Portobello*, or being Owners of Property therein, shall require from the Company a Supply of Water for the said Town, it shall be lawful for the Company to lay a Pipe or Pipes to the said Town, to proceed from One of their Main Pipes on *Leith Walk* at a Point at or near to the West End of *Leopold Place*, as delineated on the Plans and Sections deposited as aforesaid, and to furnish a Supply of Water to the said Town, on the Persons making such Requisition giving a Guarantee which the Company shall consider a sufficient Security for Payment during a Period not exceeding Seven Years of an annual fixed Sum of Four hundred Pounds, or of a Sum not exceeding Eight *per Centum* upon the Expenditure to be incurred by the Company in laying the necessary Pipes and constructing the necessary Works from the aforesaid Point at or near to *Leopold Place* to the different Roads, Streets, and Places in *Portobello* so to be furnished with a Supply of Water; and the said Company or their Committee shall have full Power and Authority from Time to Time to fix and ascertain the Rates and Duties to be paid to the said Company by all and every Person or Persons whatsoever residing within the said Town of *Portobello* or Parish of *Duddingston* having Water conveyed to their private Houses and other Premises from the Reservoirs and Pipes belonging to the said Company, which Rates and Duties shall be levied and recovered in the same Way as any other Rates and Duties may be levied and recovered by the Company: Provided always, that such Rates and Duties shall not exceed Tenpence *per Pound* on the real Rent or annual Value of the said Houses, without Deduction.

Act not to
affect Lands
of Her Ma-
jesty, &c.

LXXIX. And be it enacted, That this Act shall not apply to or in any Manner affect any of the Lands, Estates, or Property of or belonging to Her Majesty, or the principal Officers of Her Majesty's Ordnance, or any Rights, Estates, or Interest therein or appurtenant thereto, without the Consent in Writing of the said principal Officers for the Time being first obtained.

As to Sup-
ply of Dock
Yard at
Leith.

LXXX. And be it enacted, That, notwithstanding the Repeal of the said recited Acts, all the Provisions therein contained relative to the Supply of the Castle of *Edinburgh* and Her Majesty's Dock Yard at *Leith* shall remain in full force and effect, the same as if the said Acts had not been repealed.

No additional
Rate on
Castle, &c. of
Edinburgh.

LXXXI. And be it enacted, That the said Company shall continue to supply the Castle, Barracks, and Garrison of *Edinburgh* with the like weekly or other Quantity of Water, and at the like Rate in the Pound as they have hitherto done, and without demanding or being entitled

entitled to claim or demand any further or greater Amount of Rate or Charge for such Supply of Water.

LXXXII. And whereas it may be expedient that the Management and Direction of furnishing the Supply of Water to the City of *Edinburgh* and other Places within the Limits of this Act should be vested in a Board of Trustees for the public Behoof, and that the Rights and Powers and Property of the said Company should be transferred to and be vested in such Trustees, and it is proper that Provision should be now made for effecting such Transfer; be it enacted, That from and at any Time after the passing of this Act it shall be lawful to the said Company, and they shall be bound and obliged, if thereunto required in Writing by the Lord Provost of *Edinburgh* under Authority of the joint Meeting of the Town Councils of *Edinburgh*, *Leith*, and *Portobello*, herein-after provided for, to transfer and dispoise the whole Property, Rights, Privileges, Revenues, and Pertinents of every Description pertaining and belonging to the said Company, and the entire Management and Control of the Supply of Water to the City of *Edinburgh*, Town of *Leith*, and other Places within the Limits of this Act, to a Board of Trustees, for Behoof of the Community, to be appointed in manner herein-after provided, at such fixed annual Dividend on the Capital Stock of the said Company as may be fixed to be the Value of the same by Arbitration to be carried on and to be regulated in the Manner provided by the Arbitration Clauses in the Lands Clauses Consolidation (*Scotland*) Act, 1845, which annual Dividend shall be secured, subject to the Provisions in this Act contained, in such Way and Manner as the Arbiters or Oversman under such Arbitration shall appoint.

Company empowered to transfer a Works to public Trust.

LXXXIII. And be it enacted, That, previous to such Requisition being made by the said Lord Provost of *Edinburgh*, a joint Meeting of the Members of the several Town Councils of *Edinburgh*, *Leith*, and *Portobello* shall be summoned by the Lord Provost of *Edinburgh*, by public Advertisement at least One Month previously in such *Edinburgh* Newspapers as he may deem proper, and by a Letter addressed at least Three Days previously through the Post Office to each Member of such Councils, to be held within the Council Chamber of *Edinburgh* on such Day as he may fix; and the Lord Provost of *Edinburgh* shall act as Chairman of such Meeting, and may adjourn the same from Time to Time; and it shall be lawful to the said Lord Provost to make such Requisition to the said Company, and to proceed with all necessary Measures for the Appointment of an Arbiter or Arbiters, in Terms of said Act, if he shall be authorized so to do by Three Fifths in Number of the Members present at such joint Meeting, or at any Adjournment thereof.

Requisition to be made to Company for such Transfer.

LXXXIV. And be it enacted, That the said Board of Trustees shall consist of Persons assessed for Water Rates on a Rental of not less than Thirty Pounds *per Annum*, to be appointed or elected as follows; *viz.*, Four by the Lord Provost, Magistrates, and Town Council of *Edinburgh*, of whom not more than One shall be a Member of such Council; Two by the Provost, Magistrates, and Town Council of *Leith*, of whom not more than One shall be a Member of such Council; One by the

Constitution of Board of Trustees.

[*Local.*]

30 E

Provost,

Provost, Magistrates, and Town Council of *Portobello*, in the event of the Supply of Water authorized by this Act being carried to that Town; Two by the Commissioners of the Southern Districts of *Edinburgh*, so long as these Districts shall not be represented in the Town Council of *Edinburgh*; One by the Merchant Company of *Edinburgh*; One by the Faculty of Advocates; One by the Society of Writers to the Signet; and Two by the Directors of the said Company, so long as an annual Dividend on the Capital Stock of the Company shall be payable to the Shareholders thereof; and the said Trustees shall be One Body Politic and Corporate, for the Purposes of this Act, by the Name of "The *Edinburgh and Leith* Water Trust," and by that Name shall and may sue and be sued, and shall and may hold Lands, Tenements, or Heritages, for the Use of the said Trust, and by that Name shall have perpetual Succession and a Common Seal.

Election of
the Trustees.

LXXXV. And be it enacted, That within One Month after such Requisition being made by the Lord Provost of *Edinburgh* to the said Company the Bodies hereby authorized respectively to appoint or elect Trustees shall proceed to make such Appointment and Election, and the Trustees to be then elected shall be placed on a Roll in the Order in which the Bodies by whom they have been respectively appointed are hereinbefore named, and when any of the said Bodies shall appoint more than One Trustee such Body shall determine the Order in which the Trustees named by it shall be so enrolled, and the Trustees so elected shall continue in Office until the Second *Tuesday* in *December* immediately following the Election, and on the said Second *Tuesday* of *December*, and on every Second *Tuesday* of *December* thenceforward, the Trustees shall go out of Office by Rotation, and their Successors shall be appointed according to the Rota specified in the Schedule (A.) to this Act annexed; and in case there shall be any Failure by any of the Bodies above mentioned to elect a Trustee or Trustees, it shall be lawful for the Board of Trustees to supply his or their Place until the next Period of Election; and in case any Trustee or Trustees who may be elected shall fail to accept, or shall die, it shall be lawful for such of the said Bodies by whom he or they shall have been elected, at any Meeting regularly called, to elect another Trustee or Trustees in his or their Place; and in case such Body shall fail to elect a Trustee as aforesaid within One Month after Requisition by the Clerk to the Trustees, which the Clerk is hereby required to make on the Occurrence of such Vacancy, the Trustees shall proceed to fill up such Vacancy until the next Period of Election: Provided always, that it shall be lawful to re-elect any of the Trustees going out of Office as aforesaid, and that they shall remain in Office until their Successors are appointed.

Meeting of
Trustees.

LXXXVI. And be it enacted, That the said Trustees shall hold their First General Meeting in *Edinburgh* on the first *Monday* after the Election of the last of the said Trustees, and shall thereafter hold General Meetings at *Edinburgh* on the first *Monday* of every Month, and at such other Times as they may adjourn to; and it shall be lawful for the Chairman or Deputy Chairman, or for any Two or more of the said Trustees, to require their Clerk to call Special Meetings of the said Board of Trustees, to be held at *Edinburgh*, of which written or
printed

printed Notice shall have been sent through the Post Office to each Trustee.

LXXXVII. And be it enacted, That Five shall be a Quorum of the said Trustees; and at their First Meeting, and thereafter annually, they shall elect a Chairman and a Deputy Chairman, who shall continue in Office for the Space of One Year after their Election; and in the event of the Chairman or Deputy Chairman dying or demitting Office, it shall be competent to them to elect a Successor at the first Ordinary Meeting thereafter; and the Preses of each respective Meeting shall in case of Equality have, besides his deliberative Vote, also a casting Vote.

Quorum of Trustees.

LXXXVIII. And be it enacted, That the said Trustees shall have Power at any of the foresaid Meetings, or at any Meeting regularly called, to appoint a Clerk and all other Officers whom they may consider necessary, and to allow them such Salary respectively, and to require such Security, as they shall consider reasonable and proper; and it shall be lawful to the said Trustees to set apart a Sum not exceeding Two hundred Pounds *per Annum* for the Remuneration of such of the Trustees as shall attend the Meetings, in such Proportion as they may think fit.

Powers of Trustees to appoint Officers.

LXXXIX. And be it enacted, That it shall be lawful for the said Trustees to appear and sist themselves as Parties in the said Arbitration, and to be heard in regard to the Amount of the annual Dividend to be paid and secured to the said Company in respect of such Transfer, and in regard to the Manner in which the same shall be so paid and secured; and the Arbiters or Oversman shall, by the Award to be pronounced by them or him, fix and determine the Amount of such annual Dividend, and how the same shall be paid and secured; and in considering and deciding the Matters referred the Arbiters or Oversman shall have regard to the whole Circumstances of the Case, and to the future Prospects of the Company; but it is hereby provided that the annual Dividend so to be fixed shall not be less than Five and One Half *per Centum per Annum* upon the new or additional Stock of Ninety-two thousand Pounds by this Act authorized to be raised, nor less than Three and One Half *per Centum per Annum* upon the old or original Stock of One hundred and eighty-four thousand Pounds, and that such annual Dividend shall be secured upon the whole Undertaking and its Revenues preferably to any Money that may thereafter be borrowed by the Trustees.

Trustees to be heard before Arbiters, and Arbiters to fix Dividend.

XC. And be it enacted, That the Award to be pronounced by such Arbiters or Oversman, in conformity with the Directions by this Act given, shall be final and conclusive, and shall not be subject to Review, by Reduction or otherwise, by any Court or Courts, on any Ground whatsoever on which a Decreet Arbitral is not challengeable according to the Law of *Scotland*; and the said Nomination of Arbiters and Award shall be recorded by the Arbiters or Oversman in the Books of Council and Session, without any Delay, after being pronounced and signed.

Award by Arbiters to be final.

XCI. And

Property
vested in
Trustees,
and Trus-
tees to
relieve
Company of
Obligations.

XCI. And be it enacted, That upon such Security being provided as the Arbiters or Oversman may by such Award have fixed and determined, the Arbiters or Oversman shall, by a Writing under their or his Hand, certify that such Security has been provided to their or his Satisfaction, and such Certificate or Writing shall be recorded by them or him in the Books of Council and Session; and upon the same being so recorded the whole Property, Rights, Privileges, Revenues, and Pertinents of every Description pertaining or belonging to the said Company, and the entire Management and Control of the Supply of Water to the City of *Edinburgh*, Town of *Leith*, and other Places within the Limits of this Act, shall be and hereby are vested in the said Trustees; and the said Company or its Directors are hereby authorized and required, immediately thereafter, to grant and execute, at the Expence of the Trustees, all Deeds and Conveyances requisite for conveying to and vesting in the said Trustees the said Property and other Rights hereby intended to be transferred to the said Trustees, with all Clauses necessary for making the same effectual; and upon such Conveyances being granted the said Trustees shall be liable in and for the Debts, Contracts, or Obligations incurred by the said Company in reference to the Purchase of *Colzium* and *Harperrig*, and in and for all the other Debts, Contracts, and Obligations incurred by the said Company, in Terms or by virtue of the said recited Acts or this Act, and they shall be bound to free and relieve the said Company and its Directors of all Claims whatsoever arising out of such Debts, Contracts, or Obligations.

Rates to be
payable to
Trustees.

XCII. And be it enacted, That all the Rates, Duties, Penalties, or other Monies falling due after such Transfer which would otherwise have been payable to the said Company, in virtue of the said recited Acts and this Act, shall thereafter be payable to and recoverable by the said Trustees, and the said Trustees shall have the same Powers and Remedies for Recovery of the same in all respects as the said Company have or might have but for such Transfer.

Dividends
to be paid to
Company
by Trustees.

XCIII. And be it enacted, That the Trustees shall pay and the said Company shall be entitled to receive from the said Trustees such annual Dividend as may have been fixed by the Award of such Arbiters or Oversman, and which shall be payable at the Term or Terms specified in such Award: Provided always, that the Rights *inter se* of the respective Holders of the original Stock of the said Company, and of the additional Stock by this Act authorized to be raised, in regard to the Apportionment of the Dividend fixed by such Award, shall be preserved entire to the said respective Holders; and so long as the said Undertaking shall be vested in the said Trustees, neither the Lord Provost of *Edinburgh*, nor the said Professors, nor the Members of the Town Council of *Edinburgh*, to be appointed as Directors, shall have any Right to vote or act as Directors of the Company, or interfere in the Concerns thereof.

Power to
Trustees to
borrow.

XCIV. And be it enacted, That in the event of the Trustees finding it advantageous for the Trust to purchase and extinguish the Claims of the Shareholders to Dividends, the Trustees shall be entitled

entitled and they are hereby authorized to borrow, on the Security of the Works and Rights to be conveyed to them under the Authority of this Act, such further Sum of Money, in addition to the Sums by this Act authorized to be borrowed, as may be required for the Purchase and Extinction of the Claims of the Shareholders to such Dividends; and it shall be lawful to the said Trustees, out of the Money so to be borrowed, to purchase and extinguish the Claims of the Shareholders to such Dividends, in such Way as shall be agreed on between them and such Shareholders relative to such Purchase: Provided always, that the Sum so to be borrowed shall not exceed the Amount necessary for the Purchase and Extinction of such Claims to Dividends, and shall be applied to no other Purpose whatsoever; and that the same shall be postponed to all Sums of Money at the Time borrowed and due and owing under the Authority of the said recited Acts or this Act.

XCV. And be it enacted, That after the said Transfer shall be completed it shall be lawful for the Company to reduce the Number of Directors to not less than Five; and the Trustees shall pay the Clerk of the Company Twenty-five Pounds annually for his Remuneration in regard to the Affairs of the Company.

After Transfer Directors may be reduced to Five, and 25*l.* to be paid annually to the Clerk.

XCVI. And be it enacted, That in the event of the annual Revenue received by the Trustees from the Rates leviable by them being more than sufficient to defray the annual Expenditure incumbent on them, the Surplus shall be applied by the Trustees in the Manner provided by the said Waterworks Clauses Act, 1847, with respect to the Excess of Profits.

How surplus Revenue may be applied.

XCVII. And be it enacted, That if the Rates and annual Revenue to be received by the Trustees shall at any Time be insufficient for the Payment of the annual Dividend fixed to be paid to the Company, the Interest of the Debt due by, and the Expence of managing and maintaining the Undertaking, the said Trustees shall be bound and are hereby required, from Time to Time, in addition to the Rate of Ten-pence *per* Pound by this Act authorized to be levied on the Rental of private Dwelling Houses supplied with Water, to levy such further Rate on the said Rental as may be necessary for Payment of the said Dividend and Interest, and the Expence of managing and maintaining the Undertaking: Provided always, that such further or additional Rate shall not exceed the Sum of Two-pence *per* Pound *per Annum* upon the Rental of such private Dwelling Houses.

Trustees may raise an additional Rate not exceeding 2*d.* per Pound.

XCVIII. And be it enacted, That, in the event of such Trust being constituted and such Transfer being made, the Penalties in favour of the Community or Inhabitants of the District supplied, which are by this or by the said recited Acts imposed on the said Company in respect to the Supply of Water or to the Execution of Works, shall not thenceforth apply to or be exigible from the said Trustees or Company: Provided always, that all other Penalties imposed by the said recited Acts or this Act shall remain entire, and shall be fully operative against the said Trustees, but not against the said Company.

Certain Penalties on Company not to affect the Trustees.

Commis-
sioners not
to act after
Trust
constituted.

XCIX. And be it enacted, That upon such Trust being constituted, and the Property and Rights of the Company being transferred as herein provided, the Commissioners appointed by this Act to audit the Accounts of the Company shall cease to act.

Trustees not
to be liable
personally.

C. And be it enacted, That the said Trustees shall not be liable personally in any Debts or Obligations under any of the Provisions of the said recited Acts or of this Act, but shall only be liable as Trustees, and to the Extent of the Funds and Property of the Trust.

Expences of
the Act.

CI. And be it enacted, That the Expences incurred in obtaining this Act, and Expences incident thereto, shall be defrayed out of the Monies authorized to be borrowed or raised by the Company under this Act, and the Company shall be entitled to take Credit therefor in their Accounts.

Public Act.

CII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULE (A.) referred to in this Act.

Rotation in which Trustees shall go out of Office and be elected.

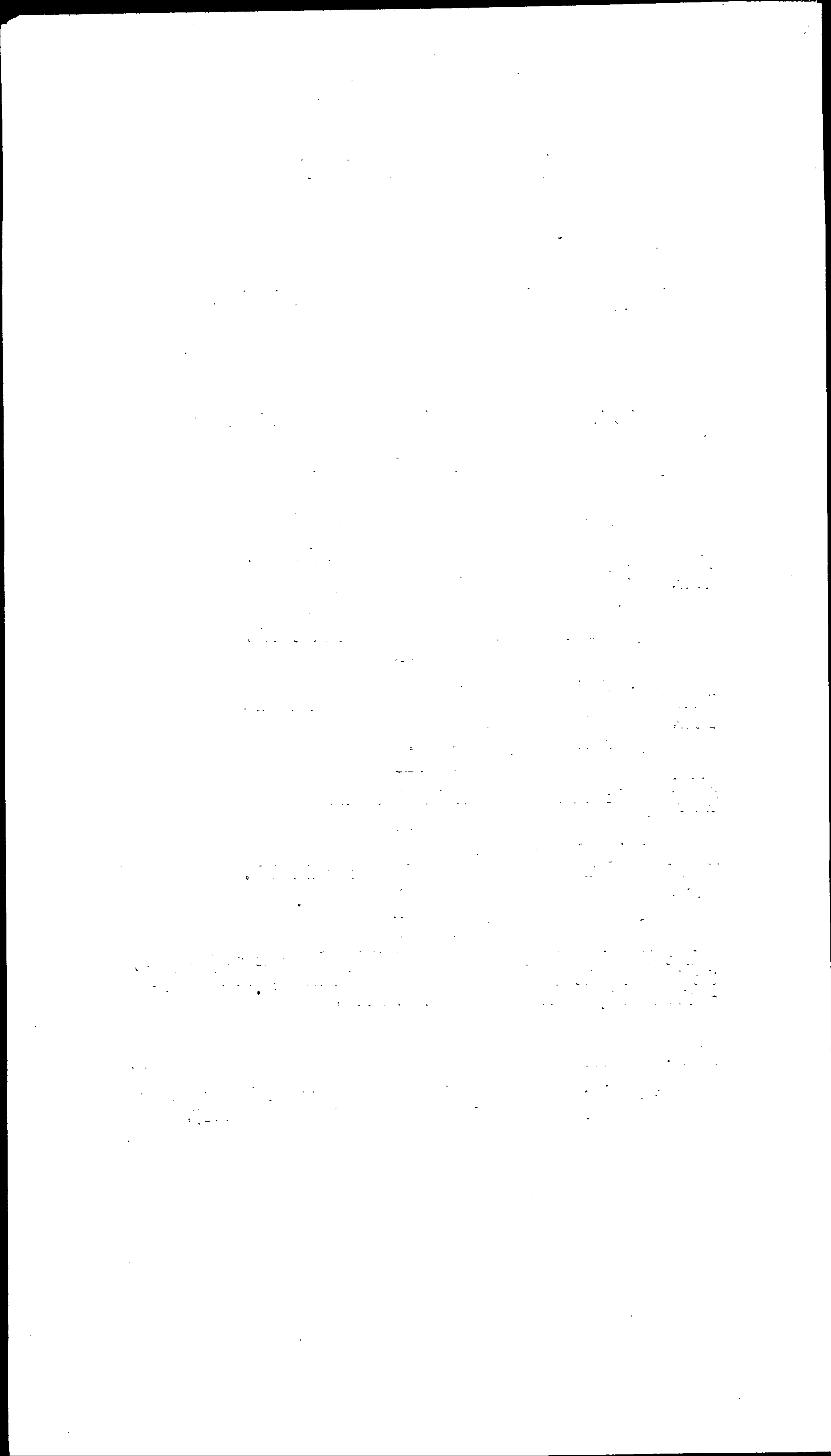
First Year.	{	City of Edinburgh — One.
		The Trustee standing highest on the Roll.
		Leith — One.
		The Trustee standing highest on the Roll.
		Southern Districts — Two.
		The Trustees standing highest on the Roll.
		Directors of the Water Company — One.
		The Trustee standing highest on the Roll.

Second Year.	{	City of Edinburgh — One.
		The Trustee standing highest on the Roll.
		Portobello — One.
		Merchant Company — One.

Third Year.	}	The same Rotation as the First Year.
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Fourth Year.	{	City of Edinburgh — One.
		The Trustee standing highest on the Roll.
		Faculty of Advocates — One.
		Writers to the Signet — One.

The Rotation of the Fifth Year shall be the same as the First, the Sixth as the Second, the Seventh as the Third, and the Eighth as the Fourth, and so on for all future Years.



Committee Office



10 & 11 Pick. C. ²⁰³~~202~~

Local & Personal

Clubs =

Room 7.

