



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xx.

An Act for supplying the Burgh of *Dumbarton* and Places adjacent with Water; for embanking and reclaiming the *Broad Meadow* there; and for extending the Municipal Boundaries of the said Burgh. [3d July 1857.]

WHEREAS the Burgh of *Dumbarton* and Suburbs thereof, and District and Places adjacent thereto, are at present inadequately supplied with Water, and an ample Supply may be easily and beneficially introduced into the same from the Stream called *Overton Burn* and certain Tributaries thereof: And whereas certain Lands belonging to the said Burgh, commonly called the *Broad Meadow*, are now periodically flooded by the Waters of the River *Leven*; and the Value of the said Lands would be much increased if the Provost, Magistrates, and Town Council of the said Burgh were enabled to embank, reclaim, and improve the same: And whereas it is expedient that Powers should be conferred on the said Provost, Magistrates, and Town Council for carrying the Objects aforesaid into effect, and that the Municipal Boundaries of the said Burgh should be extended so as to comprehend the whole Territory lying within the Parliamentary Boundaries thereof; but these Objects cannot

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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, as follows; (that is to say,)

Short Title.

I. In citing this Act for any Purpose, it shall be sufficient to use the Expression "The *Dumbarton* Waterworks, Reclamation, and Municipal Extension Act, 1857."

Interpretation of Terms.

II. The following Words and Expressions, when used in this Act, shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Burgh" shall mean the Burgh of *Dumbarton*:
The Expression "the Council" shall mean the Provost, Magistrates, and Town Council of the Burgh of *Dumbarton* for the Time being:

The Expression "the Provost" shall mean the Provost of the Burgh of *Dumbarton* for the Time being:

The Expression "the Magistrates" shall mean the Provost and Bailies of the Burgh of *Dumbarton* for the Time being:

The Expression "the Commissioners" shall mean the Provost, Magistrates, and Town Council of the Burgh of *Dumbarton* for the Time being acting as Commissioners constituted by this Act:

The Expression "the Sheriff" shall mean the Sheriff of the County of *Dumbarton*, or his Substitute.

8 & 9 Vict.
c. 19. incorporated.

III. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

10 & 11 Vict.
c. 16. incorporated.

IV. "The Commissioners Clauses Act, 1847," (with the Exception of the Clauses with respect to the Qualification of Commissioners, with respect to the Election and Rotation of the Commissioners where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, with respect to the Meetings and other Proceedings of the Commissioners and their Liabilities, and with respect to the Accounts to be kept by the Commissioners,) shall be incorporated with and form Part of this Act, and shall apply to the Commissioners constituted by this Act, and to the Waterworks for the Construction of which they are so constituted, and all Purposes connected therewith.

V. "The

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V. "The Waterworks Clauses Act, 1847," (with the Exception of the Clauses with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit,) shall be incorporated with and form Part of this Act, and shall apply to the Waterworks by this Act authorized, and all Purposes connected therewith.

10 & 11 Vict.
c. 17. incor-
porated.

VI. The Council shall be and are hereby constituted Commissioners for executing and carrying into effect the Objects of this Act, so far as relating to the Waterworks and Purposes connected therewith.

Commis-
sioners
appointed.

VII. The First Meeting of the Commissioners shall be held within the Council Chambers at *Dumbarton* on the Third *Tuesday* next after the passing of this Act; and thereafter the Commissioners shall meet there, or at such other Place as they may from Time to Time appoint, annually on the Second *Tuesday* of *December*, and at such other Times as may be fixed by the Commissioners: Provided always, that it shall at any Time be lawful for the Provost or acting Chief Magistrate of the Burgh for the Time being to call a Special Meeting of the Commissioners to be held at such Time as he may find necessary.

Meetings of
Commis-
sioners.

VIII. At all Meetings of the Commissioners a Majority of the whole Commissioners shall form a Quorum; and the Provost, or in his Absence some other Commissioner elected by a Majority of the Commissioners present, shall be Chairman; and in case of an Equality of Votes shall have a casting Vote as well as a deliberative Vote.

Quorum and
Chairman.

IX. The Commissioners may appoint out of their own Body, from Time to Time, such and so many Committees, consisting of such Number of Persons as they shall think fit, for all or any of the Purposes for which they are constituted, which in the Discretion of the Commissioners would be better regulated and managed by means of such Committees, and may fix the Quorum of each such Committee, and name a Convener thereof.

Committees
may be
appointed.

X. Every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of such Committee unless the Quorum of Members (if any) fixed by the Commissioners, and if no

Quorum and
Proceedings
of Com-
mittees.

Quorum

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Quorum be fixed, the Majority of the Members of such Committee be present; and at all Meetings of the Committee the Convener appointed by the Commissioners, or in his Absence any other Member to be appointed by the Members present, shall be Chairman; and all Questions shall be determined by a Majority of the Votes of the Members present; and in case of an equal Division of Votes, the Chairman shall have a casting Vote in addition to his Vote as a Member of the Committee.

Affairs of Waterworks to be kept separate from those of Burgh, and Accounts to be annually audited and published.

XI. The Waterworks and all the Lands, Property, and Effects which may be acquired and Monies which may be borrowed by the Commissioners for the Purposes thereof or connected therewith, and the Water Rates and Charges and other Revenues arising therefrom, shall be separate and distinct from the Lands, Property, Effects, Monies, and Revenues of the Burgh and of the Council, and shall not be chargeable with the Debts, Obligations, or Liabilities of the Burgh or of the Council, nor shall the Lands, Property, Effects, Monies, or Revenues of the Burgh or the Council be chargeable with the Debts, Obligations, or Liabilities which may be incurred by the Commissioners or in relation to the Waterworks; and the Commissioners shall cause to be kept full and accurate Books and Accounts (separate and distinct from those of the Burgh and the Council), showing the whole Monies received and expended by them in relation to the Waterworks, which Books and Accounts shall be balanced as at the Term of *Whitsunday* in each Year; and the Commissioners shall annually, within Two Months after the said Term, apply to the Sheriff for the Appointment of, and such Sheriff shall appoint, an Auditor of such Books and Accounts for the preceding Year; and the Commissioners shall cause such Books and Accounts, with the relative Vouchers, to be produced to such Auditor, and shall allow him a reasonable Remuneration for his Services; and an Abstract of such Accounts for each Year, certified as correct by the Provost and by such Auditor, shall be published within Three Months after the said Term in some Newspaper published or circulating in *Dumbarton*; and a Copy of such Abstract shall, within the same Period, be transmitted free of Charge to and kept in the Office of the Town Clerk of the Burgh, and shall be open to the Inspection of the Public at all reasonable Hours on Payment of the Sum of One Shilling for every such Inspection; and if the Commissioners shall omit to prepare and transmit such Copy as aforesaid, each Commissioner to whom shall have been delegated the Duty of preparing and transmitting the same, or in the event of there having been no such Delegation, each of the Commissioners shall be liable for every such Omission to a Penalty not exceeding Ten Pounds.

XII. It

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XII. It shall be lawful for the Commissioners from Time to Time to borrow on Mortgage any Sums not exceeding in the whole Ten thousand Pounds, and to make and grant Mortgages and Assignations of the Waterworks, and of the several Water Rates and Charges leviabie by the Commissioners under the Provisions of this Act, in security of the Payment of the Money so borrowed and Interest thereon; and if, after having borrowed the said Sums, or any Part thereof, the Commissioners pay off the same otherwise than by means of the Sinking Fund herein-after mentioned, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; and the Mortgages and Assignations to be made and granted by the Commissioners may be partly in Writing, and partly printed, engraved, or lithographed, and shall be subscribed by at least Three of the Commissioners at a Meeting of the Commissioners.

Power to borrow Money on Mortgage.

XIII. It shall be lawful for the Commissioners to accept and take from any Bank or Banking Company Credit on a Cash Account to be opened and kept with such Bank or Banking Company, in the Name of the Commissioners, according to the Usage of Bankers in *Scotland*, to the Extent of the Sums which the Commissioners are authorized to borrow as aforesaid, or any Part thereof, and to make and grant Mortgages and Assignations of the Waterworks, and of the several Water Rates and Charges leviabie as aforesaid, in security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with Interest thereon: Provided always, that the whole Sums due and owing by the Commissioners on such Cash Account, and for Money borrowed by them on Mortgage as aforesaid, shall never, when taken together, exceed the Sums by this Act authorized to be borrowed.

Commissioners may borrow on Cash Account.

XIV. The several Sums borrowed by the Commissioners under the Authority of this Act shall be applied for the Purposes of and connected with the Waterworks authorized by this Act, and to no other Purpose whatsoever.

Application of Money borrowed.

XV. Whereas Plans and Sections showing the Lines, Situation, and Levels of the Waterworks after described, and a Book of Reference to the said Plans, have been deposited for public Inspection in the Office at *Dumbarton* of the Principal Sheriff Clerk of the County of *Dumbarton*: It shall be lawful for the Commissioners, with the Powers of Deviation and other Powers, and subject to the Provisions contained in this Act and in the Acts incorporated herewith, to make and maintain in the Lines and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels defined on the said Sections, the Works herein-after described, and to

Power to execute Works according to deposited Plans.

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enter

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enter upon, take, and use such of the said Lands and such of the Streams delineated on the said Plans as they shall find necessary for the Purposes of this Act ; (that is to say,)

First, a Reservoir, with an Embankment, a Byewash, and all other proper Works relative thereto, upon Lands forming Parts of the Estates of *Auchentorlie* and *Strathleven* in the Parishes of *Dumbarton* and *West or Old Kilpatrick*, on and adjoining to the Course of the Stream called *Overton Burn*, above and near to the Waterfall on that Stream known as the *Black Linn* :

Second, a Cut or Conduit, with all proper Works relative thereto, commencing at the said Reservoir, and terminating at or near a Point in the Parish of *West or Old Kilpatrick* marked A on the said deposited Plans, near to the said Stream, and about Thirty-two Chains to the Eastward of *Garshake House* in the Parish of *Dumbarton*, and a Well or small Tank at or near to the said Point :

Third, a Weir across the said Stream, with all proper relative Works, at or near a Point marked B on the said Plans, where the said Stream forms the Boundary between the Parishes of *Dumbarton* and *West or Old Kilpatrick*, about Sixteen Chains and a Half to the North-eastward of the before-mentioned Point marked A :

Fourth, a Cut or Conduit, with all proper Works relative thereto, commencing at or near the said Point marked B, and terminating at or near the said Point marked A :

Fifth, a Cut, Conduit, or Line of Pipes, with all proper Works relative thereto, commencing at or near the said Point marked A, and terminating at the Reservoir next herein-after mentioned :

Sixth, a Reservoir, with Embankments, a waste Watercourse, and all other proper Works relative thereto, upon the Lands of *Garshake* in the Parish of *Dumbarton*, near and to the Eastward of *Garshake House* :

Seventh, a Conduit or Line of Pipes, with all proper Works relative thereto, commencing at the Reservoir last herein-before mentioned, and terminating at or near a Point in the Parish of *Dumbarton* marked C on the said Plans, about Seventeen Chains to the Westward of *Garshake Barn* and *Threshing Mill* :

Eighth, a filtering Basin and distributing Basin, with all proper Works relative thereto, upon the said Lands of *Garshake* at or near the said Point marked C ; and,

Ninth, a Conduit or Line of Pipes, with all proper Works relative thereto, commencing at or in the said distributing Basin, and terminating in the Town and Parish of *Dumbarton* at a Point near the Parish Church of that Parish.

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XVI. It shall be lawful for the Commissioners to make lateral Deviations from the Lines of the said Works to the Extent delineated on the Plans deposited as aforesaid, and to deviate from the Levels of the said Works, as defined on the Sections deposited as aforesaid, to any Extent not exceeding Five Feet, excepting in the Case of Reservoirs, in respect to which it shall not be lawful to deviate from the Levels defined on the said Sections to an Extent exceeding Three Feet.

Power to deviate according to deposited Plans.

XVII. It shall be lawful for the Commissioners, by means of the said Works, to abstract, intercept, impound, and store up the Water of the said Stream called *Overton Burn*, and the Tributaries thereof, described on the said Plans, and to convey the said Water into the Town of *Dumbarton*, and thereafter, by means of distributing Pipes, to supply the same to the Inhabitants and Occupiers of Property within the Limits of this Act.

Power to store and supply Water.

XVIII. It shall be lawful for the Sheriff of the County of *Dumbarton*, on the Application of the Commissioners (which Application the Commissioners are hereby required to make within One Month after the passing of this Act), to appoint an Engineer to ascertain the minimum Flow of the said Stream called *Overton Burn*, at the Point where the Weir across the said Stream is to be constructed as shown on the said deposited Plans, during the Period of One Year next after the Expiration of One Month from the Date of his Appointment, or such Portion of the said Period of One Year as the Commissioners may select; and before commencing to take any Water from the said Stream for the Purposes of this Act, the Commissioners shall erect, at or in connexion with the said Weir, such Gauge or Gauges and other Works as may be necessary for securing that there shall not flow into any of their Conduits, Reservoirs, or other Works any Water from the said Stream, at any Time when the Flow of Water therein shall be less than the minimum Flow during the Period herein-before mentioned, as ascertained in manner aforesaid; and that the Flow of Water in the said Stream below the said Weir shall not, by means of any of the Works by this Act authorized, be reduced at any Time below such minimum Flow: Provided always, that the whole Expense of ascertaining the said minimum Flow, and of erecting and maintaining the said Gauge or Gauges and other Works necessary for the Purposes aforesaid, shall be defrayed by the Commissioners, and that the Order of the Sheriff fixing such minimum Flow shall, within One Month after the same is pronounced, be recorded in the Sheriff Court Books of the County of *Dumbarton*.

For preserving Flow of Water in, Overton Burn.

XIX. Where

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Extension Act, 1857.*

Provision as
to laying
Pipes under
Roads.

XIX. Where any of the Conduits or Lines of Pipes hereby authorized shall pass along or across any Turnpike Road, the Operations of the Commissioners upon such Road shall be executed in conformity with, and shall be subject to the Provisions of the Hundredth Section of the Act of the First and Second Years of King *William* the Fourth, Chapter Forty-three; and any Difference between the Commissioners and the Trustees of such Road, or their Clerk or Surveyor, regarding the Subject Matter of this Section, shall be summarily disposed of by the Sheriff, whose Decision shall be final.

For Protec-
tion against
Accidents
from Reser-
voirs.

XX. In order to provide against Accidents to Life or Property by the bursting of any Reservoir to be made under the Provisions of this Act, whenever it shall be represented to the Sheriff Substitute of the County of *Dumbarton* by the Owner or Occupier of any Dwelling House, Mill, Factory, or other Work or Land situate below such Reservoir, and so as to be in danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, that such Reservoir is in a dangerous State, such Sheriff Substitute shall forthwith make Inquiry into the Truth of such Representation, and if he shall be satisfied that such Reservoir is in a dangerous State, he shall, by a Writing under his Hand, order and require the Commissioners, within a Time to be specified in such Writing, to put such Reservoir into a proper State of Repair, or construct such Works as may be necessary to remove or abate the Danger; and in case the Commissioners shall not within the Time so limited, and to the Satisfaction of such Sheriff Substitute, have repaired such Reservoir or constructed such Works, or in case upon receiving such Representation as aforesaid, such Sheriff Substitute shall consider the Danger to be so imminent as not to admit of Delay, he may, if he shall think fit, by a Writing under his Hand, order and direct the Officer in charge of such Reservoir, or any other Person or Persons whom he may think proper, to enter upon the Premises of the Commissioners, and by opening the Sluices of such Reservoir or otherwise to let off so much of the Water from such Reservoir, and to such a Level as may be necessary to remove or abate the Danger, and to keep the Water in such Reservoir at the reduced Level until such Reservoir shall have been repaired, or such Works as aforesaid shall have been constructed to the Satisfaction of such Sheriff Substitute, signified by him in a Writing superseding such Order, or until such Order shall be superseded or varied upon Appeal as herein-after mentioned; and such Order may be in the Form or to the Purport and Effect following; (that is to say,)

‘ To *A.B.*

‘ I the undersigned Sheriff Substitute of the County of *Dumbarton*,
‘ do hereby order and direct you, and such Person or Persons as
‘ you

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Execution of any such Order as aforesaid, anything in this Act to the contrary notwithstanding.

Right of
Fishing, &c.
in Reservoir
on Lands of
Auchentorlie
and Strath-
leven re-
served.

XXI. The Proprietors for the Time being of the Mansion House of *Auchentorlie* and of that Part of the Estate of *Strathleven* called the Muir of *Dumbarton*, and the Families and Visitors of the said Proprietors or other Persons having the written Authority of the said Proprietors respectively, shall have and enjoy the exclusive Right of Fishing, Shooting, and Sporting in and over the Reservoir by this Act authorized to be formed upon Lands forming Parts of the Estates of *Auchentorlie* and *Strathleven*, and of keeping and using Pleasure Boats on the said Reservoir, and of Skating and Curling thereon, but so that the Exercise of such Rights shall not injure the Embankment of the said Reservoir or any of the other Works of the Commissioners, or pollute the Water in the said Reservoir; and the said Proprietors respectively shall also have the Right (without Prejudice to a similar Right on the Part of the Commissioners) of protecting the said Reservoir from Trespassers, by using all lawful Means therefor; and such Rights (excepting the Right of protecting the said Reservoir from Trespassers) shall not belong to or be enjoyed by the Commissioners or any of them, or any of their Officers or Servants, or any Person deriving or pretending to derive Authority from them: Provided always, that it shall be lawful for the Commissioners, or any Person acting under their Authority, to keep and use Boats on the said Reservoir for the sole Purpose of inspecting, repairing, and renewing the Works of the Commissioners, and cleansing the said Reservoir: Provided also, that the Rights before mentioned shall be personal to the said several Persons before mentioned; and it shall not be lawful for the said Proprietors to let on Lease or transfer the said Rights to any Persons for any pecuniary or other Consideration whatever: Provided further, that in the event of the said Muir of *Dumbarton* being by Sale or otherwise divided into Lots belonging to separate Proprietors, the Rights hereby conferred on the Proprietor for the Time being of the said Muir, and the Family and Visitors and other Persons having the written Authority of such Proprietor, shall be restricted to and enjoyed only by the Proprietor for the Time being of that Portion of the said Muir which shall adjoin the said Reservoir, and the Family and Visitors and other Persons having the written Authority of such last-mentioned Proprietor.

Power to
purchase
Lands by
Agreement.

XXII. In addition to the Lands authorized to be taken as aforesaid, it shall be lawful for the Commissioners to purchase by Agreement any Lands not exceeding in the whole Five Acres, for the Purpose of Depôts, Pipe Yards, Buildings, and other Conveniences in connexion with the Waterworks.

XXIII. It

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XXIII. It shall be lawful for all Persons having a limited Right or Interest in any Lands or Streams required to be taken or used for the Purposes of this Act, or being under any Disability or Incapacity, to sell or convey within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and being only entitled to sell and convey such Lands or Streams, or any Easement or Servitude over the same, under the Powers by this Act and the said Consolidation Act granted, to sell and convey to the Commissioners such Lands or Streams or any Part thereof, or any Easement or Servitude over the same, in consideration of an annual Feu Duty or Ground Annual, payable by the Commissioners to such Persons and their Successors in the Lands or Streams or in the Easement or Servitude so conveyed, and that in the Form prescribed by the said Consolidation Act with respect to Conveyances in Feu by Parties entitled absolutely to dispose of Lands: Provided always, that it shall not be lawful for any Person having only a limited Right or Interest, or being under Disability or Incapacity as aforesaid, to sell or convey to the Commissioners any Stream, or any Easement or Servitude over the same, unless such Stream be delineated on the Plans deposited as aforesaid.

Power to Parties having limited Interests to feu Lands, &c.

XXIV. Provided also, That it shall not be lawful for the Commissioners to pay, nor for any Person having a limited Interest in, or being under Disability or Incapacity, to sell and convey any Lands or Streams, or any Easement or Servitude over the same as aforesaid, to receive or take any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands or Streams or Easement or Servitude to be so conveyed, other than the annual Feu Duties or Ground Annuals made payable by such Conveyance; and the Amount of such Feu Duties or Ground Annuals shall be ascertained and settled by Valuers in the Manner prescribed by the said Consolidation Act with respect to the Valuation of Lands sold by Agreement by Persons under legal Disability or Incapacity to convey as aforesaid.

Grassums not to be taken.

XXV. All Feu Duties and Ground Annuals for any Lands or Streams, or any Easement or Servitude over the same, which shall be acquired by the Commissioners as aforesaid, shall be a First Charge on the Waterworks and on the Water Rates and Charges leviable under this Act, anything in this Act or in any of the Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Person entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Commissioners, with Interest

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Interest and Costs, either by Action before the Sheriff, or summarily by Poinding and Sale of the Goods and Effects of the Commissioners on Application by Petition to the Sheriff; and it shall not be lawful for any such Person to resume Possession of the Lands or Streams or Easement or Servitude so conveyed, or to proceed by any Action of Declarator or Reduction, or by Real Diligence, or any other Process whatever (saving as herein-before mentioned) in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

If Lands purchased by way of Feu, borrowing Powers to be reduced proportionally.

XXVI. In the event of the Commissioners agreeing with any Person under the Powers of this Act or of the said Lands Clauses Consolidation Act for the Purchase of any Lands or Streams, or any Easement or Servitude over the same, in consideration of an annual Feu Duty or Ground Annual payable by the Commissioners, the Powers by this Act granted to the Commissioners for borrowing on Mortgage or Cash Credit shall be reduced by an Amount equal to Twenty Years Purchase of the Feu Duty or Ground Annual so payable.

Powers for compulsory Purchases limited.

XXVII. The Powers of the Commissioners for the compulsory Purchase of Lands and Streams for the Purposes of this Act, or for the compulsory Acquisition of any Right therein, shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period within which Works are to be completed.

XXVIII. The Time for the Completion of the Waterworks by this Act authorized shall be Seven Years from the passing of this Act; and on the Expiration of that Period the Powers by this Act or the Acts incorporated herewith granted to the Commissioners for executing such Works shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that nothing herein contained shall restrain the Commissioners from extending their Mains and Pipes from Time to Time, whenever it shall be necessary so to do, for the Purpose of supplying Water within the Limits of this Act.

Limits of Act.

XXIX. The Limits of this Act for the voluntary Supply of Water by the Commissioners (herein designated as "the Limits of this Act") shall comprise and include the Parliamentary Burgh of *Dumbarton* and Suburbs thereof, and District and Places adjacent, within the Parishes of *Dumbarton*, *West* or *Old Kilpatrick*, and *Cardross*; and the Limits of this Act for the compulsory Supply of Water by the Commissioners (herein-after designated as "the Limits for compulsory Supply") shall comprise and include the whole Territory comprehended within the Parliamentary Boundaries of the Burgh of *Dumbarton*, as the same are defined and described in an Act of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth,

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Fourth, intituled *An Act to amend the Representation of the People in Scotland.* 2 & 3 W. 4. c. 65.

XXX. The Commissioners shall cause Pipes to be laid and Water to be brought through all Streets or Portions of Streets along which Houses are built within the Limits for compulsory Supply, and shall, at the Request of the Owner or Occupier of any House or Part of a House occupied as a separate Dwelling, situated within the said Limits, or any Person entitled to demand a Supply of Water under the Provisions herein contained, furnish to such Person, by means of Communication Pipes and other necessary and proper Apparatus, to be provided, laid down, and maintained at the Cost of such Person, unless otherwise agreed between him and the Commissioners, a sufficient Supply of Water for domestic Purposes (including a Supply for One private Watercloset and One fixed Bath in each such Dwelling House), at a Rate *per Annum* not exceeding Sixpence *per Pound* upon the Rackrent or annual Value of the Premises so supplied with Water, including the Office Houses, Yards, and other Pertinents of the same: Provided always, that the Commissioners shall not be obliged to furnish such Supply to any Person for any less Sum than Two Shillings and Sixpence in any One Year: Provided also, that no Person shall be entitled to demand such Supply of Water, or to require the Commissioners to lay down Pipes or Fire Plugs, unless some Pipe of the Commissioners shall have been laid within One hundred Feet of the Premises in respect of which such Supply of Water or Pipes or Fire Plugs are demanded, or unless the Commissioners shall have become bound, by virtue of a Requisition and Agreement made and executed in the Manner and to the Extent required by "The Waterworks Clauses Act, 1847," to cause Pipes to be laid down within the said Distance of One hundred Feet of such Premises; the Rate above specified being held, for the Purposes of the said Requisition and Agreement, to be the Rate specified in the Special Act.

Supply of Water for domestic Use within the Limits for compulsory Supply.

XXXI. The Supply of Water for domestic Purposes shall not be held to include a Supply of Water for more than One private Watercloset and One fixed Bath in any Dwelling House, or for Steam Engines or Railway Purposes, or for Shipping, or for working any Machine or Apparatus, or for Horses or washing Carriages, where such Horses or Carriages are kept for Sale or Hire, or for any Trade, Mánufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

Water for domestic Use not to include Supply for Railways, &c.

XXXII. The Commissioners, if they see fit, may furnish a Supply of Water for other than domestic Purposes to any Person within the Limits of this Act, and may also furnish a Supply of Water for domestic

Commissioners may supply Water by Agreement.

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Purposes

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Purposes to any Person within the Limits of this Act but beyond the Limits for compulsory Supply, or to any Person within such last-mentioned Limits who under the Provisions of this Act shall not be entitled to require such Supply, such respective Supplies being so furnished at such Charges and upon such Terms and Conditions as shall be agreed upon between the Commissioners and the Person desiring the same; and the Charges so agreed upon shall be recoverable in the same Manner as any other Water Rates or Charges may be recovered under the Authority of this Act and of "The Waterworks Clauses Act, 1847," herewith incorporated.

Cleansing
Sewers, &c.

XXXIII. The Commissioners may, if they see fit, furnish a Supply of Water for the Purposes of watering or cleansing Streets, or of flushing or cleansing Sewers and Drains, or for public Baths or Wash-houses, or for public Fountains, either gratuitously or at such Charge or reduced Charge, and upon such Terms and Conditions, as they shall think proper.

Persons
using the
Water to
provide
Cranes,
Cocks, &c.
when
required.

XXXIV. All Persons supplied with Water by the Commissioners shall provide proper Cranes, Ball or Stop Cocks, or other necessary Apparatus of approved Construction for regulating such Supply, and shall keep the same in good Repair, so that the Water may be properly drawn off and effectually prevented from running to Waste; and in case any such Persons shall, after being required by the Commissioners, neglect to provide such Cranes, Ball or Stop Cocks, or other necessary Apparatus, or to keep the same in good Repair, to the Satisfaction of the Commissioners or their Surveyor, the Commissioners may cut off the Pipes or turn off the Water from the Premises of such Persons respectively until such Cranes, Ball or Stop Cocks, or other necessary Apparatus shall be provided or repaired as the Case may require.

Penalty for
suffering
Cranes,
Cocks, Pipes,
&c. to be out
of repair.

XXXV. Every Person supplied with Water by the Commissioners who shall suffer any such Crane, Ball or Stop Cock, or other necessary Apparatus, or any Communication Pipe or Works in connexion therewith, to be out of repair, so that the Water so supplied shall not be properly drawn off or shall be wasted, shall forfeit to the Commissioners for every such Offence a Sum not exceeding Five Pounds.

Commission-
ers may re-
pair Cranes,
Cocks, Pipes,
&c., and
recover the
Expenses.

XXXVI. The Commissioners may repair any such Crane, Ball or Stop Cock, or other necessary Apparatus, or any such Communication Pipe or Works, so that the Water therefrom may be properly drawn off, and any Waste of Water prevented, and the Expenses of such Repair shall be repaid to them by the Person so allowing the same to be out of repair, and may be recovered as Damages.

XXXVII. The

*The Dum barton Waterworks, Reclamation, and Municipapl
Extension Act, 1857.*

XXXVII. The Surveyor or any other Person acting under the Authority of the Commissioners may, between the Hours of Nine of the Clock in the Forenoon and Six of the Clock in the Afternoon, enter into any Premises supplied with Water by virtue of this Act, in order to examine if such Crane, Ball or Stop Cock, or other necessary Apparatus, or such Communication Pipe or Works, be provided or be in good Repair, or if the Water be properly drawn off, or if there be any Waste or Misuse of such Water; and if such Surveyor or other Person at any such Time be refused Admittance into such Premises for the Purposes aforesaid, or be prevented from making such Examination as aforesaid, the Occupier of such Premises shall forfeit any Sum not exceeding Forty Shillings.

Power to Surveyor employed by Commissioners to enter Premises to inspect, &c.

XXXVIII. Every Cistern or other Receptacle for Water, and every Watercloset, Soilpan, and private Bath, which shall be supplied with Water by the Commissioners, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Commissioners, or into any Pipes connected or communicating therewith; and, notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, the Commissioners shall not be bound to supply Water into any Cistern or other Receptacle for Water, Watercloset, Soilpan, or private Bath which shall not be so constructed and used.

Cisterns to be constructed to prevent Waste and Impurity.

XXXIX. Every Person who shall take Water from any of the Works or Pipes of the Commissioners, or from any Pipes communicating therewith, other than such as may have been provided for gratuitous Use, without having previously contracted with the Commissioners for such Water, or (if he be entitled to demand a Supply of Water under the Provisions of this Act) without having previously demanded such Supply, shall forfeit to the Commissioners for every such Offence a Sum not exceeding Five Pounds, besides paying the yearly Rates exigible by the Commissioners for the Water so taken.

Penalty for taking Water without Contract.

XL. The Commissioners shall and they are hereby authorized and required, once in each Year, to estimate the Amount of Money necessary to be raised (in addition to the Rates and Charges herein-before authorized to be received for Water supplied) for the Purpose of defraying the Costs, Charges, and Expenses of supplying the Places within the Limits of this Act with Water, and of maintaining, repairing, and managing the Undertaking during the Year then commencing or current, and for the Purpose of paying and providing for, during such Year, the Feu Duties or other annual Payments exigible from the Undertaking, the Interest of any Sums borrowed for the Purposes thereof,

Commissioners to estimate annual Sums required.

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thereof, the Money to be set apart and applied by the Commissioners as and for the Reserve Fund and Sinking Fund as herein-after provided, and such Portion of the Expenses of extending the Mains and Pipes as shall be equitable and fair to charge against annual Revenue.

Commis-
sioners to
make a pub-
lic Water
Rate for such
Purposes.

XLI. In order to provide the Money necessary to be raised for the Purposes aforesaid, it shall be lawful for the Commissioners once in every Year to cause a Rate, to be called "the Public Water Rate," to be made and levied upon all Dwelling Houses and Parts of Houses occupied as separate Dwellings, and all Inns, Hotels, and Taverns, and all Shops, Warehouses, Offices, Manufactories, Railway Station Buildings, and other Premises used for Trade, Manufacture, or Business, and all Prisons, Barracks, and other public Buildings, and all Lands, Buildings, and Heritages whatsoever (except as herein-after mentioned), situated within the Limits for compulsory Supply, including the Office Houses, Yards, and Pertinents of the same; and such Rate shall be made according to the Rackrent or annual Value of the Property rated, and shall not exceed Sixpence in the Pound of such Rackrent or annual Value: Provided always, that no such public Water Rate shall be made or levied upon any Church, Chapel, Meeting House, or other Building exclusively used for Public Worship, or any Building exclusively used for the Purposes of Education or of public Charity, or any Toll Houses, or any Property belonging to the Commissioners, or any Railway or Part thereof (except Station Buildings), or any Lands occupied for permanent Grass or used for agricultural or nursery Purposes.

Public Water
Rate to be
charged on
Occupiers,
who may for
Ten Years
after passing
of Act
deduct One
Half thereof
from their
Rent.

XLII. The public Water Rate shall (except as herein-after provided) be rated and chargeable upon the Occupiers of the said Premises and other Heritages, and shall be recoverable from such Occupiers in the same Manner as other Water Rates or Charges may be recovered under the Authority of this Act: Provided always, that every such Occupier, from Time to Time paying any such public Water Rate which may become due within Ten Years after the passing of this Act, may deduct One Half of the Amount paid by him from any Rent payable by him within One Year thereafter to the Owner of the Premises or other Heritages in respect of which such Payment is made: Provided also, that in case any such Occupier shall fail to pay any such public Water Rate becoming due within the said Period of Ten Years, it shall be lawful for the Commissioners to recover One Half thereof from the Owner of the Premises or other Heritages in respect of which such Rate is made; and the Person receiving the Rent of any such Premises or other Heritages from the Occupier thereof, on his own Account or as Agent or Factor for any Person interested therein, shall be deemed the Owner.

XLIII. The

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XLIII. The Commissioners may make and levy any such public Water Rate prospectively in order to raise Money to pay Charges and Expenses to be incurred thereafter, or retrospectively in order to raise Money to pay Charges and Expenses already incurred, and all such Rates shall be made for the Period from the Term of *Whitsunday* in each Year to the Term of *Whitsunday* in the Year following.

Public Water Rate may be prospective or retrospective.

XLIV. When any Premises or other Heritages in respect of which any Person may be liable to be assessed to the public Water Rate under the Provisions of this Act shall, at the Time of making such Rate, be unoccupied, then and in every such Case it shall be lawful for the Commissioners to include the same in the Rate, describing them in the Column of the Rate Book appropriated to the Name of the Person rated as being "Unoccupied;" and if any Person shall afterwards occupy such Premises or other Heritages during any Part of the Period for which such Rate may have been made, it shall be lawful for the Commissioners to insert in the Rate Book the Name of such Occupier, and to levy from him, or from the Owner if he shall be liable to pay the same, such Part of the said Rate as shall be proportioned to the Time during which such Person shall occupy such Premises or other Heritages, and every such Person shall thereupon be deemed to all Intents and Purposes to be properly rated; and all such Rates may be levied and recovered from the Person who shall be liable to pay the same under the Provisions of this Act, in the same Manner as any other Water Rates or Charges may be recovered under the Authority of this Act; and for the Purpose of Appeal as herein-after provided the Rate upon such Premises or other Heritages shall be deemed to have been made at the Time when the Name of the Occupier thereof shall be inserted in the Rate as aforesaid: Provided also, that, except as aforesaid, no public Water Rate shall be payable by any Person whatsoever in respect of unoccupied Premises.

Unoccupied Premises to be included in public Water Rate, and if afterwards occupied Portion of Rate to be paid.

XLV. Whenever the Name of any Owner liable to be rated under the Provisions of this Act shall not be known to the Commissioners, it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Owner may be rated without stating his Name.

XLVI. A Statement of the proposed public Water Rate shall be deposited for the Inspection of the Ratepayers, and Notice of the Place of such Deposit shall be given by the Commissioners by Advertisement once in a Newspaper published or circulating in the Burgh, and by Placards to be posted up in public Places within the Burgh, in the Week immediately previous to such Rate being made:

Notice of Rate to be given.

[Local.]

3 S

Provided

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Provided always, that it shall not be necessary in any Proceedings for levying and recovering such Rate to prove that such Notice as aforesaid was given.

Form of Rate.

XLVII. Every public Water Rate shall be fairly entered in a Book to be kept by the Commissioners for that Purpose, and may be in the Form given in the Schedule to this Act annexed, or to the same Effect; and every such Rate shall contain an Account of every Particular set forth at the Head of the respective Columns in such Schedule, so far as the same can be ascertained, and shall be signed by Two of the Commissioners.

Rate to be open to Inspection of Rate-payers.

XLVIII. The Statement of the proposed public Water Rate, and the said Rate immediately after the same is made, shall be open to the Inspection of any Person interested in or liable to pay such Rate at all reasonable Times, and any such Person may take Copies or Extracts from such Statement or Rate without paying anything for the same; and any Person having the Custody of such Statement or Rate who refuses or does not permit any Person so interested or rated as aforesaid to take Copies or Extracts from such Statement or Rate, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Rate may be amended.

XLIX. The Commissioners may from Time to Time amend any such public Water Rate made by virtue of this Act by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated, if it appear to them that such Person has been erroneously rated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to make void the Rate; and for the Purpose of Appeal as hereinafter provided, the Rate, as respects such Person, shall be considered to have been made at the Time when he received Notice of such Alteration.

Owners of Houses in certain Cases to be liable for Rates in lieu of Occupiers.

L. The Owner of each Dwelling House or Part of a House occupied as a separate Dwelling, the Rackrent or annual Value of which shall not exceed Four Pounds, and the Owner of any Dwelling House or Part of a House or other Premises or Heritages which shall be let for a Term of Occupation less than One Year, or for Rent payable at more frequent Periods than quarterly, shall be liable, instead of the Occupier thereof, to the Payment of the whole of the public Water Rate made thereon, and of the Rate or Charge for Water supplied thereto; and the Powers and Provisions contained in this Act, and in
 “ The

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“The Waterworks Clauses Act, 1847,” herewith incorporated, for the Recovery of Water Rates and Charges from Occupiers, shall be construed to apply to the Owners of such Houses, Parts of Houses, and other Premises and Heritages; and the Person receiving the Rent of any such House, Part of a House, or other Premises or Heritages as aforesaid from the Occupier thereof, on his own Account or as Agent or Factor for any Person interested therein, shall be deemed the Owner.

LI. The Rackrent or annual Value of all Houses and other Premises and Heritages within the Limits of this Act shall, for the Purposes of this Act, be conclusively fixed and ascertained from Time to Time by the Valuation Roll made up and in force for the Time, under the Provisions of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act for the Valuation of Lands and Heritages in Scotland*, or of any Act that may be passed for amending that Act: Provided always, that it shall be lawful for the Commissioners from Time to Time to appoint a Surveyor, who shall make a solemn Declaration before the Provost or acting Chief Magistrate of the Burgh to administer his Office faithfully according to his Judgment and Knowledge, and who shall survey and ascertain the Rackrent or annual Value of any House or Part of a House or other Premises or Heritages, within the Limits of this Act, which may not be separately valued in the said Valuation Roll, or in respect of which such Roll may be otherwise insufficient to determine the Rackrent or annual Value; and a Certificate, signed by such Surveyor, shall be deemed sufficient *primâ facie* Evidence of the Rackrent or annual Value of the House or Part of a House or other Premises or Heritages so surveyed by him.

Mode of
ascertaining
Rackrent
or annual
Value.

17 & 18 Vict.
c. 91.

LII. All the Rates and Charges by this Act authorized to be made and levied by the Commissioners shall be paid yearly, at the Term of *Martinmas* in each Year, for the Year from *Whitsunday* immediately preceding to *Whitsunday* immediately following, or at such other Date, after the said Valuation Roll for such Year shall have been completed, as the Commissioners may from Time to Time appoint.

All Rates to
be payable
yearly.

LIII. If any Person shall think himself aggrieved by any Rate or Charge made or imposed by the Commissioners under the Authority of this Act, he may appeal to the Commissioners within Fourteen Days after the Time of making such Rate in the Case of the public Water Rate, and within Fourteen Days after Notice to him of any other Rate or Charge; and the Commissioners are hereby empowered, if

Appeal to
Commis-
sioners.

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if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable.

Appeal to
the Sheriff.

LIV. If any Person shall think himself aggrieved by any such Determination of the Commissioners, he may appeal to the Sheriff within Fourteen Days after the Date of such Determination; but no such Appeal shall be entertained by the Sheriff unless Seven clear Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners by the Party thinking himself aggrieved; and the Judgment of such Sheriff in the said Appeal shall be final and conclusive, and not subject to Review by any Court or in any Manner whatsoever.

Rate Books
to be Evi-
dence.

LV. In any Proceeding relating to the levying or recovering of any Rate or Charge made or imposed by the Commissioners under the Authority of this Act, the Books of Rates of the Commissioners, purporting to be signed by Two of the Commissioners, and all Entries made therein, shall, on the Production thereof alone, and without any Evidence that the Notices and other Requirements of this Act have been given or complied with, or Proof of the Signatures of the Commissioners signing the same, be received as Evidence of such Rate or Charge and of the Amount thereof.

Recovery of
Arrears of
Rates.

LVI. The Commissioners may recover any of the Rates or Charges due to them under the Provisions of this Act which may be in arrear, either according to the ordinary Procedure before any competent Court, or by obtaining from One of the Magistrates or from the Sheriff a summary Warrant to recover such Arrears, with Costs, from the Persons liable to pay the same, which Warrant such Magistrate or Sheriff shall grant on Production of a List of the Names and Addresses of the Persons so in arrear and the Amounts respectively due by them, and after a solemn Declaration by the Treasurer or Collector employed by the Commissioners that they have been severally required to make Payment of the said Arrears, by a Requisition printed or written, or partly printed and partly written, in the Name of the Commissioners, delivered to them personally, or left at their respective Dwelling Places, or in the Premises in respect of which such Rates or Charges are made or imposed at least Fourteen Days previously, and that such Rates and Charges are truly due by them: Provided always, that it shall be in the Power of the Persons so in arrear at any Time during the course of the said Fourteen Days to cite the said Treasurer or Collector to appear before One of the Magistrates or the Sheriff, who shall thereupon summarily inquire into and dispose of any Objections to the said Rates or Charges stated in the said Citation, and the Judgment of such Magistrate or Sheriff in the said Matter shall be
final

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final and conclusive, and not subject to Review by any Court or in any Manner whatsoever.

LVII. The Commissioners may in virtue of the said Warrant enter into the Premises of the Persons so in arrear, and poind, seize, remove, or secure their Goods, Chattels, and Effects, or so much thereof as will fully satisfy the respective Amounts due by them, including Costs, and may after the Lapse of Four Days, in the event of Nonpayment of the said Arrears and Costs, sell and dispose of the said Goods, Chattels, and Effects, and apply the Proceeds in or towards Payment of such Arrears and Costs.

Power to enforce Warrant for Recovery of Arrears.

LVIII. It shall be lawful for the Commissioners from Time to Time to agree with any Officers having the Charge and Collection of any other Rates or Assessments within the Limits of this Act for the Assessment and Collection of the several Rates and Charges authorized to be made and levied by the Commissioners under the Authority of this Act, in such Manner and Form as the Commissioners and such Officers respectively shall mutually determine, with the view to the Collection thereof in the most satisfactory and economical Manner.

Commissioners may arrange for Assessment and Collection of Rates.

LIX. It shall be lawful for the Commissioners from Time to Time to set apart, out of the Water Rates and Charges levied under the Authority of this Act, such Sums of Money as they shall think fit as a Reserve Fund to meet any extraordinary Expenses or Claims which may at any Time be incurred or arise for the Repair of the Waterworks or otherwise in relation thereto, and the said Sums shall be invested upon such Securities as the Commissioners may think proper, and the same, with the Interest and Dividends thereof, shall be allowed to accumulate until they amount to the Sum of Five hundred Pounds, and thereafter the Interest and Dividends arising from such Sum of Five hundred Pounds shall be applied to the general Purposes of the Commissioners.

Reserve Fund for Contingencies.

LX. In the event of any extraordinary Expenses or Claims being incurred or arising for the Repair of the Waterworks or otherwise in relation thereto, it shall be lawful for the Commissioners to sell or convert into Money the Securities in or upon which the said Reserve Fund shall have been invested, or such Part thereof as shall be necessary, and to apply the Proceeds towards Payment of such Expenses or Claims, and when the said Reserve Fund shall by means of such Payment be reduced below the said Sum of Five hundred Pounds, it may be again made up to that Sum, and so from Time to Time as often as such Reduction shall occur.

Application of Reserve Fund.

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Sinking
Fund.

LXI. It shall be lawful for the Commissioners, and they are hereby required after the Expiration of Eight Years from the passing of this Act, to set apart annually as a Sinking Fund, out of the several Rates and Charges levied by them under the Authority of this Act, such a Sum of Money as they shall think fit, not less than the Sums herein-after mentioned; (that is to say,) for the first Two Years after the said Period of Eight Years the Sum of One hundred Pounds annually, for the next Five Years thereafter the Sum of One hundred and fifty Pounds annually, for the next Five Years thereafter the Sum of Two hundred Pounds annually, and after the Period of Twenty Years from the passing of this Act the Sum of Two hundred and fifty Pounds annually, until the whole Sums borrowed by the Commissioners on Mortgage or Cash Credit shall be paid off; and the Sums so from Time to Time set aside shall be invested in the Public Funds, or on Government or Real Securities, or deposited at Interest in any of the Joint Stock Banks in *Scotland* in the Name of the Commissioners; and the Dividends and Interest arising from such Investments shall from Time to Time be invested in like Manner, in order that the said Moneys may accumulate at Compound Interest; and as often as such accumulated Fund shall amount to a Sum which, in the Opinion of the Commissioners, can be conveniently applied for that Purpose, the same shall be realized, and the Proceeds shall be applied, so far as the same will extend, towards Payment of such of the Principal Sums owing by the Commissioners upon Mortgage or Cash Credit as they may find it necessary or expedient to pay off.

Application
of Rates.

LXII. The several Rates and Charges levied and received by the Commissioners under the Authority of this Act shall be applied in manner following; (that is to say,)

First, in defraying the Expense of managing and maintaining the Waterworks and incident thereto, and in paying any Feu Duties or Ground Annuals exigible in respect of any Lands or Streams acquired by the Commissioners;

Secondly, in Payment of the Interest on the Money borrowed by the Commissioners;

Thirdly, in setting apart Fifty Pounds annually towards the Reserve Fund herein-before authorized;

Fourthly, in setting apart the Sinking Fund herein-before directed;

Fifthly, in making up the Remainder of the Reserve Fund herein-before authorized; and

Lastly, in carrying the several other Provisions of this Act relating to the Waterworks into execution in such Manner as the Commissioners for the Time shall order and direct.

LXIII. All

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LXIII. All Penalties and Forfeitures exigible under the herein- before contained Provisions of this Act, and under the Provisions of "The Commissioners Clauses Act, 1847," and "The Waterworks Clauses Act, 1847," as incorporated with this Act (excepting any Penalties which may be imposed on the Commissioners), shall be paid over to the Commissioners for the Purposes of this Act, instead of being applied in the Manner provided by the last-mentioned Acts or the Act therein referred to.

Application of Penalties.

LXIV. And whereas a Plan showing the Lands intended to be embanked and reclaimed as aforesaid under the Authority of this Act, and the Line and Situation of the Embankment to be executed for that Purpose, together with a Section showing the Level of such Embankment, and a Book of Reference to the said Plan, have been deposited for public Inspection in the Office at *Dumbarton* of the Principal Sheriff Clerk of the County of *Dumbarton*, it shall be lawful for the Council, with the Powers of Deviation and other Powers, and subject to the Provisions contained in this Act and in "The Lands Clauses Consolidation (*Scotland*) Act, 1845," to make and maintain, upon the Lands delineated on the said Plan and described in the said Book of Reference, the aforesaid Embankment, commencing at or near the Point on the Left Bank of the River *Leven* where the said Lands so to be reclaimed are bounded by Part of the Estate of *Strathleven*, and terminating at a Point near to and on the Northern Side of the Bridge by which the *Caledonian and Dumbartonshire Junction* Railway is carried over the Road forming a Continuation of *Church Street* of *Dumbarton*, together with such Drains, Cuts, Culverts, Sluices, Pipes, and other Works as they may consider necessary for embanking, reclaiming, draining, and improving the Lands belonging to the Council called the *Broad Meadow*, or the *Broad Meadow and Ross Meadow*, or Common Lands of the Burgh situate within the Parish and Royal Burgh of *Dumbarton*, and to enter upon, take, and use such of the Lands delineated on the said Plan, and described in the said Book of Reference, as they shall find necessary for that Purpose: Provided always, that in executing the said Works it shall not be lawful for the Council to injure the Drainage of any Lands adjoining the Lands to be embanked and reclaimed as aforesaid.

Power to construct Embankment and other Works.

LXV. It shall be lawful for the Council to make lateral Deviations from the Line of the said Embankment to the Extent delineated on the Plan deposited as aforesaid, and to deviate from the Levels of the said Embankment, as defined on the Section deposited as aforesaid, to any Extent not exceeding Five Feet.

Powers to deviate as on deposited Plan.

LXVI. If

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Errors and Omissions in Plan, &c. may be corrected by the Sheriff, who shall certify the same.

LXVI. If any Omission, Mis-statement, or erroneous Description shall have been made of any Works or Lands, or of the Owners, Lessees, or Occupiers of any Lands delineated on the Plan and Section, or described in the Book of Reference deposited as aforesaid, it shall be lawful for the Council to apply to the Sheriff for the Correction thereof, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction; and if it shall appear to such Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited in the Office of the Principal Sheriff Clerk of the County of *Dumbarton*, who shall keep the same, along with the said Plan, Section, and Book of Reference; and thereupon such Plan, Section, or Book of Reference shall be deemed to be corrected in accordance with such Certificate, and it shall be lawful for the Council to execute the Works accordingly.

Certificate to be deposited.

Copies to be Evidence.

LXVII. Copies of the said Plan, Section, Book of Reference, and Certificate, or Extracts therefrom, certified by the said Sheriff Clerk or his Depute, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Limiting Time for Completion of Embankment, &c.

LXVIII. The Powers for constructing the Embankment and other Works by this Act authorized to be executed by the Council shall, after the Expiration of Five Years from the passing of this Act, cease and determine.

Saving Rights of the Crown.

LXIX. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Council to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Penalty for injuring Works or

LXX. If any Person shall, during the Construction of the said Embankment or any of the other Works by this Act authorized to be

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be executed by the Council, wilfully injure, throw down, destroy, or take away any of the Materials or Plant used in the Construction thereof, or shall without proper Authority, by opening any Sluice or otherwise, admit Water from the River *Leven* into the Lands by this Act authorized to be embanked and reclaimed as aforesaid, he and every Person aiding or assisting therein shall forfeit and pay a Penalty not exceeding Five Pounds, besides making good the Damages, where Damages have arisen by or in consequence of such Offence; and in respect to all such Penalties and Damages, the Clauses of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff or to Justices, shall be incorporated with this Act: Provided always, that such Penalties and Damages shall be paid over to the Council, instead of being applied in the Manner provided by that Act.

obstructing
Execution of
Act.

LXXI. And whereas the Council are in possession of certain Funds arising out of the Sale of certain Portions of the aforesaid Lands to the *Caledonian and Dumbartonshire Junction Railway Company*, and to *John Thomson Tinsmith*, in *Dumbarton*, and *Archibald Denny* Iron Shipbuilder there, which Funds, with Interest, now amount to One thousand five hundred Pounds or thereabouts, and are applicable towards the Expense of embanking, reclaiming, draining, and improving the said Lands, but such Funds are not sufficient for those Purposes, it shall be lawful for the Council from Time to Time to borrow for the said Purposes, on the Security of the Property and Revenues of the Burgh, or of such Part thereof as the Council may think fit, such further Sums as, together with the Funds above-mentioned, shall not at any Time exceed Three thousand five hundred Pounds in the whole: Provided always, that the said several Sums shall be applied by the Council exclusively to the said Purposes; and that if any Moneys borrowed by the Council for the said Purposes be paid off, it shall be lawful for the Council again to borrow the same on the Security aforesaid: Provided also, that nothing in this Act contained shall affect the Right-heretofore possessed by the Council of borrowing Money on the Security of their Property and Revenues.

Power to
borrow
Money for
executing
Embank-
ment, &c.

LXXII. When and so soon as the said Lands shall have been embanked and reclaimed as aforesaid, it shall be lawful for the Council from Time to Time to let upon Lease or otherwise, for such Periods as they shall think proper, or to sell by Public Sale, the said Lands or any Part thereof, except as after-mentioned, at such Times, in such Manner, on such Conditions, and for such Rent, Price, Ground Annual, or other Consideration as they shall consider expedient, and to execute all Leases, Dispositions, Contracts of Ground

Power to
Council to
lease or sell
Lands.

[Local.]

3 U

Annual,

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Annual, and other Deeds and Writings that may be necessary for these Purposes; and all Leases, Sales, and other Alienations of the said Lands made under the Powers hereby granted, as well as the Sales already made by the Council as aforesaid, shall be valid and effectual: Provided always, that previous Notice of the Time and Place of any such Sale which shall be made by the Council shall be given by Advertisement once a Week for Three successive Weeks in a Newspaper published in *Dumbarton*, or if there should be no Newspaper published therein, then in One of the Newspapers published in *Glasgow*; and that the net Proceeds which shall arise from such Sales shall be applied exclusively towards paying off the Money already borrowed by the Council on the Security of the Property and Revenues of the Burgh, or the Sums which may be borrowed by the Council under the Powers of this Act, for the Purpose of embanking, reclaiming, draining, and improving the said Lands: Provided also, that it shall be lawful for the Council to set apart such Portion of the said Lands as they shall think best suited for that Purpose, extending to Twenty Imperial Acres or thereabouts, for the public Recreation in perpetuity of the Inhabitants of the Burgh, and for the grazing of their Cattle, at such Rents and under such Restrictions and Regulations as the Council shall from Time to Time appoint.

Arrange-
ments with
the Pro-
prieters of
Strathleven.

LXXIII. And whereas the Proprietors of the said Estate of *Strathleven* claim a Servitude of Pasturage over the said Lands, and it has been agreed that in lieu of such Servitude a certain Portion of the said Lands, when reclaimed, should be allotted to them, it shall be lawful for the Council, upon receiving from the said Proprietors a Discharge and Renunciation of such Claim of Servitude, to allot and convey to the said Proprietors a Portion of the said Lands adjoining the said Estate, and extending to Four Imperial Acres or thereabouts, and to make such Agreements with the said Proprietors as may be expedient in respect to the embanking, draining, fencing, and maintaining of Access to the Portion of Lands so conveyed; and all Agreements which may be or may have been entered into for the Purposes aforesaid shall be valid and effectual.

Extension of
Municipal
Boundaries
of Burgh.

2 & 3 W. 4.
c. 65.

LXXIV. From and after the passing of this Act, and notwithstanding any Charter, Law, or Usage to the contrary, the Municipal Limits and Boundaries of the Burgh shall be extended so as to comprehend the whole Territory lying within the Limits and Boundaries thereof as defined, for the Purpose of Parliamentary Representation, by the Act of the Second and Third Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in Scotland*; and the Provost, the Magistrates, the Council, the Member of Council appointed by the

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the Council to perform the Duties and Functions of Dean of Guild, and the several other Office Bearers of the Burgh for the Time shall respectively possess and may exercise and enjoy the like Powers, Jurisdictions, Rights, and Privileges of every Kind, in, over, and in respect of the whole Territory lying within the Limits and Boundaries of the Burgh as hereby extended, and the Inhabitants thereof, which the Provost, Magistrates, Council, and Office Bearers of the Burgh respectively have heretofore possessed, exercised, and enjoyed in, over, and in respect of the Territory lying within the Municipal Limits and Boundaries of the Burgh as heretofore existing, and the Inhabitants thereof; and all Applications for Certificates, under the Public General Acts passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, Chapter Fifty-eight, and in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Sixty-seven, with reference to Premises situate within the Limits and Boundaries of the Burgh as hereby extended, shall be made to and disposed of by the Magistrates in the same Manner and subject to the same Appeal as if such Premises were situate within the Royalty of the Burgh.

LXXV. Provided always, That the Extension as herein-before provided of the Municipal Limits and Boundaries of the Burgh, and of the Powers, Jurisdictions, Rights, and Privileges of the Provost, the Magistrates, the Council, and the Office Bearers of the Burgh, as aforesaid, shall not extend, alter, or affect the Holding or Tenure of any Lands or Heritages, nor the Registration of Deeds or Writings relative thereto, nor the Maintenance or Management of any Roads, nor any Liability for Statute Labour or Statute Labour Conversion Money, nor the Boundaries of any Parish, nor any Teinds, Parochial Burdens, or other Parochial Arrangements, nor any Obligations of Thirlage: Provided also, that the Sheriff and the Justices of the Peace of the County of *Dumbarton* respectively shall, within the Territory by this Act added to and brought within the Municipal Limits and Boundaries of the Burgh, continue to possess, and may, concurrently with the Magistrates, exercise and enjoy the same Jurisdictions of every Kind, Civil as well as Criminal, which they respectively have heretofore possessed, exercised, and enjoyed within the said Territory, excepting always the Powers of the said Justices to grant Certificates under the Public General Acts last herein-before mentioned with reference to Premises situate within the said Territory.

Reserving
Tenure of
Lands, Juris-
diction of
Sheriff, &c

LXXVI. Every Person qualified for the Time to vote at the Election of a Member of Parliament in respect of Premises situate within the Limits and Boundaries of the Burgh, as defined by the

Qualification
and Register
of Electors.

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2 & 3 W. 4. c. 65. the said Act intituled *An Act to amend the Representation of the People in Scotland*, shall, from and after the passing of this Act, be qualified to be elected a Member of the Council, and to vote at every Election of Town Councillors of the Burgh which shall take place after the passing of this Act; and the Register of Voters in the Burgh, as completed in each Year under the Provisions of an Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland*, or of any Act which may be passed for amending that Act, shall be the List or Roll of Persons entitled to vote at the then next ensuing Election of Town Councillors of the Burgh.

19 & 20 Vict. c. 58.

Election of Councillors, Magistrates, and Office Bearers.

LXXVII. The several Persons who at the Date of the passing of this Act are respectively Town Councillors, Magistrates, and Office Bearers of the Burgh, shall continue to hold their respective Offices, with the extended Powers by this Act conferred on them, for the same Periods that they would respectively have held the same if this Act had not been passed; and at the first and each subsequent annual Election of Town Councillors of the Burgh that shall take place after the passing of this Act, the Persons entitled under the Provisions of this Act to take Part in such Election shall elect only such Number of Town Councillors as may be necessary to supply the Places of those who may then cease, under the Laws and Usage heretofore in force, to hold that Office; and at the first and each subsequent Election of Magistrates and Office Bearers of the Burgh that shall take place after the passing of this Act, the Council as constituted for the Time shall elect only such and such Number of Magistrates and Office Bearers as may be necessary to supply the Places of those then ceasing, under the said Laws and Usage, to hold such Offices; and, except as by this Act expressly otherwise provided, all such Elections shall be conducted in all respects in the same Manner as if this Act had not been passed.

Provost, &c. to have same Powers as before passing of this Act.

LXXVIII. The Provost, the Magistrates, the Council, and the Office Bearers of the Burgh, holding Office under the Authority of this Act, shall, in addition to the Powers specially conferred by this Act, have respectively the same Rights and Powers in, over, and in respect to the Common Good and other Property and Revenues, and generally in relation to the Affairs of the Burgh, which previously to the passing of this Act have lawfully belonged to and been exercised by the Provost, Magistrates, Council, and Office Bearers respectively of the Burgh.

LXXIX. The

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LXXIX. The Provost, the Magistrates, and the Council holding Office under the Authority of this Act shall respectively be and be entitled to act, or to appoint any of their own Number or others to act, separately or jointly with others duly appointed and authorized (as the Case may be), as Trustees, Commissioners, or Managers of and in respect to every Trust, Undertaking, or Charity of or in respect to which, previously to the passing of this Act, the Provost, the Magistrates, and the Council respectively, as heretofore constituted, were entitled to act, or to appoint any of their own Number or others to act as Trustees, Commissioners, or Managers, in the same Manner and to the same Extent as if no Alteration had been by this Act made in regard to the Election of the Council or of the Magistrates, or in regard to the Territory subject to their Powers and Jurisdiction.

Provost, Magistrates, and Council to be Trustees, &c. as before passing of this Act.

LXXX. The Costs, Charges, and Expenses incurred in preparing, applying for, and obtaining this Act, and incidental thereto, shall be defrayed by the Council, and Three Fourth Parts thereof shall be repaid to the Council by the Commissioners out of the First Moneys which shall be borrowed or raised by the Commissioners.

Expenses of Act.

The Dumbarton Waterworks, Reclamation, and Municipal Extension Act, 1857.

SCHEDULE.

FORM OF RATE.

AN Assessment to "The Public Water Rate" for the Burgh of Dumbarton, for the Year from Whitsunday, One thousand eight hundred and _____, till Whitsunday, One thousand eight hundred and _____, after the Rate of _____ Pence in the Pound.

Number in the Rate.	Name of Person rated.	Name of Owner of Property rated.	Description and Situation of Property.	Rackrent or annual Value.	Rate.

Signed by us this _____ Day of _____, in the Year
One thousand eight hundred and _____

A.B., Commissioner.
C.D., Commissioner.

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