



CHAPTER cv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Wemyss and District Water. [3rd August 1910.] A.D. 1910.

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Wemyss and District Water Order Confirmation Act 1910. Short title.

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SCHEDULE.

WEMYSS AND DISTRICT WATER.

Provisional Order to incorporate a public trust for better supplying with water the parish of Wemyss including the burgh of Buckhaven Methil and Innerleven and districts and places adjacent to abolish the special water supply districts of Wemyss of Buckhaven Methil and Innerleven and of Windygates and Balcurvie to transfer the existing waterworks to the Trustees to be incorporated to sanction the construction and maintenance of new and additional waterworks and for other purposes.

WHEREAS in the year one thousand eight hundred and sixty-eight the village of Buckhaven and in the year one thousand eight hundred and seventy the village of East Wemyss both within the parish of Wemyss and county of Fife were respectively formed into special water supply districts under the Public Health (Scotland) Act 1867 and such districts were managed and administered by the parochial board of the parish of Wemyss then the local authority in the said parish under and for the purposes of the said Act:

And whereas the supply of water for those districts being unsatisfactory and the supply of water to the other parts of the parish of Wemyss not included in those districts being insufficient the said parochial board of the parish of Wemyss under and by virtue of the Public Health (Scotland) Act 1867 Order Confirmation (Wemyss) Act 1876 were authorised to and did provide a supply of water for the whole of the parish of Wemyss from sources at Carriston lying beyond the confines of the parish:

And whereas under and by virtue of section 11 of the Local Government (Scotland) Act 1889 the whole powers and duties of the said parochial board of the parish of Wemyss as local authority in respect of the supply of water within the parish of Wemyss were transferred to and vested in the county council of the county of Fife by that Act established:

And whereas in pursuance of the provisions of section 77 of the said Act of 1889 the said county of Fife was for public health purposes divided into districts one of which (the district

of Kirkcaldy) comprised the said parish of Wemyss and there were delegated to the district committee of the said county council for the district of Kirkcaldy all the rights and duties of the said county council for the supply of water within the said parish of Wemyss : A.D. 1910.

And whereas by an order of date twenty-fourth November one thousand eight hundred and ninety of the Boundary Commissioners constituted by section 45 of the said Act of 1889 a detached portion of the parish of Markinch known as Innerleven which had on the thirty-first August one thousand eight hundred and eighty-five been formed by the parochial board of the parish of Markinch into a special water supply district under the provisions of the said Act of 1867 was added to the said parish of Wemyss :

And whereas in the year one thousand eight hundred and ninety-one in pursuance of the provisions of the General Police and Improvement (Scotland) Act 1862 the parts of the said parish of Wemyss known as Buckhaven Methil and Innerleven were formed into the police burgh of Buckhaven Methil and Innerleven (hereinafter called "the burgh") and the boundaries of the burgh were fixed and defined by the sheriff of the county of Fife in an interlocutor of fourth March one thousand eight hundred and ninety-one and the burgh was made to consist of the said special water supply district of Buckhaven and a portion of the said special water supply district of Innerleven and the burgh came under the government for municipal purposes of the police commissioners of the burgh (hereinafter called "the commissioners") established by the said Act of 1862 as local authority for the purposes of water supply and other purposes :

And whereas by a resolution of date thirtieth July one thousand eight hundred and ninety-two the Kirkcaldy District Committee (hereinafter called "the district committee") extended the boundaries of the said special water supply district of East Wemyss so as to include that portion of the said special water supply district of Innerleven not included in the burgh and the remainder of the said parish of Wemyss not included within the burgh under the name of the combined special water supply district of Wemyss :

And whereas by resolution of date twenty-third August one thousand eight hundred and ninety-two the commissioners acting as the local authority of the burgh under and by virtue of

A.D. 1910. section 2 of the Public Health (Scotland) Act 1867 Amendment Act 1882 formed the said special water supply district of Buckhaven and that portion of the said special water supply district of Innerleven included within the burgh into the combined special water supply district of Buckhaven Methil and Innerleven :

And whereas in the year one thousand eight hundred and ninety-eight the liabilities of the said county council and of the commissioners in respect of the said waterworks used for the supply of water to the said combined special water supply districts constituting the parish of Wemyss were ascertained and apportioned by the sheriff of the county of Fife between the said county council and the commissioners and thereafter the administration of the said waterworks was delegated to a joint committee acting under the Local Government (Scotland) Act 1889 :

And whereas the Provisional Order scheduled to and confirmed by the Wemyss and Buckhaven Methil and Innerleven Water Supply Confirmation Act 1894 (hereinafter called "the Order of 1894") (after reciting that a petition had been presented to the Secretary for Scotland under the provisions of the said Act of 1867 setting forth that the supply of water to the said two combined special water supply districts was insufficient and that it would be of great local advantage and conducive to the public health if the district committee and the commissioners were enabled to provide and obtain a more abundant and better supply of water for the domestic use of the inhabitants and occupiers of houses and lands within the said two combined special water supply districts and adjoining or near to those districts and for public baths and washhouses and for trading or manufacturing purposes within the said two combined special water supply districts or adjoining or near thereto and for a supply to the inhabitants and occupiers of houses and lands adjoining or near to any part of the intended works and to the local authority of the burgh of Markinch and to any other special water supply district or districts adjoining or near to the intended works for domestic trading manufacturing and other purposes) authorised the district committee and commissioners to construct a reservoir on the Conland Burn and an aqueduct therefrom into the said parish of Wemyss and empowered the district committee and commissioners to afford the said supply of water for such purposes in and outwith the said two combined special water supply districts of Buckhaven Methil and Innerleven :

And whereas the commissioners of the burgh became under the Town Councils (Scotland) Act 1900 the provost magistrates and councillors of the burgh (hereinafter called "the town council") and are the local and sanitary authority for the burgh : A.D. 1910.

And whereas by an interlocutor of the sheriff of the county of Fife of date the fourth March one thousand eight hundred and ninety-one and again by the Buckhaven Methil and Innerleven Burgh Extension Act 1906 the boundaries of the burgh have been successively extended and there has been included in the burgh for municipal and public health purposes other than for the purpose of water supply part of the combined special water supply district of Wemyss :

And whereas that part of the burgh which includes the said portion of the combined special water supply district of Wemyss is now so far as relates to water supply under the control of the district committee and is assessed for water by the said county council thus leading to dual control and to differences and anomalies in assessing within the burgh :

And whereas the said joint committee appointed under the provisions of the Local Government (Scotland) Act 1889 as amended by the Local Government (Scotland) Act 1894 to maintain and manage the waterworks for the supply of water within the combined special water supply districts of Wemyss and Buckhaven consists of members of the town council and of members of the district committee and of the parish council of the said parish of Wemyss and the division of responsibility between the constituent authorities leads to difficulty and inconvenience :

And whereas the original water supply at Carriston was introduced for the benefit of the parish of Wemyss as a whole and the division of the parish into two separate districts for water supply has proved inexpedient and disadvantageous to the parish and the said districts :

And whereas the said joint committee have insufficient powers for the proper and adequate administration of the said water supply and as a consequence thereof the said parish and districts and the burgh and the industries therein have suffered great inconvenience and the supply of water is inadequate and insufficient for the wants and requirements of the inhabitants

A.D. 1910. and for the large and increasing industries carried on in and in places adjoining the burgh:

And whereas it is expedient that the said special water supply districts should be abolished and the powers authorities and jurisdiction relating to water supply therein of the said county council and of the district committee and of the said joint committee should cease and determine and that the waterworks and water supply of the area included within the said districts including therein the burgh should subject to the liabilities attaching thereto be transferred to and vested in and placed under the control regulation and management of the Trustees incorporated by this Order (hereinafter called "the Trustees"):

And whereas that portion of the parish of Markinch adjoining the said parish of Wemyss comprises the special water supply district of Windygates and Balcurvie and is under the jurisdiction for water supply purposes of the district committee and is supplied with water from the said existing waterworks under the control of the said joint committee and it is expedient that such special water supply district should be abolished and the duty of supplying such district with water transferred to the Trustees:

And whereas it is necessary for the health comfort and convenience of the inhabitants of the said parish of Wemyss and of the burgh and of the said portion of the parish of Markinch that a better and more abundant supply of water should be provided for the said parishes and for the burgh and for the increasing shipping and manufacturing industries of the burgh and that the Trustees should be authorised to introduce a new and additional supply of water and to construct and maintain the waterworks in this Order mentioned:

And whereas there are as in the case of the works authorised by the Order of 1894 districts and houses and lands adjoining and near to the waterworks in this Order mentioned to which it is expedient that the Trustees should be authorised to afford a supply of water:

And whereas certain burghs villages and places within the said county are some of them without a pure and sufficient supply of water and others are inadequately supplied and the waterworks by this Order authorised are so designed as to be

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capable of affording an additional supply of water to all or some of such burghs villages and places and it is expedient that the Trustees should be enabled as in this Order provided to enter into agreements for the supply by the Trustees of water in bulk or otherwise for use within such burghs villages and places :

And whereas estimates have been prepared showing that the Trustees will or may require to borrow the following sums for the following purposes (that is to say):—

For permanent works :—	£
Purchase of lands and servitudes - - - - -	15,000
Storage reservoirs - - - - -	42,000
Service reservoirs tanks and filters - - - - -	15,000
Trunk conduits mains and catchwaters - - - - -	65,000
Roads of access - - - - -	3,000
For subsidiary works - - - - -	10,000

and it is expedient that the cost thereof should be spread over a term of years :

And whereas the water rates charges and assessments within the said parish of Wemyss have hitherto been imposed levied and assessed partly by the county council under the provisions of the Public Health (Scotland) Act 1897 and partly by the town council and it is expedient that the same should be imposed levied and assessed by one assessing authority under this Order :

And whereas it is expedient that the Trustees should be authorised to raise money by rates rents and charges and by borrowing for the purposes of this Order :

And whereas it is expedient that provision should be made as in this Order provided for the transfer to the Trustees of all the debts liabilities and obligations affecting the water supply of the said special water supply districts :

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands houses and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited in the offices at Cupar Kirkcaldy and Dunfermline respectively of the principal sheriff clerk of the county of Fife and in the office at Kinross

A.D. 1910. of the principal sheriff clerk of the county of Kinross and in the offices at Perth and Dunblane respectively of the principal sheriff clerk of the county of Perth and are hereinafter respectively referred to as the deposited plans sections and book of reference:

And whereas it is expedient that the further powers in this Order contained should be conferred on the Trustees:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited for all purposes as the *Wemyss and District Water Order 1910*.

Commencement of Order.

2. This Order shall (except as otherwise in this Order provided) commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Interpretation.

3. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the following expressions shall have the meanings respectively herein assigned to them (namely):—

"The burgh" means the burgh of Buckhaven Methil and Innerleven;

"The town council" means the provost magistrates and councillors of the burgh;

"Magistrates" means the magistrates of the burgh and includes the provost and bailies;

"Town clerk" means the town clerk of the burgh;

"The Town Councils Acts" means the Town Councils (Scotland) Acts 1900 and 1903;

"County" means the county of Fife;

"The county council" means the county council of the county;

"The district committee" means the Kirkcaldy district committee of the county council;

- “The joint committee” means the joint committee for the Wemyss and Buckhaven Methil and Innerleven special water supply districts appointed under the Local Government (Scotland) Acts;
- “The parish” means the parish of Wemyss and includes the burgh;
- “The parish council” means the parish council of the parish of Wemyss;
- “The water districts” means the combined special water supply district of Wemyss the combined special water supply district of Buckhaven Methil and Innerleven and the special water supply district of Windygates and Balcurvie;
- “The Water Acts” means the Provisional Orders confirmed by the Public Health (Scotland) Act 1867 Order Confirmation (Wemyss) Act 1876 and the Wemyss and Buckhaven Methil and Innerleven Water Supply Confirmation Act 1894 respectively;
- “The date of transfer” means the second day of January one thousand nine hundred and eleven;
- “The Trustees” means the Trustees incorporated under this Order;
- “The clerk” “the treasurer” “the collector” respectively mean the clerk and treasurer and collector for the time being appointed by the Trustees for the purposes of this Order;
- “The water undertaking” means and includes the waterworks and water undertaking and all the lands property assets rights powers and privileges by this Order transferred to the Trustees and all lands works and property rights powers and privileges for the time being relating to the water districts and also the waterworks authorised by this Order and all the powers rights authorities and privileges conferred on the Trustees by this Order;
- “The Valuation Acts” means the Lands Valuation (Scotland) Act 1854 and any Acts amending and extending the same;
- “Valuation roll” or “valuation rolls” means the valuation rolls for the county and the burgh respectively made up in terms of the Valuation Acts;

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“The sheriff” means the sheriff of Fife and Kinross or the sheriff of Perth as the case may be and includes their substitutes respectively;

“Land” and “house” shall have the meaning assigned to these expressions in the Public Health (Scotland) Act 1897.

Incorporation of Acts.

4. The following Acts and parts of Acts (so far as the same are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order:—

The Commissioners Clauses Act 1847 except the clauses thereof—

(a) with respect to the qualification of commissioners (but not including in such exception sections 8 9 10 and 11);

(b) 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;

(c) with respect to the meetings and other proceedings of the commissioners and their liabilities (but not including in such exception sections 36 38 40 41 42 43 44 47 49 50 51 52 53 and 55);

(d) with respect to the accounts to be kept by the commissioners (but not including in such exception sections 89 90 and 91); and

(e) also except sections 66 84 86 and 87:

The Lands Clauses Acts:

The Waterworks Clauses Act 1847 except the sections and provisions thereof with respect to—

(a) the communication pipes within the limits of compulsory supply to be laid by the Undertakers;

(b) the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit;

(c) the words in section 44 thereof “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner”; and

(d) also except sections 68 70 71 and 72:

The Waterworks Clauses Act 1863:

The sections and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said sections and provisions "the Company" means the Trustees "the railway" means the reservoirs and embankments authorised by this Order and the works immediately connected therewith and "the centre of the railway" means any part of those works.

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This Order shall be deemed a special Act within the meaning of the provisions of the said Acts wholly or partly incorporated herewith.

5. The Trustees shall be twelve in number and shall consist of four members of and appointed by the town council (hereinafter called "the burgh members") and eight members of the county council or district committee appointed by the county council (hereinafter called "the county members") of whom two shall be members of the county council representing thereon electoral divisions of the parish of Wemyss:

Constitution
of Trustees.

Provided that the Secretary for Scotland may on the application of the town council or of the county council after the expiration of five years from the commencement of this Order and of every subsequent period of five years by order under his hand alter the number of the county members and burgh members in such manner as he may having regard to all the then circumstances of the case think fair and reasonable.

6. The Trustees shall be a body corporate under the name and style of the "Wemyss and District Water Trustees" with perpetual succession and a common seal and shall have power to sue and be sued and to purchase take hold and dispose of lands and other property for the purposes of this Order and shall have all the other powers and privileges of a body corporate.

Incorporation
of
Trustees.

7. The county council and the town council respectively shall appoint annually in the month of December the county members and the burgh members who shall come into office on the first day of January next following their appointment and shall respectively remain in office for one year from the said first day

Election of
Trustees.

A.D. 1910. of January or until the first day of January next following the next appointment of their successors The first appointment of the county members and of the burgh members shall be made by the county council and by the town council respectively on or before the thirty-first day of December one thousand nine hundred and ten.

County member becoming burgh member to vacate office.

8. If any person shall after his appointment and during his term of office as a county member become a burgh member he shall thereupon cease to be a county member and the county council shall in every such case appoint a qualified person in the room and place of such person.

Appointment at meetings of councils.

9. The county council and the town council respectively may appoint the county members and the burgh members at any stated or ordinary or special meeting of the county council or of the town council as the county council and the town council may determine.

Any Trustees may act although other Trustees not appointed.

10. If the county council or the town council as the case may be fail to appoint the county members or burgh members as by this Order provided it shall be competent nevertheless for the other Trustees to carry the purposes of this Order into execution and the acts and deeds of the Trustees so acting shall not be challengeable by reason of the non-appointment of any other Trustees.

Intimation of names of Trustees.

11. Upon every appointment of Trustees the clerk to the county council or the town clerk as the case may be shall by writing under his hand send to the clerk the names of the persons appointed to be Trustees by the county council and the town council respectively.

Trustee neglecting to act &c. to cease to be one.

12. If any county member or burgh member shall intimate in writing to the clerk that he refuses to accept the office of Trustee or if any county member or burgh member shall for the period of six months at any one time neglect to attend or abstain from attending the meetings of the Trustees (not being prevented by reasonable cause to be allowed by the Trustees at any of their meetings) or shall intimate to the clerk in writing that he resigns his office of Trustee (which he may do on giving three weeks' written notice thereof to the clerk) every such intimation or non-attendance shall be taken and held to be a refusal to act and such member shall cease to be a Trustee after such is minuted by the Trustees.

13. If any county member or burgh member shall decline to accept the office of Trustee or shall die resign or become incapable of continuing or shall cease to be a Trustee from any cause other than the expiry of the period for which he was appointed the county council or the town council as the case may be shall as soon as may be appoint another qualified person to be a county member or a burgh member in his place and any county member or burgh member so appointed shall continue in office for such time only as the person in whose place he is appointed would have been entitled to continue in office Provided always that it shall be competent notwithstanding any vacancy or vacancies at any time in the office of Trustee or any informality in the appointment of county members or burgh members for the other Trustees to carry this Order into execution until such vacancy or vacancies have been filled up.

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Appoint-
ment of
Trustee for
person de-
clining or
ceasing to
be one.

14. At all meetings of the Trustees five shall be a quorum.

Quorum of meet-
ings of Trustees.

15. At the first meeting of the Trustees in each year the Trustees shall elect from their own number a Chairman If at any meeting of the Trustees the Chairman be absent one of the Trustees present shall be elected Chairman of such meeting by the majority of the votes of the Trustees present at such meeting and should a vacancy occur in the office of Chairman during his term of office such vacancy shall be supplied by a new appointment and the Chairman so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

Chairman of
meetings of
Trustees.

16. The first meeting of the Trustees shall be held within the municipal buildings at Buckhaven on the second Thursday of January following the commencement of this Order at two o'clock in the afternoon The annual meeting of the Trustees shall be held on the second Thursday of January in each year or as soon thereafter as may be practicable and at such place and hour as the Trustees may determine Any three Trustees may require a special meeting of Trustees to be held within seven days after the receipt of the requisition by the Chairman Provided always that with the exception of the annual meeting the Trustees may notwithstanding anything to the contrary in any of the Acts herewith incorporated hold meetings monthly or otherwise as they may deem necessary.

Meetings of
Trustees.

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Extract
from minute
books to be
evidence.

17. A copy of or an extract from the minutes or minute book of the Trustees authenticated by the signature of the clerk shall be received as evidence in all legal or other proceedings in the same way and to the same effect as the original minutes or minute book themselves.

Committees.

18. The Trustees may appoint one or more committees for carrying out any of the purposes of this Order except as to the borrowing of money and imposing water rates rents and charges and undertaking capital expenditure and may fix the quorum of any committee and prescribe the manner in which the business of a committee shall be conducted.

Power to
appoint
officers &c.

19. The Trustees may appoint officers and servants at such salaries and remuneration and on such terms as they may think fit and may from time to time remove any such officers and servants and may make regulations for defining the duties of any officers or servants of the Trustees Provided that the Trustees may if they think it expedient appoint the same person to be clerk treasurer and collector.

Appoint-
ment of
auditor.

20. The accounts of the Trustees shall be audited by an auditor to be appointed every year by the Secretary for Scotland and the Trustees may pay him such remuneration for his services as they think reasonable and in the event of any dispute as to such remuneration the amount thereof shall on the application of either party be fixed by the Secretary for Scotland.

Abolition of
water dis-
tricts and
transfer of
waterworks.

21. Subject to the provisions of this Order the water districts shall from and after the date of transfer cease to exist as combined special water supply districts or as special water supply districts as the case may be and shall cease to be assessed for the purpose of water supply by the county council or district committee or the town council and all the rights powers jurisdictions and authorities of the county council and the district committee and town council or any of them or of the joint committee with regard to the water supply and to the imposing levying and collecting and recovery of water rates charges and assessments within the water districts shall cease and determine and all the waterworks reservoirs lands and property and the whole water undertaking of the water districts together with the main pipes plant and apparatus of and connected with the same and all outstanding accounts rates assessments balances moneys funds and debts which shall at the date of transfer belong to or be

vested in or held by the county council or the district committee or town council or by the joint committee or other the water authority within the water districts together with all the powers rights privileges and authorities pertaining thereto under the Water Acts or any Acts or Orders or agreements decrees arbitral or contracts so far as relating to the water districts shall at the date of transfer be and are by virtue of this Order transferred to and vested in the Trustees and may subject to the provisions of this Order and the Acts incorporated herewith be held exercised used and disposed of by the Trustees for the purposes of this Order subject to all debts liabilities and obligations affecting the same and the provisions of this Order and the Acts incorporated herewith shall be applicable to the said waterworks in the same manner and to the same effect as if the said waterworks had been authorised by this Order.

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22. From and after the date of transfer all feu contracts feu charters leases dispositions conveyances bonds securities contracts agreements and obligations granted made or entered into in favour of or by or with the county council or district committee or town council or the joint committee or their predecessors in so far as regards the waterworks transferred to and vested in the Trustees by virtue of this Order shall remain in full force and effect and shall be available to or against the Trustees in the same manner as the same were or might have been available to or against the county council or district committee or town council or joint committee or their predecessors before the said date.

Conveyances
&c. to remain
in force.

23. All water rates charges and assessments or any proportion thereof and all arrears thereof penalties debts and sums of money owing to the county council town council or the district committee or the joint committee of or relating exclusively to the water districts for the supply of water therein on the date of transfer shall be due and payable to the Trustees with all interest (if any) due or accruing due for the same and may (unless otherwise agreed between the Trustees and the county council with respect to the collection of such arrears) be recovered and enforced by the Trustees in like manner and as effectually as they could have been recovered and enforced by the county council town council or district committee or the joint committee.

Water rates
and arrears.

24. No action suit prosecution or other proceeding commenced on or before the date of transfer by or against the county council or district committee or town council or joint committee or their

Actions not
to abate.

A.D. 1910. predecessors in so far as regards the supply of water within the water districts shall abate or be discontinued or be prejudicially affected by the transfer to the Trustees but all such actions suits prosecutions and other proceedings shall continue and take effect in such and the like manner as the same would have continued and taken effect if such transference had not been made and the Trustees shall come in room and place of the county council or the town council or district committee or joint committee therein in all respects.

Transfer of debts.

25. All debts and sums of money which on the date of transfer are due and owing by the county council or the district committee or town council or joint committee whether by mortgage bond debenture annuity or otherwise so far as they relate to the water supply and water undertaking of the water districts shall be and are by this Order transferred to and shall be undertaken and be payable by the Trustees with all interest due or accruing due for the time and may be recovered and enforced from and against the Trustees in like manner and as effectually as they could have been recovered and enforced for and against the county council and district committee and town council and joint committee And from and after the date of transfer the county council and the district committee and town council and joint committee shall be freed and relieved of any claim or demand made by any creditor holding such security or securities and of any expenses incurred by the county council and town council in connexion therewith and the Trustees may apply any of their funds or the rates and charges authorised by this Order in payment of any such claims or demands if so made.

Accounting between county council &c. and Trustees.

26. All sums of money in the hands or under the control of the county council town council district committee or joint committee or the treasurer or treasurers thereof exclusively applicable or in part applicable to the water supply of the water districts shall in whole or in part as the case may be belong to and be handed over to the Trustees subject to payment of any debts that may be outstanding in connexion therewith (other than money owing on mortgage bond debenture or annuity) and all questions of and relating to accounting between the county council or district committee or town council or joint committee and the Trustees for the ascertainment of the sums so due (if any) to the Trustees shall failing agreement be referred to a

duly qualified accountant to be mutually appointed by the Trustees the county council and the town council and failing such appointment within one month after the date of transfer to an accountant to be appointed by the Secretary for Scotland on the application of either the Trustees the county council or the town council and the accountant so appointed shall have full right of access to the books accounts and vouchers of the county council district committee joint committee and town council for the purpose of such accounting and shall certify the amount (if any) due to or by the Trustees The amount so certified (if any) as payable to or by the Trustees shall be paid to or by the Trustees within one month after the date of such certificate The fees payable to such accountant shall be paid by the Trustees.

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27. Subject to the provisions of this Order nothing in this Order contained shall prejudice or affect any mortgages bonds or assignments or other writs granted in security for money borrowed (whether repayable by instalments or otherwise) by the county council or the town council or district committee or their predecessors for and in respect of or relating exclusively to the water districts and the supply of water therefor and subsisting at the date of transfer and the same shall during the continuance thereof be as valid and effectual in all respects as if this Order had not been confirmed Provided always that the water rates charges and assessments authorised by this Order shall be substituted for and shall come in lieu and place of the water rates charges and assessments levied and imposed for the supply of water by the county council or the district committee, or the town council or joint committee within the water districts as security for money borrowed as aforesaid and the moneys borrowed as aforesaid shall have priority on the rates charges and assessments authorised by this Order over any money borrowed by the Trustees under the powers of this Order.

Priority of existing mortgages.

28. Subject to the provisions of this Order on and after the date of transfer everything before that time done or suffered in relation to the existing water supply to the water districts shall be as valid as if such transfer had not been made and such transfer shall accordingly be subject and without prejudice to anything so done or suffered and to all rights liabilities claims and demands which if the said transfer had not been made would be incident to or consequent on any and every thing so done or suffered.

Proceedings saved.

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Mainten-
ance of
existing
waterworks.

29. The Trustees may maintain manage and work the existing waterworks for the supply of water within the limits of compulsory supply and to such persons and such places beyond the same as the Trustees are authorised by this Order to supply with water.

Power to
make works.

30. The Trustees may subject to the provisions of this Order make and maintain in the lines and according to the levels shown on the deposited plans and sections the additional waterworks hereinafter described The waterworks hereinbefore referred to and authorised by this Order will be situate in the counties of Fife Kinross and Perth and are—

(1) A storage reservoir (Reservoir No. 1) situate in the parishes of Forteviot Forgandenny and Arngask or one or more of them commencing at a point in the boundary between the said parishes of Arngask and Forgandenny 450 yards or thereby measured in a westerly direction from the south-west corner of Wester Deuglie farmstead and terminating in the parish of Arngask in an embankment (Embankment No. 1) hereinafter described crossing the River Farg 1,000 yards or thereby measured in a westerly direction from the westmost point of Abbots Deuglie farmstead and terminating in the parishes of Forteviot and Forgandenny in an embankment (Embankment No. 2) hereinafter described crossing the stream or ditch forming the boundary between the parishes of Forgandenny and Forteviot 450 yards or thereby measured in a north-easterly direction from the eastmost corner of Woodside farmstead:

(2) An embankment (Embankment No. 1) crossing the River Farg and situate in the parish of Arngask commencing at a point in the field or enclosure No. 224 on the 25-inch ordnance survey map (edition 1895) of the parish of Arngask 150 yards or thereby measured in an easterly direction from the south-west corner of the said field or enclosure No. 224 and terminating at a point in the field or enclosure No. 185 in the said parish of Arngask 110 yards or thereby measured in a south-westerly direction from the north-east corner of the said field or enclosure No. 185:

- (3) An embankment (Embankment No. 2) crossing the stream or ditch forming the boundary between the parishes of Forgandenny and Forteviot commencing at a point in the field or enclosure No. 682 on the 25-inch ordnance survey map (second edition 1901) of the parish of Forgandenny 140 yards or thereby measured in a north-easterly direction from the south-west corner of the said field or enclosure No. 682 and terminating at a point in the field or enclosure No. 630 on the 25-inch ordnance survey map (first edition 1896) of the parish of Forteviot 80 yards or thereby measured in a north-easterly direction from the south-west corner of the said field or enclosure No. 630: A.D. 1910.
- (4) A catchwater aqueduct conduit or line of pipes (Catchwater No. 1) situate in the parish of Forteviot commencing at the intake in the Slateford Burn hereinafter described and terminating at a point in the reservoir (Reservoir No. 1) hereinbefore described at a point at or near the embankment (Embankment No. 2) hereinbefore described:
- (5) An intake (Intake No. 1) in the parish of Forteviot situate at a point on the Slateford Burn 170 yards or thereby measured in a south-easterly direction from the centre of the bridge known as the Slateford Bridge carrying the public road over the aforesaid Burn:
- (6) A conduit aqueduct or line of pipes (Conduit No. 1) commencing in the parish of Arngask at a point in the said River Farg 1010 yards or thereby measured in a westerly direction from the westmost point of Abbots Deuglie farmsteading and terminating in the parish of Portmoak in the centre of the road or highway at Scotlandwell where the road from Mawcarse Station to Leslie joins the road from Ballingry to Mawcarse Station and Leslie:
- (7) A conduit aqueduct or line of pipes (Conduit No. 2) commencing in the parish of Portmoak at the point of termination of conduit aqueduct or line of pipes (Conduit No. 1) hereinbefore described and terminating in the parish of Markinch at a point in the village of Windygates where the road from Milton

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of Balgonie to Lundin Links crosses the road from Kennoway by Balcurvie to Kirkcaldy:

- (9) A conduit aqueduct or line of pipes (Conduit No. 4) commencing at the point of termination of conduit aqueduct or line of pipes (Conduit No. 2) hereinbefore described in the parish of Markinch and terminating at a point in the burgh where the road or street known as Methil Brae crosses the tramways of the Wemyss and District Tramways Company Limited:
- (10) A conduit aqueduct or line of pipes (Conduit No. 5) commencing in the parish of Portmoak at the point of termination of conduit aqueduct or line of pipes (Conduit No. 1) hereinbefore described and terminating in the parish of Auchterderran in the road or highway leading from Scotlandwell to Lochgelly at a point in the northern boundary of the burgh of Lochgelly:
- (12) Filters and pure water tank (Work No. 12) wholly situate in the parish of Arngask in the fields or enclosures Nos. 185 and 224 on the said ordnance map of the parish of Arngask:
- (13) Filters and pure water tank (Work No. 13) wholly situate in the parish of Kennoway in the field or enclosure No. 30 on the 25-inch ordnance survey map (edition 1894) of the parish of Kennoway adjoining the existing Carriston Reservoir:
- (14) A road of access (Road of Access No. 1) in the parish of Arngask commencing by a junction with the highway immediately to the north of Hayfield Mill and terminating at the embankment (Embankment No. 1) hereinbefore described:
- (15) A road of access (Road of Access No. 2) wholly situate in the parish of Arngask commencing at the highway near Glendy Mill and terminating in the embankment (Embankment No. 1) hereinbefore described:
- (18) A catchwater aqueduct conduit or line of pipes (Catchwater No. 2) wholly situate in the parish of Kennoway commencing at the stream on the western boundary of the field or enclosure No. 46 on the 25-inch ordnance survey map (edition 1894) of the parish of Kennoway at a point one hundred and twenty yards or thereby measured in a south-westerly direction from the

northern corner of the said enclosure No. 46 and terminating in the eastern end of the existing overflow channel of the existing Carriston Reservoir: A.D. 1910.

- (19) An intake (Intake No. 2) wholly situate in the parish of Kennoway on the stream at the commencement of the catchwater aqueduct conduit or line of pipes (Catchwater No. 2) hereinbefore described:
- (20) A road of access (Road of Access No. 3) wholly situate in the parish of Kennoway commencing at the western boundary of the field or enclosure No. 36 on the 25-inch ordnance survey map (edition 1894) of the parish of Kennoway at a point one hundred and sixty-six yards or thereby measured in a southerly direction from the north-west corner of the said enclosure No. 36 and terminating at or near the eastern filter adjoining the existing Carriston Reservoir:
- (22) An enlargement (Enlargement No. 2) by raising the embankment of the existing reservoir known as the Coul Reservoir authorised by the Wemyss and Buckhaven Methil and Innerleven Water Supply Confirmation Act 1894 situate in the parishes of Falkland Leslie and Markinch or some of them commencing at a point in the Conland Burn eight hundred and thirty yards or thereby measured in a southerly direction from the south corner of East Conland and terminating at the said embankment:
- (23) Service Reservoir A situate in the parish of Ballingry in the field or enclosure No. 247 on the 25-inch ordnance survey map (edition 1896) of the parish of Ballingry one hundred and eighty yards or thereby north of the most northerly corner of Navitie farmstead:
- (25) A conduit aqueduct or line of pipes (Conduit No. 7) situate in the parish of Ballingry commencing in the public road or highway between Scotlandwell and Lochgelly by a junction with conduit aqueduct or line of pipes (Conduit No. 5) hereinbefore described at or near the point where the said road or highway is intersected by the county boundary between the counties of Fife and Kinross and terminating in the Service Reservoir A hereinbefore described.

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Power to
make sub-
sidiary
works.

31. In addition to the waterworks by this Order authorised and in connexion therewith the Trustees may upon or in the lands delineated on the deposited plans and described in the deposited book of reference make erect and maintain all such embankments dams weirs intake weirs by-wash channels bridges roads accesses approaches wells tanks gauges filter beds sluices outlets drains aqueducts culverts channels cuts mains pipes engines machinery buildings telegraphs telephones posts wires and other works and conveniences as may be necessary or convenient in connexion with or subsidiary to the waterworks or any of them but nothing in this section shall exonerate the Trustees from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them Provided that any telegraphs telephones posts wires and other works made erected or maintained by the Trustees shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to
deviate.

32. The Trustees may in constructing the works by this Order authorised deviate laterally from the lines and position thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and may deviate vertically from the levels of the various works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided always that except for the purposes of crossing over a stream no part of any pipe shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections Provided that the Trustees shall not construct any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and five feet in addition.

As to trans-
fer of portion
of water
undertaking
to county
council.

33. In order that the county council on behalf of the district committee may have an opportunity if so advised of lodging an application with the Secretary for Scotland for a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 not later than the seventeenth day of April one thousand nine hundred and twelve for the transfer to and vesting in the county council of the part of the water undertaking consisting of the works authorised by this Order for appropriating and conveying through the district of the district committee other

than so much thereof as is situate within the limits of compulsory supply under this Order the waters of the streams called the River Farg Miln Burn Plains Burn and Slateford Burn on such terms and in such manner as Parliament may determine the powers contained in this Order with regard to the said part of the water undertaking shall not except with the consent of the county council be exerciseable until the lapse of two years from the commencement of this Order. A.D. 1910.

34. For the purposes and during the execution of the several works which the Trustees are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Trustees may temporarily from time to time break up or cross over or under alter or stop up any streets highways roads lanes paths bridges passages sewers drains watercourses and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such highway street road lane path bridge or passage or the flow of water sewage or electricity or telephonic communication in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 to which the provisions of section 15 of the Electric Lighting Act 1882 apply. Power to
open roads
&c.

35. The Trustees may from time to time subject to the provisions of this Order maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) mains pipes filters filter beds tanks channels and other works and conveniences from time to time in use or required for filtering storing conveying and distributing water for the purposes of their undertaking Provided always that such extension enlargement or increase shall be executed only on lands or property belonging to the Trustees or which may be acquired by them by agreement or in any roads or streets which they may Trustees
may enlarge
or increase
number
of pipes.

A.D. 1910. be by the Waterworks Clauses Acts 1847 and 1863 authorised to open and break up.

Laying
mains on
public roads.

36. The Trustees may subject to the consent of the road authority at any time for the purposes of conveying water from any of the works by this Order authorised or for distributing and supplying water beyond the limits of compulsory supply lay down make maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway and renew alter enlarge duplicate and increase the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all persons injuriously affected by anything done under the provisions of this section.

Trustees to
have powers
of a local
authority
for laying
mains.

37. The Trustees shall within the limits of compulsory supply have and may exercise for the purpose of laying water mains and pipes other than the works described in the section of this Order whereof the marginal note is "Power to make works" elsewhere than in any public road or street all the powers of a local authority under the Public Health (Scotland) Act 1897 with respect to the laying of water mains and pipes inside the district of such local authority.

Power to
take water.

38. Subject to the provisions of this Order the Trustees may by means of the works by this Order authorised or some of them or some part or parts thereof divert impound take appropriate store use and distribute the waters of the streams called Mildeans Burn Carriston Burn Conland Burn River Farg Plains Burn Miln Burn and Slateford Burn and all affluents streams springs and waters flowing into or arising within the said streams and the Trustees may from the said works authorised by this Order and the waterworks transferred by this Order or some of them supply water within the limits of compulsory supply as defined by this Order and to such persons and places beyond the same as the Trustees are authorised by this Order to supply with water.

As to com-
pensation
water.

39.—(1) Until the date of the completion of the Reservoir No. 1 and the Embankments Nos. 1 and 2 and the first filling of the said reservoir the following provisions shall apply:—

The Trustees shall not divert into their works the waters of the River Farg by the Conduit No. 1 by this Order

authorised unless a flow of water at the rate of one hundred and twenty-five thousand gallons per diem is passing the compensation gauge referred to in subsection (2) (B) of this section and the Trustees shall be entitled to take and divert into the said Conduit No. 1 the remainder of the water flowing in the River Farg up to an amount not exceeding two hundred and fifty thousand gallons per diem and in the event of the whole flow of the River Farg before such last-mentioned abstraction exceeding the rate of three hundred and seventy-five thousand gallons per diem the Trustees shall be entitled to take and divert into the said Conduit No. 1 two-thirds of such excess in addition to the two hundred and fifty thousand gallons before provided and shall leave in the River Farg as compensation water to flow past the compensation gauge one-third of such excess in addition to the one hundred and twenty-five thousand gallons per diem hereinbefore provided. A.D. 1910.

(2) After the date of the completion of the Reservoir No. 1 and the Embankments Nos. 1 and 2 and the first filling of the said reservoir the following provisions shall apply:—

- (A) The Trustees shall during every day of twenty-four hours discharge or deliver into the stream known as the River Farg at a point therein situate not more than two hundred yards below the foot of the Embankment No. 1 not less than four hundred and twenty thousand gallons of water in a continuous flow:
- (B) For the purpose of measuring the quantity of water to be so discharged or delivered into the said stream the Trustees shall erect and maintain at a point on the said stream below the said Embankment No. 1 not more than two hundred yards from the foot of the embankment a proper and suitable measuring gauge over or through which the said compensation water shall flow and such gauge shall be under the sole management and control of the Trustees and shall be open to the inspection and examination at all reasonable times of all persons interested therein or of persons duly authorised by them in that behalf:
- (c) In case of any neglect on the part of the Trustees to maintain the gauge in a state of efficiency and in case of any

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other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Trustees shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them:

(D) If any difference arises between the Trustees and any person so interested with respect to the construction or use of the gauge or the state of repair or condition thereof or as to the quantity of compensation water such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the sheriff of the county of Perth:

(E) The provisions of this and the immediately succeeding section shall be accepted and taken by all persons interested as full compensation for all water which the Trustees can divert collect impound or appropriate by means of the works authorised by this Order on the River Farg Plains Slateford and Miln Burns except in respect of any lands situate between the foot of the said Embankment No. 1 and the said point of discharge of water into the River Farg.

Limiting
abstraction
of water from
Slateford and
Miln Burns.

40. The Trustees shall not divert into their reservoir at Glenfarg the waters of the Slateford Burn or Miln Burn by the Intake No. 1 and the Catchwater No. 1 authorised under this Order unless a flow at the rate of one hundred thousand gallons per diem is passing down the course of the Slateford Burn past the point of intake and the Trustees shall then be entitled to take and divert into their reservoir the remainder of the water flowing in the Burn up to an amount not exceeding two hundred thousand gallons per diem and in the event of the whole flow of the Burn before abstraction exceeding the rate of three hundred thousand gallons per diem the Trustees shall be entitled to take and divert into their reservoir two-thirds of such excess in addition to the two hundred thousand gallons before provided and shall leave in the Burn to flow past the point of intake one-third of such excess in addition to the one hundred thousand gallons before provided:

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Provided that during the months of July August and September in any year the Trustees shall not divert into their reservoir at Glenfarg the waters of the Slateford Burn or Miln Burn unless a flow at the rate of three hundred thousand gallons per diem is passing down the course of the Slateford Burn past the point of intake and the Trustees shall then be entitled to take and divert into their reservoir the remainder of the water flowing in the burn up to an amount not exceeding six hundred thousand gallons per diem and in the event of the whole flow of the burn before abstraction exceeding the rate of nine hundred thousand gallons per diem the Trustees shall be entitled to take and divert into their reservoir two thirds of such excess in addition to the six hundred thousand gallons before provided and shall leave in the burn to flow past the point of intake one third of such excess in addition to the three hundred thousand gallons before provided For the purpose of measuring the flow of water in the said burn and the amount of water which the Trustees shall be entitled to take therefrom under the provisions of this section the Trustees shall place in the said burn at or near the intake (Intake No. 1) a proper measuring gauge chamber sufficient for that purpose and such gauge chamber shall be under the control of the Trustees and shall be open to the inspection and examination at all reasonable times of all parties interested therein or of persons duly authorised by them in that behalf.

41. Subject to the provisions of this Order the Trustees may purchase acquire hold enter upon appropriate take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of the existing waterworks or the works by this Order authorised.

Power to take lands.

42. The following provisions for the protection of the North British Railway Company (hereinafter called "the North British Company") shall unless otherwise agreed between the North British Company and the Trustees apply and have effect (that is to say):—

For protection of North British Railway Company.

- (1) The Trustees shall not under the powers of this Order take or acquire by compulsion any lands or property of the North British Company but shall be entitled to acquire such servitudes in and under the land and property of the North British Company as may be required for making and maintaining in accordance

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with the provisions of this Order the Conduits Nos. 1
2 4 and 5 by this Order authorised :

- (2) Before commencing the construction under the powers of this Order of the said conduits aqueducts or lines of pipes in so far as affecting the lands or property of the North British Company the Trustees shall submit plans sections and specifications of their works to the North British Company for their approval and the said works shall be constructed and carried out in conformity only with such plans sections and specifications as approved and at the sight and to the reasonable satisfaction of the engineer of the North British Company and such works shall thereafter be maintained by the Trustees to the reasonable satisfaction of such engineer Provided that the approval of the North British Company shall not be unreasonably withheld and that it shall be deemed to have been given unless the North British Company signify their disapproval within twenty-eight days after submission of the said plans sections and specifications Provided also that any expenses which the North British Company may reasonably incur for inspection or superintendence of the said works during execution or in connexion with the maintenance or repair of these works at any time or in protecting their property during or in connection with the construction maintenance or repair of the said works shall be repaid to them by the Trustees :
- (3) All the works and operations of the Trustees under this Order shall be constructed executed and completed so as not to injuriously affect the structure of any bridge of the North British Company or to cause any injury thereto or to any railway of that company or any interruption to the passage or conduct of traffic on any such railway and if any injury or interruption shall arise from or be in any way owing to the works or operations of the Trustees or the bursting leakage or failure of the said conduits aqueducts or lines of pipes or other works or any of them the Trustees shall forthwith make good or remove such injury or interruption at their own expense or the North British Company may do the same and the

Trustees shall pay to the North British Company all costs and expenses loss or damage including loss of traffic incurred or sustained by them in respect thereof: A.D. 1910.

- (4) The North British Company may repair and when necessary alter or reconstruct their railways or any bridge under or over which the said conduits aqueducts or lines of pipes or any of them may be laid but not so as to injuriously affect the conduits aqueducts or lines of pipes or works of the Trustees or to interrupt the water supply otherwise than may be reasonably necessary in connexion with any work of repair alteration or reconstruction by the North British Company and if any injury or other interruption shall arise to the said conduits aqueducts or lines of pipes or any of them from or be owing in any way to any works or operations of the North British Company on any railway or on any such bridge the North British Company shall forthwith make good or remove such injury or interruption at their own expense or failing their doing so the Trustees may do the same and the North British Company shall pay to the Trustees all costs and expenses loss or damage incurred or sustained by them in respect thereof Provided that any such works of the North British Company shall so far as they may interfere with the works of the Trustees be done to the reasonable satisfaction of the engineer of the Trustees Any extra expense which the North British Company may incur in such repair alteration or reconstruction by reason of the construction or existence of the said conduits or lines of pipes shall be paid by the Trustees and such extra expense if any shall failing agreement be determined by the arbiter to be appointed as after mentioned:
- (5) Nothing contained in this Order shall prejudice or affect the provisions of section 29 of the North British Railway Act 1907 and the Trustees shall be included amongst the water authorities for the purposes of the said section:
- (6) If any difference shall arise between the Trustees and the North British Company or between their respective engineers as to the meaning of this section or any

A.D. 1910.

matter arising under the provisions of this section or as to any plans or sections or the mode of executing any works or as to any costs or expenses loss or damage provided for in this section such difference shall be determined by an arbiter to be appointed by the sheriff on the application of either the Trustees or the North British Company.

For protection of
Wemyss
Coal Com-
pany
Limited.

43. The provisions of the section of this Order whereof the marginal note is "For protection of North British Railway Company" shall (unless otherwise agreed upon between the Wemyss Coal Company Limited and the Trustees) so far as applicable extend and apply to the mineral railways of the Wemyss Coal Company Limited.

For protection of
National
Telephone
Company
Limited.

44. For the protection of the National Telephone Company Limited (in this section referred to as "the telephone company") the following provisions shall apply and have effect (that is to say):—

(1) The Trustees shall not at any time during the currency of the telephone company's licence from the Postmaster-General to conduct telephonic business remove or interfere with any poles wires pipes conduits or other apparatus (in this section referred to as "apparatus") of the telephone company situate on any lands acquired by the Trustees under the powers of this Order except where the Trustees require so to do for the purposes of this Order and in such case the Trustees shall at their own expense prior to any such interference provide substituted apparatus in such positions as may be reasonably approved by the telephone company and if at any time during the currency of the said licence the Trustees shall require to remove or interfere with such substituted apparatus they shall provide other substituted apparatus in accordance with the foregoing provisions of this section:

(2) If any difference arises under this section between the Trustees and the telephone company such difference shall be settled by an engineer to be appointed on the application of either party by the Board of Trade.

Postal facilities.

45. The Trustees may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office

or of any additional facilities (postal or other) in connexion with the works authorised by this Order and any expenses incurred by the Trustees under such undertaking may be defrayed out of any revenue or funds of the Trustees. A.D. 1910.

46. Notwithstanding anything in this Order contained none of the powers of this Order shall apply or be exercised or exerciseable within the municipal burgh of Kirkealdy unless with the consent in writing of the provost magistrates and councillors of that burgh. For protection of Kirkealdy Corporation.

47. For the protection of the Wemyss and District Tramways Company Limited (in this section called "the tramway company") the following provisions shall unless otherwise agreed upon between the Trustees and the tramway company have effect (that is to say):— For protection of Wemyss and District Tramways Company Limited.

(1) Fourteen days before commencing any part of the works by this Order authorised or any works connected therewith in any road street or place where the tramway company's tramways are laid the Trustees shall submit to the tramway company plans sections specifications and drawings showing the method of constructing such works and shall not commence such construction until the tramway company shall have signified their reasonable approval of such plans sections specifications and drawings or have disapproved of the same Provided that in case the tramway company shall not have notified to the Trustees their disapproval of such plans sections specifications and drawings within fourteen days from the receipt thereof they shall be deemed to have approved the same and the Trustees may proceed to execute the works in accordance with such plans sections specifications and drawings:

(2) The Trustees shall carry out all such works as aforesaid so as not to cause any interruption of or impediment to the traffic on the tramways of the tramway company and in all respects in accordance with such plans sections specifications and drawings as may have been reasonably approved as aforesaid or settled in case of difference by arbitration as hereinafter provided:

(3) The Trustees shall pay to the tramway company all reasonable expenses to which they may be put by or in connection with the construction of the said works

A.D. 1910.

and in payment of watchmen and inspectors on the tramways of the tramway company during construction and any reasonable additional expense which may be caused to the tramway company by or in consequence of the construction maintenance or user of the said works:

- (4) If any difference shall arise under this section between the Trustees and the tramway company the same shall be determined by an arbiter to be appointed in case of difference by the President of the Institution of Civil Engineers on the application of either party.

For protection of county council.

48. The Trustees shall not supply water for any purpose within the village of Lumphinnans in the parish of Ballingry without the consent of the county council.

Power to agree for servitudes &c.

49. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Trustees any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu-duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to acquire lands by agreement.

50. In addition to the lands authorised to be taken as aforesaid the Trustees may purchase by agreement lands not exceeding five acres for the purposes of making depôts pipe-yards and other buildings and conveniences in connexion with the water undertaking and the works by this Order authorised but nothing in this Order shall exonerate the Trustees from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land purchased under the powers of this section.

Power to Trustees to acquire additional lands.

51. Subject to the provisions of this Order the Trustees in addition to the other lands which they are by this Order authorised to acquire may enter upon take hold and use for preventing contamination or pollution of any of the reservoirs conduits or watercourses of the Trustees the lands shown upon the deposited plans and described in the deposited book of reference and situate in the parishes of Arngask Forgandenny and Forteviot in the

county of Perth the parish of Orwell in the county of Kinross A.D. 1910.
the parishes of Falkland Markinch Leslie Kettle and Kennoway
in the county of Fife:

Provided that—

- (1) After the expiry of a period of six months from the first day of January one thousand nine hundred and eleven the powers conferred upon the Trustees by this section shall cease to be exerciseable otherwise than by agreement with the owners or reputed owners lessees or reputed lessees and occupiers of such lands;
- (2) The Trustees shall not except with the consent of the Secretary for Scotland expend a larger sum than nine thousand pounds in the purchase of such lands;
- (3) Lands acquired by the Trustees for the purposes of this section shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts:

Provided also that nothing in this Order shall exonerate the Trustees from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased under the powers of this section.

52. The Trustees shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them unless the works and the lands upon which the same are to be constructed are specified in this Order or in an Act of Parliament or Order confirmed by Parliament.

Limiting powers of Trustees to abstract water.

53. The Trustees may on any lands which they may acquire under the powers of this Order or otherwise construct all such drains channels and other works as they may think necessary or desirable for preventing sewage or polluting liquids or contaminated or impure water from entering or polluting any of the reservoirs conduits or watercourses of the Trustees or any waters flowing into the same.

For protection of reservoirs &c. from pollution.

54. Subject to the provisions of the section of this Order whereof the marginal note is "Limiting powers of Trustees to abstract water" the Trustees on selling any lands acquired for or in connexion with the purposes of this Order and not required to

Reservation of water rights on sale.

A.D. 1910. be retained for those purposes may reserve to themselves all or any part of the water rights belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit.

Power to agree as to drainage of lands.

55. The Trustees may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any reservoirs and works belonging to the Trustees with reference to the execution by the Trustees or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Trustees flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Byelaws for preventing pollution of water.

56.—(1) The Trustees may make byelaws for preventing the pollution fouling or contamination of any water which they are authorised to impound and take and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of such areas as may be defined in the byelaws.

(3) All byelaws made under this section which affect any district beyond the limits of compulsory supply shall be subject to the approval of the local authority for such district Provided that such consent shall not be necessary where in the opinion of the Local Government Board for Scotland it has been unreasonably withheld.

(4) The provisions as to byelaws to be made by a local authority contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to byelaws made by the Trustees under this section.

(5) The Trustees shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed

by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts. A.D. 1910.

57. The Trustees may in lieu of acquiring any lands for the purpose of the conduits or lines of pipes by this Order authorised where the same are intended to be constructed underground acquire such servitudes only in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to and in respect of the acquisition of such servitudes as fully as if the same were lands within the meaning of those Acts:

Power to acquire servitudes only for lines of pipes.

Provided that nothing herein contained shall authorise the Trustees to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Trustees to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this proviso:

Provided also that as regards any lands in respect of which the Trustees have acquired servitudes only under the provisions of this section the Trustees shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such servitudes at all times have the same rights to use and cultivate the said lands as if this Order had not been confirmed.

58.—(1) The Trustees may hold any lands transferred to or acquired by them under this Order and may also by agreement purchase acquire and hold any lands or take servitudes or restrictions over any lands which may in their opinion be necessary or desirable for the purpose of securing the purity of the water in the drainage area of the waterworks of the Trustees and of protecting their water supply against pollution nuisance encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts.

Power to acquire and hold lands for prevention of pollution.

A.D. 1910.

(2) The Trustees may let for such period as they think fit or sell or feu any land acquired under this section on such terms conditions and restrictions as regards its use as to the Trustees may seem fit and to secure that such land shall not be manured or broken up for tillage and that no buildings which may prejudicially affect the water supply or the purity of the water shall be erected thereon. The proceeds of the sale of any lands by the Trustees shall only be applied to the purposes of this Order to which capital is properly applicable.

(3) Nothing in this Order shall exonerate the Trustees from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands acquired under the powers of this section and the Trustees shall not erect or permit the erection of any buildings on such lands except such as are required in connexion with the water undertaking or for farm buildings.

Power to discharge water temporarily into streams.

59. The Trustees may at any time for the purpose of repairing or of cleansing any existing works or any of the works or aqueducts authorised by this Order cause the water in any such works or aqueducts to be temporarily discharged into any available drain stream or watercourse.

In the exercise of the power conferred by this section the Trustees shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

Period for purchase of lands.

60. The powers of the trustees for the compulsory purchase of lands for the works authorised by this Order shall cease after the expiration of six years from the commencement of this Order.

Period for completion of works.

61. If the works authorised to be constructed by this Order are not completed within ten years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Trustees for executing any works not so completed or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Trustees from maintaining using extending enlarging altering replacing relaying increasing adding to or removing any of their conduits aqueducts mains or pipes at any

time and from time to time as occasion requires for the purpose of supplying water under this Order. A.D. 1910.

62. Whereas the Perth District Committee (herein-after in this section called "the district committee") of the county council of the county of Perth (herein-after in this section called "the county council") formed the village of Glenfarg and the surrounding district into a special water supply district under the Public Health (Scotland) Act 1897 which is known as the Glenfarg special water supply district (herein-after in this section called "the district") and constructed for the supply of water thereto two reservoirs and a filter bed and laid down piping and executed other works necessary for such supply and it is expedient that such works should be transferred to and vested in the Trustees and that they should maintain manage work and use the same for the supply of and should supply water to the district therefrom and from the Reservoir No. 1 or the filters and pure water tank (Work No. 12) by this Order authorised Therefore the following provisions shall (except so far as otherwise agreed to in writing between the Trustees and the district committee) have effect (that is to say):—

Arrange-
ments with
Perthshire
County
Council
and Perth
District
Committee.

- (1) The county council and district committee shall so soon as the Trustees are in a position by means of the Reservoir No. 1 the Embankment No. 1 the Embankment No. 2 the Catchwater No. 1 the Intake No. 1 the Conduit No. 1 and Work No. 12 by this Order authorised to afford a supply of water to the district and shall have notified the district committee to that effect transfer to the Trustees the said two reservoirs filter bed piping and other works constructed and executed by the district committee as aforesaid for the supply of water to the district and the Trustees shall from and after such transfer maintain manage work and use the same for the supply of water and shall supply water therefrom to the district in the same way and to the same extent as the district committee as local authority within the district were before such transfer bound to do and shall be and become liable in the place and stead of the county council and the district committee for the balance remaining due to the extent of but not exceeding one thousand seven hundred and fifty pounds of the moneys borrowed by the county

A.D. 1910.

council from the savings bank of the county and city of Perth for the construction of the waterworks to be transferred as herein-before provided from and after the first term of Whitsunday occurring after such transfer and shall relieve the county council and the district committee thereof:

(2) In addition to the supply of water provided for in the immediately preceding subsection the Trustees shall during every day of twenty-four hours supply the district with ten thousand gallons of water from the said Reservoir No. 1 or from the said Work No. 12 by this Order authorised for the domestic use of the inhabitants of the district and for sanitary and other purposes and in the event of the population of the district at any time exceeding six hundred persons the Trustees shall further supply from the said storage reservoir or pure water tank during every day of twenty-four hours such further quantity of water as may be required for the said purposes not exceeding in the whole fifteen thousand gallons and shall subject to the provisions of the Waterworks Clauses Act 1847 with respect to supply of water supply and lay down at their own cost and expense all pipes and apparatus necessary for affording the supplies of water provided for by this subsection and the Trustees shall have and may exercise all such powers with respect to the laying down maintenance and repair of such pipes and apparatus as the district committee had or might exercise before the commencement of this Order:

(3) Nothing in this Order shall alter or affect the burdens conditions provisions and whole other subsisting obligations undertaken by and on the part of the county council and the district committee to be observed and performed specified in (first) a feu contract entered into between Mrs. Elizabeth Forbes or Burt and the county council dated the seventh day of June and registered in the general register of sasines for publication and also in the books of the Lords of Council and Session for preservation the fifteenth day of November both in the year one thousand nine hundred and one and (second) a minute of

A.D. 1910.

agreement entered into between Mrs. Isabella Elizabeth Mackenzie or Kirkland widow of Major-General John Agmondisham Vesey Kirkland of Wester Fordel William Agmondisham Vesey D'Urban Kirkland and Alexander David Martin Black as trustees of the said Major-General Kirkland and the county council and the district committee dated the twelfth day of July and first second and fourteenth days of October all in the year one thousand nine hundred and one and the said feu contract and minute of agreement shall be read and construed in the same way and to the same effect as if the Trustees had been parties thereto instead of the county council and the district committee:

(4)—(A) The county council shall in respect of the obligations to be undertaken by the Trustees as herein-before in this section set forth assess and collect under the Public Health (Scotland) Act 1897 and pay over to the Trustees less the cost of collection an annual sum of money equivalent to an assessment on the assessable rental of the district as appearing in each year's valuation roll for the county of Perth of twopence in the pound and the domestic water rate for the time being charged within the limits of compulsory supply defined in this Order provided that such annual payment in any one year shall not exceed one shilling and fourpence in the pound on the said assessable rental:

(B) The county council to enable them to fulfil the obligation imposed on them under this subsection shall be entitled and they are hereby authorised and required annually to impose assess levy and recover to such amount as shall be sufficient for the purpose an assessment equally on the owners and occupiers of all lands and heritages within the district which assessment shall be imposed assessed levied and recovered under and in accordance as nearly as may be with the provisions in that behalf of the Public Health (Scotland) Acts 1897 to 1907 with respect to special water assessments in districts other than burghs:

(5) Nothing herein-before in this section contained shall prevent the Trustees from supplying water in bulk

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within the district under the provisions of this Order on such terms and at such price as may be agreed or as failing agreement may be fixed by the sheriff:

- (6) In the event of the Trustees failing to implement the obligations undertaken by them as set forth in subsections (1) (2) and (3) of this section the district committee shall be entitled to call upon the Trustees to retransfer to the district committee the waterworks applicable to the district and the Trustees shall thereupon retransfer the said works as existing at the date of retransfer and the Trustees on making such retransfer shall be relieved of all further liability for the future supply of water to the district and of all liability for payment of any balance which may remain due at the date of retransfer of the moneys borrowed by the county council from the savings bank of the county and city of Perth for the construction of the waterworks to be retransferred as herein-before in this section provided:
- (7) If any difference shall arise under this section between the Trustees and the county council or the district committee the same unless otherwise agreed shall on the application of the parties or either of them be settled by the Dean of the Faculty of Advocates in Scotland for the time being whose decision shall be final.

For protection of
Perth District Com-
mittee.

63. In the execution of the works and the exercise of the powers by this Order authorised and conferred so far as they affect highways in the county of Perth the following provisions for the protection of the Perth District Committee of the county council of the county of Perth (herein-after in this section called "the district committee") shall (except so far as otherwise agreed to in writing between the Trustees and the district committee) have effect (that is to say):—

- (1) All aqueducts conduits or lines of pipes or other works to be laid in or along any county highway or in upon or across any county bridge shall so far as practicable be laid in such position in or at the side thereof as the district committee in writing under the hand of their surveyor for the district may reasonably direct and all works and operations to be executed by the

Trustees shall be so executed at their risk and they shall maintain the tracks thereof for at least twelve months after the completion of the works: A.D. 1910.

- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all county highways and county bridges opened and broken up or interfered with by the Trustees in the execution of the works and the exercise of the powers of this Order. Provided that the notice required by section 30 of that Act shall not be less than seven days instead of three days:
- (3) The plan required by section 31 of the last-mentioned Act shall be accompanied by a section of the proposed works and a short specification thereof and shall be delivered to the district committee or their surveyor for the district by the Trustees not less than in the case of a county bridge one month and in all other cases fourteen days before they commence to break or open up any county highway or interfere with any county bridge for the purpose of executing the works:
- (4) No greater length than one hundred and fifty yards of any county highway shall be broken up at any one place at one time without the consent of the district committee. A clear and sufficient carriageway shall be kept for the passage of carriages and traffic along every county highway and county bridge during any interference therewith by the Trustees unless where by arrangement with the district committee a county highway or county bridge may be shut up and in case of default in compliance with this provision the district committee may by their own servants and workmen clear any such carriageway and may recover the expenses of and incident thereto from the Trustees:
- (5) Nothing in this Act shall authorise the Trustees to interfere with the structural part of any county bridge or culvert without the consent in writing of the road surveyor for the Perth district which consent shall not be unreasonably withheld and may be given

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upon such conditions as the district committee or the said surveyor may reasonably determine. Provided that the district committee shall be deemed to have given such consent required under this subsection and under subsection (1) of this section if within one month after plans have been submitted to the said surveyor he shall not have given written notice to the Trustees objecting thereto:

- (6) Nothing in this Order contained shall interfere with the right of the district committee to alter the level of or divert or improve in any manner they think fit any county highway in or along which any aqueduct conduit or line of pipes of the Trustees shall have been laid and the Trustees shall forthwith on receiving notice in writing under the hand of the clerk or surveyor of the district committee alter the position of any such aqueduct conduit or line of pipes in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner herein-after prescribed:
- (7) Nothing in this Order contained shall interfere with the right of the district committee at any time or times to remove alter or rebuild any county bridge or the approaches thereto or culvert over near or attached to which any aqueduct conduit or line of pipes of the Trustees is carried in the same manner as they might have removed altered or rebuilt any such bridge or the approaches thereto or culvert if this Order had not been confirmed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge or culvert and in the event of any such bridge or the approaches thereto or culvert over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the Trustees shall at the joint cost of the Trustees and of the district committee alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto or culvert as aforesaid. Provided that during the removal alteration or

rebuilding of such bridge or the approaches thereto or culvert as aforesaid the district committee shall afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across or along any road or stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such aqueduct conduit or line of pipes : A.D. 1910.

- (8) The Trustees shall construct and maintain in connexion with the aqueducts conduits or lines of pipes by this Order authorised crossing or passing along any highway or road hydrants or other suitable apparatus or appliances for taking water from the said pipes which shall be placed along and at the side of such highways or roads at intervals of not less than one mile or at such places not more numerous as shall be arranged between the Trustees and the district committee and the district committee shall be entitled to the use of the same and to take water thereby free of charge up to but not exceeding twenty thousand gallons yearly through their servants and workmen for the purpose of their road engines and the renewal maintenance and repair of highways and roads and bridges and for watering the same and the extinguishing of fires but the water shall not be so taken or used for any other purpose unless otherwise agreed upon as aforesaid. The district committee shall pay to the Trustees for a supply of water exceeding twenty thousand gallons yearly such rates as may be agreed upon or failing agreement may be fixed by arbitration as hereinafter provided :
- (9) All works shall be so executed by the Trustees as not to stop the traffic and so far as reasonably practicable not in any way to impede or interfere with the traffic on any highway or over any county bridge or the approaches thereto :
- (10) The district committee shall not be liable for or in respect of any damage or injury done to any work of the Trustees by reason of such work being laid at a depth below the surface of any highway insufficient

A.D. 1910.

for its protection from injury arising from the reasonable use of any steam or other roller or traction engine for the repair of such county highway or from the passage of the traffic in such highway or in repairing any county bridge or the approaches thereto or culvert:

- (11) For the purposes of section 57 of the Roads and Bridges (Scotland) Act 1878 the Trustees shall be deemed to be the person by whose order any excessive weight shall have been passed or any extraordinary traffic conducted on the county highways in connexion with the execution of the works by this Order authorised. The Trustees shall make payment to the district committee for and in respect of the carriage or haulage over any highway situate within the district of the district committee of materials to be used by the Trustees in the construction repair or maintenance of the works or any of them by this Order authorised or in the reconstruction thereof of threepence per ton for each mile for and in respect of such materials so carried or hauled by traction engine haulage and of twopence per ton for each mile for and in respect of such materials so carried or hauled in carts and may for the purpose of such traffic lay down at the sight and to the reasonable satisfaction of the road surveyor of the district committee and during the construction of the works by this Order authorised or such further period as may be agreed upon between the Trustees and the district committee and so long as they shall continue to pay to the district committee the sum of ten guineas per annum use a line of rails on the level across any highway or public road situate between Glenfarg Railway Station and the Reservoir No. 1. Provided that the Trustees shall erect and maintain gates across such line of rails on each side of the road and shall on the abandonment by them of such line remove the rails and at their expense restore the surface of the roadway to the reasonable satisfaction of the said road surveyor. Provided further that the Trustees shall be bound to relieve the district committee of all claims for damages attributable to any operations of the Trustees under this subsection

or to the line of rails being on the highway or footpath : A.D. 1910.

- (12) If any difference arises between the district committee and the Trustees touching this section or anything to be done or not to be done thereunder such difference shall failing agreement be referred to the decision of an arbiter to be named (failing agreement of the parties to name an arbiter) by the sheriff on the application of either party and the decision of such arbiter shall be final.

64. The provisions of the immediately preceding section shall so far as applicable extend and apply to and for the protection of the Kirkcaldy District Committee of the county council. For protection of Kirkcaldy District Committee.

65. For the protection of the waterworks commissioners of Kirkcaldy and Dysart (in this section called "the commissioners") the following provisions shall unless otherwise agreed upon between the Trustees and the commissioners have effect (that is to say) :— For protection of waterworks commissioners of Kirkcaldy and Dysart.

- (1) Notwithstanding anything in this Order contained none of the powers conferred upon the Trustees shall be exerciseable within the burghs of Kirkcaldy and Dysart without the consent in writing of the commissioners :
- (2) No supply of water shall be given by the Trustees beyond the limits of compulsory supply and within the limits within which the commissioners are at the commencement of this Order authorised or required and are willing to supply water without the consent of the commissioners :
- (3) Nothing in this Order contained shall restrict diminish or limit any of the powers conferred upon the commissioners by the Kirkcaldy and Dysart Waterworks Acts 1867 to 1908 :
- (4) In carrying out any of the works under this Order the Trustees shall not themselves alter or interfere with the existing mains branch and service pipes or other works of the commissioners or the lines and levels of the same or any apparatus valves accesses or entrances connected therewith nor prevent or injuriously affect or interrupt the flow of water but in the event of any alterations or interference with such works

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aforesaid being required by the Trustees in the exercise of the powers conferred upon them by this Order such alterations or interference with such works shall be executed by the commissioners and the commissioners shall use every means in their power to have such alterations on or interference with their respective works executed as economically as possible and with all reasonable despatch and in such a manner as will enable the Trustees to carry out their works without undue delay. The reasonable cost of so much of such alterations or interference with such works by the commissioners as is reasonably due to the operations of the Trustees shall be paid by the Trustees to the commissioners within three months after a detailed account thereof shall have been rendered to the Trustees and should any dispute arise as to what is due by the Trustees the same shall be determined by arbitration in manner in this section provided and the commissioners' works as so altered shall remain part of the statutory undertaking of the commissioners:

- (5) In the event of any alterations on or deviations of any water mains branch or service pipes or other works and property of the commissioners being necessary by or in consequence of the operations of the Trustees for more effectually securing and safeguarding the same or for the construction of such works as may be required for the protection of the commissioners' undertaking such alterations or deviations or protection works shall be executed and completed by the commissioners at the expense of the Trustees. Provided that no such works intended to be executed at the expense of the Trustees shall be commenced without giving at least fourteen days' written notice or if the circumstances are urgent then such notice as the circumstances permit to the Trustees with the particulars including plans and sections of the works intended and the estimated cost thereof and the same shall be executed as economically as possible and so as to interfere as little as possible with the works of the Trustees and the Trustees may elect to vary or alter their works so as to render unnecessary or lessen the proposed operations on the part of the commissioners

and require the intended alterations or deviations to be correspondingly varied: A.D. 1910.

- (6) The commissioners shall at all times have right of access to their existing and future mains branch and service pipes and works connected therewith and to any protective works which may be constructed as herein provided for the purpose of the examination cleansing and renewal repair and duplication enlargement alteration and maintenance of the same and for making any additional works which they may consider necessary or may see fit or may be hereafter authorised to construct:
- (7) The Trustees shall before proceeding with any works or operations which interfere with or affect any of the mains branch and service pipes and other works of the commissioners give at least one month's previous written notice of the intention of the Trustees so to do to the secretary of the commissioners and shall submit plans and sections showing the intended operations which plans and sections shall so far as any of the mains or branch pipes or other works of the commissioners shall or may be interfered with or affected be subject to the reasonable approval of the engineer of the commissioners and the Trustees shall carry out such works only in accordance with the plans so approved:
- (8) All additional expenditure which at any time after the commencement of this Order may be reasonably incurred by the commissioners in consequence of the construction or laying down or by reason of the existence of any mains pipes or other apparatus of the Trustees within the area of supply of the commissioners which but for the confirmation of this Order and the exercise of the powers conferred on the Trustees would not have otherwise arisen shall be borne and paid by the Trustees:
- (9) The commissioners shall not be liable for any loss or damage which the Trustees may sustain by the exercise in a reasonable manner by the commissioners of any statutory powers possessed by them for the time being for the management inspection

A.D. 1910.

repair maintenance and renewal of their works or conferred by this Order or in connexion with the construction and maintenance at any time of new and additional mains branch and service pipes and other works which may be found necessary for the purposes of their undertaking:

- (10) If any difference shall arise at any time between the Trustees and the commissioners with respect to any of the matters referred to in or arising out of this section except subsections (1) (2) and (3) hereof or with respect to the execution of any works therein provided for or referred to such difference shall failing agreement of the parties to name an arbiter be referred to an arbiter to be nominated by the sheriff on the application of either of the said parties and the decision of the said arbiter in all such matters so referred shall be final. Provided however in reference to the eight-inch or larger mains of the commissioners and the apparatus and valves connected therewith the commissioners shall be entitled absolutely to decide the manner in which and the conditions upon which such mains shall be altered or interfered with and in these cases the said arbiter shall failing agreement decide whether and to what extent such alteration or interference was due to the operations of the Trustees and the amounts reasonably chargeable against the Trustees in respect thereof.

For protection of trustees of late James Lawrence Boyd.

66. The following provisions for the protection of the trustees of the late James Lawrence Boyd of Glendouglie and Candy (herein-after in this section called "the proprietors") shall unless otherwise agreed upon between the Trustees and the proprietors apply and have effect:—

- (1) The road of access No. 1 shall be temporary and after the completion of the works authorised by this Order the ground shall be restored by the Trustees to its present condition and the fences to be erected by the Trustees in pursuance of this section shall be removed by them. The said road of access No. 1 shown on the plans so far as passing through the proprietors' lands to the north of the River Farg shall instead thereof be carried on the south or Candy side of the

said river from the boundary of the said estate at or about Hayfield Mill to a point on the River Farg one hundred feet or thereabouts west of the division line between the enclosures numbered 25 and 26 on sheets Nos. 1 3 and 6 of the deposited plans: A.D. 1910.

- (2) The Conduit No. 1 shall be laid on the same line as the Road of Access No. 1 as altered (that is to say) on the south and north sides of the said river between the respective points referred to in the foregoing subsection:
- (3) Before commencing the construction of the said Road of Access No. 1 and before laying the conduit on and within the lines thereof the Trustees shall enclose the ground to be taken for the said road with a sufficient fence on both sides to the reasonable satisfaction of the proprietors so as to separate the ground so taken from the rest of the proprietors' lands for the whole length of the road so far as it passes through the proprietors' lands Provided always that where an existing fence alongside said river is available it shall not be incumbent on the Trustees to erect a second fence but the Trustees shall be bound to maintain such available fence and hand it over to the proprietors at the termination of their operations in good order The Trustees shall also make provision for the unobstructed use by the proprietors and their tenants during the Trustees' occupation of the said ground of all existing roads paths and tracks on the said lands which may be crossed by the said road by supplying gates in the fences to be constructed under this subsection or other means of passage to the reasonable satisfaction of the proprietors:
- (4) The Trustees undertake to provide during their operations to the reasonable satisfaction of the proprietors a sufficient supply of water to the different fields along the route of the said Road of Access No. 1:
- (5) The Trustees shall settle with the tenants of the proprietors all claims of whatever nature arising out of the occupation by the Trustees of any part of the proprietors' lands and also all claims for damage sustained by the said tenants from any action or

A.D. 1910.

trespass committed by the servants of the Trustees on the proprietors' lands so far as not taken and whether such action or trespass be authorised by the Trustees or not:

- (6) The maintenance and upkeep of that part of the Road of Access No. 2 between the public road from Glenfarg to Milnathort (commonly called the Newhill Road) and the point where the branch road to Candy leaves the said Road of Access No. 2 shall (subject and without prejudice to the existing obligation of the county council of the county of Perth to maintain the portion of the said Road of Access No. 2 situate between the said public road from Glenfarg to Milnathort and the centre of the bridge over the Glendy Burn) be borne jointly by the Trustees and the proprietors and the Trustees shall relieve the proprietors of the maintenance and upkeep of the remaining portion of the said Road of Access No. 2 between the said branch road to Candy and the ford across the River Farg:
- (7) In the event of the operations of the Trustees causing any injury or damage to the fences dykes gates bridges or other structures on said lands or to the banks embankments and water gates of the said River Farg and the said Glendy Burn the same shall be repaired by the Trustees to the reasonable satisfaction of the proprietors:
- (8) If any difference arise between the proprietors and the Trustees touching this section or anything to be done or not to be done thereunder such difference shall failing agreement be referred to the decision of an arbiter to be named (failing agreement of the parties to name an arbiter) by the sheriff on the application of either party and the decision of such arbiter shall be final.

For pro-
tection of
Edward
Balfour of
Balbirnie.

67. The following provisions for the protection of Edward Balfour of Balbirnie (hereinafter in this section called "the proprietor") shall unless otherwise agreed upon between the proprietor and the Trustees apply and have effect:—

- (1) Nothing in this Order contained shall prejudice the rights and privileges conferred on the proprietor

and Charles Barrington Balfour of Balgonie under the minute of agreement entered into between the Kirkcaldy District Committee and the town council's predecessors the commissioners of the burgh of Buckhaven Methil and Innerleven on the first part and the proprietor's father John Balfour of Balbirnie and the said Charles Barrington Balfour on the second part dated thirty-first March ninth seventeenth and thirtieth April one thousand eight hundred and ninety-four:

A.D. 1910.

- (2) Notwithstanding anything in this Order contained the Trustees shall not appropriate the springs and other water supplies which at present form the domestic supply to the mansion house of Balbirnie home farms of Balfarg and Mains and other parts of the estate of Balbirnie or belonging to the proprietor:
- (3) The Trustees shall not in the exercise of the powers of this Order raise the top water level of Coul Reservoir so as to flood lands other than those presently belonging to the proprietor and the lands already acquired for the existing reservoir.

68. Subject to the provisions of this Order the limits of compulsory supply shall be and shall comprise and include the whole district and area comprised and contained within the boundaries specified and set forth in the First Schedule to this Order which limits are in this Order referred to as "the limits of compulsory supply."

Limits of compulsory supply.

69. In the event of the Trustees supplying water beyond the limits of compulsory supply to and within the jurisdiction of any local authority as defined by the Public Health (Scotland) Act 1897 they shall be bound if and when such local authority shall themselves resolve to supply water to and within the jurisdiction of such local authority beyond the said limits to sell to such local authority on receiving six months' notice in writing any pipes plant or other apparatus of the Trustees which are used exclusively for the distribution of water within the jurisdiction of such local authority beyond the said limits under the powers of this Order and that for such price as may be agreed on or failing agreement as may be fixed by arbitration under the Lands Clauses Acts.

Sale of portion of pipes within jurisdiction of other local authorities.

A.D. 1910.

Pressure.

70. The water to be supplied from any main or pipe of the Trustees need not be supplied in any case at a level higher or at a pressure greater than can be supplied or afforded by gravitation from the reservoir or tank existing or by this Order authorised from which the supply is taken.

Suspension of constant pressure during repairs &c.

71. The water to be supplied by the Trustees need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations.

Suspension of constant supply.

72. Notwithstanding anything to the contrary contained in the Waterworks Clauses Acts 1847 and 1863 the Trustees until the expiration of ten years from and after the commencement of this Order or until the waterworks authorised by this Order shall have been substantially completed and the water therefrom introduced whichever shall first happen shall not be bound to give or maintain a constant supply.

Supply of water for domestic use within limits of compulsory supply.

73. The Trustees shall so far as not already laid cause pipes to be laid and water to be brought through all streets and roads or portions of streets or roads along which houses are built within the limits of compulsory supply and shall as soon as conveniently may be after the completion of the reservoirs and other works by this Order authorised to be constructed 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 by and at the cost of such person unless otherwise agreed between him and the Trustees a sufficient supply of water for domestic purposes (including a supply for private water-closets and private fixed baths in each such dwelling-house) including the office-houses yards and other pertinents of the same Provided that no person shall be entitled to demand such supply of water or to require the Trustees to lay down pipes or fire plugs unless some pipe of the Trustees shall have been laid within one hundred yards of the premises in respect of which such supply of water or pipes or fire plugs are demanded or in the case of tenements situated in a private close or place unless a water pipe of the Trustees shall have been laid within one hundred yards of the entrance to such close or place or unless the Trustees 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 yards of such premises. A.D. 1910.

74. The Trustees may furnish to any person or company within the limits of compulsory supply a supply of water for other than domestic purposes to shops offices and warehouses and for steam engines or railway purposes or for docks or the ships therein or for warming or ventilating any premises other than dwelling-houses or for working any machine or apparatus or for cattle or for horses or for washing carriages or for a hose for watering gardens or for garden fountains or ornamental purposes or for any trade manufacture business or occupation or for hotels taverns public houses restaurants or any other purposes other than domestic which respective supplies shall be furnished upon such terms and conditions and at such rates as shall be fixed from time to time by the Trustees and approved by the sheriff and published by being exhibited in the office of the Trustees or upon such terms as may be agreed between the Trustees and any such person or company desiring such supply Provided that in the event of any disagreement either as to the ability of the Trustees to give a supply of water under this section or as to the rates terms or conditions on or in respect of which the supply is to be given the same shall subject to the provisions of this Order be fixed by the sheriff in a summary manner upon the application of the Trustees or of any person or company aggrieved and the decision of the sheriff shall be final Provided also that so far as possible the rate for such supply of water shall be uniform to all persons or companies in the same circumstances and requiring the same extent of supply and the charges for such supply shall be recoverable in the same manner as any other water rates or charges may be recovered under the authority of this Order and of the Waterworks Clauses Acts 1847 and 1863 and the Public Health (Scotland) Acts 1897 to 1907 Provided further that when water is supplied by measure the Trustees shall not charge the persons or companies obtaining the same with the water assessment for the premises for which such supply is given and also charge for the same by measure but the Trustees shall have the option either to charge the person or company obtaining such supply with the water assessment in respect of such premises or to charge the same by measure Provided always that the supply of water under this section shall not prejudicially affect

Trustees may supply water for other than domestic purposes.

A.D. 1910. or restrict the supply of water from time to time required for domestic purposes within the limits of compulsory supply and in the application of this section to lands premises or buildings belonging to any railway company or colliery undertaking the Wemyss Collieries Trust Limited or the Wemyss Coal Company Limited such company undertaking or trust shall be entitled to require the Trustees to set off against the aggregate of the said rate levied upon their whole lands premises and buildings other than dwelling-houses within the limits of compulsory supply the aggregate amount of the charges for water furnished to such companies or trust for other than domestic purposes at all places wheresoever within the limits of compulsory supply the Trustees being entitled to charge either of such aggregates as they shall think fit.

Payment of charge for water supply.

75. The charge for the supply of water under the immediately preceding section of this Order shall be payable quarterly or at such other times as the Trustees shall fix and unless the Trustees shall otherwise determine shall if payable quarterly or for a shorter period be paid in advance Provided that where the supply is furnished by measure the consumer may be required to deposit such sum in security of the payment for such supply as the Trustees may think necessary.

Contracts for supplying water in bulk.

76. The Trustees may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of compulsory supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district.

Supply of water by Trustees along line of pipes.

77. The Trustees may from and after the completion of the reservoirs and other works authorised to be constructed as aforesaid supply by agreement water from any of the lines of pipes by this Order authorised or from any of the works of the Trustees to any owners or occupiers of lands or heritages lying adjacent or near to the same and also to any person within the parishes of Arngask in the county of Perth Orwell and Portmoak in the county of Kinross Auchterderran Auchertool Ballingry

Dysart Falkland Kennoway Kinglassie Leslie Markinch Scoonie and Strathmiglo in the county of Fife or within some or one of them in or through or near to which the lines of pipes or waterworks of the Trustees may pass or be constructed and the Trustees may contract with all or any of such persons for such supply at such rates upon such terms and conditions and for such period or periods of time as they may agree Provided always that any supply of water under the provisions of this section shall not prejudicially affect or restrict the supply of water from time to time required for all purposes within the limits of compulsory supply or any supply of water which under the provisions of the Waterworks Clauses Acts and this Order the Trustees may be required to give beyond the limits of compulsory supply Provided further that the supply of water by the Trustees under this section shall so far as the same is given beyond the limits of compulsory supply be subject to the consent of the local authority of the district within which such supply is proposed to be given. A.D. 1910.

78. The agreement between the town council of the one part and the county council of the county of Kinross of the other part as set forth in the Sixth Schedule to this Order is hereby confirmed and made binding on the Trustees and on the said county council respectively. Confirming agreement with Kinross County Council.

79. The agreement between the town council of the one part and the Wilsons and Clyde Coal Company Limited of the other part as set forth in the Seventh Schedule to this Order is hereby confirmed and made binding on the Trustees and on the said Wilsons and Clyde Coal Company Limited respectively Provided always that in the event of the county council promoting and obtaining a Provisional Order for the transfer to them of part of the water undertaking in accordance with the provisions of the section of this Order whereof the marginal note is "As to transfer of portion of water undertaking to county council" for the purpose of supplying water to the district of the district committee including the area coloured red on the plan annexed to the said agreement and in the event of such Provisional Order being framed generally as regards rating on the lines of the Dunfermline District Water Order 1904 and particularly of its restricting any public water rate thereby authorised to a rate not exceeding threepence in the pound the said agreement shall cease and determine. Confirming agreement with Wilsons and Clyde Coal Company Limited.

A.D. 1910.

Confirming
agreement
with trustees
of Alexander
Beveridge.

80. The agreement between William Thomas Ketchen writer to the signet on behalf of the Promoters of this Order and Beveridge Sutherland and Smith solicitors on behalf of the trustees of the late Alexander Beveridge of Craigfarg as set forth in the Eighth Schedule to this Order is hereby confirmed and made binding on the Trustees and on the Trustees of the said Alexander Beveridge respectively.

Cleansing
sewers &c.

81. The Trustees 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 washhouses or for public fountains either gratuitously or at such charge or reduced charge and upon such terms and conditions as they shall think proper Provided always that the supply of water under this section shall not prejudicially affect or restrict the supply of water from time to time required for domestic or trade or manufacturing purposes within the limits of compulsory supply.

Water for
road &c.
purposes.

82. Water supplied to any local or road authority for road purposes and for flushing sewers shall be supplied through a stand pipe the diameter of the orifice of which shall be determined by the Trustees.

Owners to
provide and
maintain ser-
vice pipes.

83. For the purpose of providing for the better distribution of the water supply among the inhabitants it shall be lawful for the Trustees to require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street within the limits of compulsory supply in which the pipes of the Trustees are laid to take a supply of water for such house or tenement by connecting a service pipe with the main pipe of the Trustees in any such street (such connexion to be made by the Trustees or some person to be employed by them at the expense of the owner) and to provide lay and maintain in good and sufficient repair such service pipes stand pipes or taps cisterns and other apparatus and in such positions as shall appear to the Trustees to be necessary for that purpose and in the event of refusal or delay on the part of such owner to comply with such requisition it shall be lawful for the Trustees to enter such house or tenement and premises connected therewith at any reasonable hours of the day and to provide lay and maintain such service pipes stand pipes or taps cisterns and other apparatus in such positions as aforesaid and to recover the

expense thereof from such owner in the same manner as rates or charges are recoverable by the 'Trustees' under this Order and the Waterworks Clauses Acts 1847 and 1863 Provided always that in the case of houses not exceeding four pounds of yearly rent or value such owner shall not be required to introduce water into each house but only such means of supply for each tenement of houses as the Trustees may deem necessary Provided also that in case of any question or difference arising between the Trustees and any owner with respect to the necessity for a supply of water being provided for any house or tenement under this section or with respect to the number or description of service pipes stand pipes or taps cisterns or other apparatus necessary for the purpose aforesaid the same shall be determined and fixed by the sheriff in a summary manner on the application of either of the parties and the decision of the sheriff shall be final.

84.—(1) The Trustees may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

A.D. 1910.
—
Byelaws for preventing waste &c. of water.

(2) Such byelaws shall apply only in the case of premises to which under this Order the Trustees are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and such byelaws shall be approved and confirmed by the Local Government Board for Scotland.

(3) In case of the failure of any person to observe such byelaws as are for the time being in force the Trustees may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Trustees as the water rates in respect of the premises are recoverable.

A.D. 1910.

Penalty for taking water from public wells except for domestic use.

85. Every person who takes water from any of the public fountains or stand pipes supplied from any of the mains or pipes of the Trustees for any purpose other than domestic use or drinking shall for every such offence be liable to a penalty not exceeding five pounds.

Tube or hose not to be affixed to mains or pipes without consent of Trustees.

86. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the Trustees without their written consent to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the Trustees or to any service pipe or apparatus of such owner or occupier for the purpose of washing horses or carriages or other vehicles houses or buildings or windows or for watering gardens or washing pavements of roads or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for every such offence forfeit and pay to the Trustees a penalty not exceeding forty shillings.

Trustees not bound to supply several houses by one pipe.

87. The Trustees except where otherwise expressly provided in this Order shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Notice of discontinuance.

88. A notice to the Trustees from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Trustees.

Supply to houses partly used for trade &c.

89. The Trustees shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Power to sell or let meters.

90. The Trustees may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Trustees to let for hire any water fittings to any person supplied by them with water.

Notice to Trustees of connecting

91. Before any person connects or disconnects any meter by means of which any of the water of the Trustees is intended to be or has been registered he shall give not less than twenty-four

hours' notice in writing to the Trustees of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Trustees and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. A.D. 1910.
or discon-
necting
meters.

92. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Trustees or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Trustees shall (without prejudice to any other right or remedy for the protection of the Trustees) be liable to a fine not exceeding five pounds and the Trustees may in addition thereto recover the amount of any damage by them sustained : Injuring
meters &c.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Trustees or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Trustees the Trustees may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Trustees by the person so offending and may be recovered by them as water rates and assessments are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Trustees when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

A.D. 1910.

Power to
supply
fittings.

93.—(1) The Trustees may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Trustees in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to poinding or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Trustees as the actual owners thereof.

Provided as follows:—

- (A) It shall not be lawful for the Trustees to expend money (except through a contractor) upon the provision of such fittings or of labour and materials required for the fixing repairing or removal thereof upon or from the premises of their consumers or prospective consumers :
- (B) The Trustees shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed) :
- (C) Every sum charged by the Trustees in respect of provision of such fittings or the repairing fixing or removal thereof shall be clearly stated in every demand note delivered by the Trustees to the consumer :
- (D) The total sums expended and received by the Trustees in connexion with the purposes in this section

mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the Trustees for such year. A.D. 1910.

94. The Trustees may on the application of the owner or occupier of any premises within the limits of compulsory supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply. Power to lay pipes in streets not dedicated to public use.

95. For the purpose of complying with any obligation under this Order to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. As to breaking up ground for maintaining communication pipes.

96. The Trustees may subject to the provisions of this Order agree with any person for supplying him with water by measure and may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure and in both cases a meter for ascertaining the quantity consumed shall be provided by the Trustees at a reasonable rent to be fixed by the Trustees. Rent for water may be ascertained by meter.

97. The Trustees shall and they are hereby authorised and required once in every year to estimate and fix the amount of money necessary to be levied for the purpose of defraying the costs charges and expenses of supplying water for and during the year then current and the interest of money already borrowed and owing at the commencement of this Order and transferred by this Order to the Trustees or that may be borrowed or that may be due under the provisions of this Order or for payments of any instalments of principal or of principal and interest of any moneys already borrowed or to be borrowed and the payment to the sinking fund together with the expense of maintaining and managing the works transferred by and the works to be constructed under this Order and obtaining and providing and distributing the supplies of water and the salaries wages and other expenses of the treasurers engineers surveyors clerks collectors or other officers or servants employed by the Trustees and all other charges and expenses chargeable against revenue. Trustees to estimate annual sums required.

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Estimate
to be con-
sidered and
water rate
imposed.

98. The estimate to be made up in manner before provided shall be submitted to and considered by the Trustees at a meeting to be held as soon as conveniently may be after they shall have obtained a copy of the valuation roll or rolls for the year then current and at such meeting or any adjournment thereof the Trustees may and they are hereby authorised and required in order to raise such a sum of money as along with the other water revenues of the Trustees shall be sufficient for the purposes aforesaid annually to impose assess levy and recover to such amount as shall be necessary an assessment (in this Order called "the water assessment") equally on owners and occupiers of all lands and premises within the limits of compulsory supply which water assessment shall be imposed assessed levied and recovered under and in accordance as nearly as may be with the provisions in that behalf of the Public Health (Scotland) Acts 1897 to 1907 with respect to special water assessments in districts other than burghs and with the rights powers privileges and preferences conferred by those Acts on local authorities of districts other than burghs with respect to the water supply of a district which provisions shall mutatis mutandis apply to the Trustees and to the water undertaking of the Trustees in the same way and to the same extent and effect as such provisions apply to the district of a local authority other than a burgh :

Provided that for a period of two years from the commencement of this Order the water assessment shall be levied by the Trustees in the same proportions as heretofore between the landward and burghal areas and that the existing arrangements shall also be continued for the like period as regards the appropriation of the price of water sold for manufacturing purposes The water assessment shall not exceed the rate of three shillings in the pound provided that if the produce of a rate of three shillings in the pound shall not be sufficient to meet the expenditure bonâ fide incurred or contemplated it shall be lawful to increase the water assessment to such extent as may have been approved of by the Local Government Board for Scotland Provided also that as regards all persons who shall be the owners or occupiers of any dwelling-houses railway stations or other buildings (other than tenements situated in a private close or place) they shall not be liable to be assessed in respect thereof for the water assessment unless such dwelling-houses railway stations or other buildings shall have been actually supplied with water under this Order or unless some pipe of

the Trustees shall be laid down within one hundred yards of the same measuring from the outer wall of such dwelling-houses railway stations or other buildings or of any domestic offices in contact with and occupied as appurtenances of such dwelling-houses railway stations or other buildings and that as regards the owners or occupiers of tenements situated in a private close or place they shall not be liable to be assessed in respect of such tenements for the said water assessment unless some pipe of the Trustees shall be laid down within one hundred yards of the entrance to such close or place or the nearest part thereof. A.D. 1910.

99. The annual rent or value of all lands heritages houses buildings and other premises and property liable to be assessed for the water assessment shall subject to the provisions of this Order be ascertained by the valuation roll or valuation rolls. Mode of ascertaining rental of property.

100. Every assessment for the water rate shall be fairly transcribed in a book to be kept for that purpose which book is in this Order called the water assessment roll and such water assessment roll shall show the yearly rent or value of the lands and premises liable to be assessed for the water rate and according to which such assessment is intended to be levied and may be in the form of the Fifth Schedule to this Order annexed or to the same effect and every such water assessment roll shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and notice shall be given to every person of the rate charged upon him the place of payment and the date at which such payment is required to be made and that he may appeal to the Trustees against the same within fourteen days after such notice. Form of water assessment roll and of rate and notice thereof to ratepayers.

101. The water assessment roll immediately after any rate is assessed shall be open to the inspection of any person interested or liable to pay such rate at all reasonable times and any such person may take copies or extracts from the water assessment roll of the rate in which he is interested or for which he is liable without paying anything for the same and any person having the custody of such assessment roll who refuses or does not permit any person so interested or rated as aforesaid to take copies or extracts in regard to such rate shall for every such offence be liable to a penalty not exceeding five pounds. Assessment roll to be open to inspection of ratepayers.

102. The Trustees may amend the water assessment roll in respect of any such rate assessed by virtue of this Order by Assessment roll may be amended.

A.D. 1910. inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting therein the name of any person who ought to have been rated or who since the making up of the said roll has become liable to be 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 the Trustees that such person shall have been erroneously rated or by making such other amendments therein as will make such rate conformable to this Order and no such amendment shall be held to make void the rate Provided always that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in the assessment roll and no such alteration had been made and as respects such person the rate shall be considered to have been assessed at the time when he received notice of such alteration and every person whose rate is increased shall be entitled to seven days' notice of such increase before the rate shall be payable by him.

Any person aggrieved may lodge objections and be heard.

103. If any person shall consider himself to be improperly or unduly rated he may within fourteen days from the date of the notice being given of such rate lodge with the collector written objections signed by him and the Trustees or a committee named by them shall proceed on such days and at such places as shall be fixed by them and of which notice shall be given to such persons by the collector not less than four days previously to consider such objections and shall dispose thereof summarily and without written pleadings and the decision of the Trustees shall be final.

Water assessment to be assessed from Whitsunday to Whitsunday.

104. The water assessment shall be assessed for the period from the term of Whitsunday in each year to the term of Whitsunday in the year following and the first water assessment by the Trustees shall be laid on as from Whitsunday one thousand nine hundred and eleven to Whitsunday one thousand nine hundred and twelve for the year preceding the last-mentioned date and the water assessment shall be payable at such place or places and on such day as the Trustees shall appoint or otherwise as the Trustees may determine.

Water assessment roll to be evidence.

105. In any proceeding to levy and recover or consequent on the levying or recovering of any assessment under the provisions of this Order the water assessment roll signed by the

clerk and all entries therein shall by the production thereof alone and without any evidence that the requirements of this Order have been complied with be received as evidence of such assessment and of the amount thereof. A.D. 1910.

106. The Trustees or any person by them authorised may from time to time inspect all or any of the public rates and assessments embracing the lands and heritages within the limits of compulsory supply or any part thereof and the books in which are contained all the assessments by which the same are made and may take copies thereof or extracts therefrom respectively and any person having the custody of such rates and assessments who shall not suffer the Trustees or any person authorised by them to inspect the same at reasonable times or to take copies thereof or extracts therefrom shall be liable to a penalty not exceeding five pounds for each offence. Public rates to be open to inspection of Trustees and others.

107. If in any year the water revenue of the Trustees shall be more than sufficient for all the purposes to which it is applicable the Trustees shall and they are hereby required to carry the surplus to the credit of the account for the following year in reduction of the estimate of money required for such year and when a deficiency occurs in one year it shall be provided for in the estimate and by assessment in the next year and the Trustees shall as nearly as possible so regulate rates rents or charges that they may one year with another respectively produce the amount of money required. Water rates to be regulated so as not to exceed expenses.

108. The several rates rents and charges levied and received by the Trustees under the authority of this Order and the other income of the trust shall be applied in the manner and to the purposes following (that is to say):— Application of rates and charges.

First in defraying the expense of managing and maintaining the water undertaking including salaries and other payments to officers and servants and the annual costs charges and expenses of providing and supplying water and paying any feu duties and ground annuals and other annual payments exigible in respect of any lands streams or property forming part of the water undertaking ;

Secondly in payment of the interest and the instalments of principal or of principal and interest of money borrowed by the county council or their predecessors previous to the commencement of this Order for and in connexion

A.D. 1910.

with the water supply of the water districts and transferred to the Trustees by this Order;

Thirdly in payment of the interest on the money borrowed by the Trustees;

Fourthly in setting apart the instalments or the contributions to the sinking fund by this Order required for the repayment of money borrowed by the Trustees;

Lastly in carrying the several other provisions of this Order into execution in such manner as the Trustees for the time shall order and direct.

Application of penalties.

109. All penalties and forfeitures exigible under the provisions of this Order and of the Acts wholly or partially incorporated therewith (excepting any penalties which may be imposed upon the Trustees) shall be paid over to the Trustees instead of being applied in the manner provided by the last-mentioned Acts or the Acts therein referred to.

Prosecution of offenders.

110. All offenders against any of the provisions of this Order or of any of the Acts incorporated with the same respectively or against any of the byelaws of the Trustees may be prosecuted and all penalties and forfeitures in respect of offences against any of such provisions or byelaws may be recovered by and in the name of the clerk before the sheriff.

Power to borrow.

111. The Trustees may from time to time borrow on mortgage the sums of money necessary for the purposes hereinafter specified not exceeding in the whole two hundred and twenty thousand pounds and may make and grant mortgages of the assessments rates rents and charges by this Order authorised in security of the money so borrowed and interest thereon (that is to say):—

(A) For repayment of any money already borrowed by the county council and the town council or their predecessors previous to the commencement of this Order and remaining unpaid and relating to the water districts and transferred by this Order to the Trustees the sum necessary for the purpose;

(B) For the purchase of land and other property and rights the sum of fifteen thousand pounds;

(C) For the construction of storage reservoirs the sum of forty-two thousand pounds;

- (D) For the construction of service reservoirs filters and pure water tanks the sum of fifteen thousand pounds; A.D. 1910.
- (E) For trunk conduits mains and catchwaters the sum of sixty-five thousand pounds;
- (F) For roads of access the sum of three thousand pounds;
- (G) For subsidiary works the sum of ten thousand pounds;
- (H) For the general purposes of their water undertaking to which capital is properly applicable the sum necessary for that purpose; and
- (I) For the costs of this Order the sum necessary for that purpose.

112. If after having borrowed the sums of money by this Order authorised or any part thereof the Trustees shall pay off the same or any part thereof otherwise than by means of the sinking fund hereinafter mentioned or by instalments it shall be lawful for the Trustees again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from time to time Provided that the Trustees shall not have power to reborrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that all moneys so borrowed by the Trustees shall for the purpose of repayment be deemed part of the sum originally borrowed by them and shall be repaid within the period prescribed for the repayment of the money in lieu of which such reborrowing has been made.

Trustees
may re-
borrow.

113. The Trustees may 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 Trustees according to the usage of bankers in Scotland to the extent of the aggregate amount which the Trustees are at the time authorised to borrow or any part thereof and may make and grant mortgages and assignments of the several assessments rates rents and charges authorised and leviable under the authority of this Order 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 Trustees on such cash account and borrowed by

Trustees
may borrow
on cash
account.

A.D. 1910.

them on mortgage shall never when taken together exceed the aggregate amount of the sum by this Order authorised to be borrowed and not repaid by instalments or by sinking fund.

Borrowing
power for
current
expenses.

114. In order to raise such money as may be necessary to defray the current annual expenditure for the water undertaking of the Trustees until the assessments rates rents and charges which they are authorised to levy shall be levied and collected they may borrow during the currency of any year from the fifteenth day of May in one year to the fifteenth day of May in the succeeding year in addition to the other sums authorised to be borrowed on the security of such assessments rates rents and charges in such way and manner as they may deem most expedient any sum or sums not exceeding in the whole two-third parts of the estimated amount of such assessments rates rents and charges still due and unreceived for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided always that such sums so borrowed shall be paid off and extinguished at or before the fifteenth day of May concluding the year to which such borrowing applies.

Form of
mortgage.

115. Every mortgage to be granted by the Trustees shall be by deed duly stamped in which the consideration shall be truly stated and may be in the form contained in the Second Schedule to this Order or to the like effect.

Manner
in which
mortgages
and orders
on bank
account to
be signed
and exe-
cuted.

116. Every mortgage to be granted by the Trustees may be partly in writing and partly printed and shall besides being under the common seal of the Trustees be signed by at least two of the Trustees and the clerk and all drafts or orders on the cash account before mentioned shall be signed by two Trustees and the clerk Provided always that none of the said persons shall by his subscription of any such mortgage interest warrant draft or order be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed drawn or received or any interest thereon or of any sums whatsoever in respect thereof.

Transfer of
mortgages.

117. Any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by deed or by indorsation on the mortgage duly stamped wherein the consideration shall be truly stated and

may be in the form of the Third Schedule to this Order or to the like effect. A.D. 1910.

118. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the Trustees official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred. Transmission of mortgages in case of bankruptcy.

119. All mortgages and all moneys advanced and lent on the security of the assessments rates rents and charges under this Order shall be moveable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate. Mortgages of rates to be personal estate.

120. Any person entitled to any mortgage granted by the Trustees under the authority of this Order may discharge the same and his right and interest therein in favour of the Trustees and every such discharge may be written or partly written and partly printed on the mortgage and may be according to the form contained in the Fourth Schedule to this Order or to the like effect and such discharge when signed by the person entitled to such mortgage and duly stamped shall be valid and effectual to all intents and purposes. Discharge of mortgages.

121. The Trustees shall pay off all moneys borrowed by them for capital expenditure under this Order either by means of a sinking fund formed under the provisions of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them. Mode of repayment of borrowed money.

122. The Trustees shall pay off all moneys borrowed and to be borrowed by them for the purposes of this Order within the respective periods following (hereinafter referred to as "the prescribed period") (that is to say):— Repayment of borrowed money.

As to moneys borrowed for the purchase of land and other property and rights authorised by this Order within sixty years from the date or dates of borrowing the same;

As to moneys borrowed for constructing the storage reservoirs authorised by this Order within fifty years from the date or dates of borrowing the same;

As to moneys borrowed for constructing the service reservoirs filters and pure water tanks authorised by this Order within fifty years from the date or dates of borrowing the same;

A.D. 1910.

As to moneys borrowed for constructing the trunk conduits mains and catchwaters and roads of access authorised by this Order within thirty years from the date or dates of borrowing the same;

As to moneys borrowed for subsidiary works authorised by this Order and for the general purposes of the water undertaking so far as chargeable to capital within thirty years from the date or dates of borrowing the same;

As to moneys borrowed for the repayment of any money borrowed and remaining unpaid by the county council or the town council relating to the water districts prior to the commencement of this Order within twenty-five years from the date or dates of borrowing the same by the Trustees;

As to moneys borrowed for the repayment of moneys borrowed for the payment of the costs charges and expenses of and in relation to this Order and the confirmation thereof within five years from the commencement of this Order.

Sinking
fund.

123.—(1) If the Trustees determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures

debenture stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Trustees the Trustees being at liberty from time to time to vary and transpose such investments. A.D. 1910.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Trustees towards the equal annual payments to the fund.

(4) The Trustees may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Trustees shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Trustees:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Trustees in addition to the payments provided for by this Order.

(7) If it appears to the Secretary for Scotland or to the Trustees at any time that the amount in the sinking fund, with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Trustees to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

A.D. 1910.

(8) If the Trustees desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Trustees be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Trustees may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Trustees be sufficient to repay the loan in respect of which it is formed within the prescribed period the Trustees may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Trustees may determine.

(12) The payment of the first instalment or the first equal annual payment to the sinking fund shall be made within one year (or where repayment is by half-yearly instalments then within six months) after the date of borrowing the sum in respect of which payment is made but it shall not be necessary (except in the case of sums borrowed for the payment of the costs of this Order) to make the first payment earlier than the fifteenth day of May one thousand nine hundred and eleven.

Annual
return to
Secretary
for Scotland
with respect
to sinking
fund.

124. The clerk to the Trustees shall within two months after the expiration of each year during which any sum is by this Order required to be paid as an annual instalment or to be set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart in respect of that year and the description of the securities

upon which any investment has been made and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such clerk so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable. If it appear to the Secretary for Scotland by any such return or otherwise that the Trustees have failed to pay any instalment or to set apart the sum required by this Order to be set apart for the sinking fund or to make any increased payment thereto by this Order required or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be paid or set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

A.D. 1910.

125. Subject to the provisions of this Order the sums borrowed by the Trustees on mortgage or cash account under the authority of this Order shall be applied as follows (that is to say) The moneys borrowed on the security of the assessments rates rents and charges by this Order authorised or so much thereof as shall be required shall be applied in executing the waterworks authorised by this Order and any extensions and enlargements thereof and in the payment of existing mortgages or of mortgages to be granted and of any cash credit or cash account granted obtained or opened in respect of the water undertaking and in carrying out the other provisions of this Order being in every case purposes to which capital is properly applicable.

Application
of moneys
borrowed.

126. No person lending money to the Trustees shall be bound to inquire as to the observance by the Trustees of any provision of this Order or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Protection
of lender
from inquiry.

A.D. 1910.

Appoint-
ment of
judicial
factor.

127. The mortgagees of the Trustees may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than five thousand pounds.

Costs of
Order.

128. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Trustees and may be paid in the first instance out of any moneys received by them or any rates and assessments which they are authorised to levy or may be ultimately paid by them out of money borrowed for that purpose.

SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

LIMITS OF COMPULSORY WATER SUPPLY.

1. The parish of Wemyss including therein the detached part of Markinch containing 113 acres or thereby situated at or near Innerleven transferred to the parish of Wemyss by order of the Boundary Commissioners under the Local Government (Scotland) Act 1889; and
2. That part of the parish of Markinch comprising the special water supply district of Windygates and Balcurvie formed by resolution of the district committee of date the twenty-seventh day of July one thousand nine hundred and one.

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

WEMYSS AND DISTRICT WATER.

Mortgage No. £

By virtue of the Wemyss and District Water Order 1910 we the Wemyss and District Water Trustees in consideration of the principal sum of [specify amount] paid by [name and designation of mortgagee] to

[10 EDW. 7 & *Wemyss and District Water Order* [Ch. cv.]
1 GEO. 5.] *Confirmation Act, 1910.*

the treasurer to the said Trustees for the purposes of the said Order A.D. 1910.
do hereby subject to the provisions of the said Order grant and assign to
the said [name of mortgagee] and his executors administrators and
assignees [or as the case may be] such proportion of the rates rents
and charges to be levied by the said Trustees under the authority
of the said Order as the said sum of [specify amount] doth or shall
bear to the whole sum which is or shall be borrowed upon the credit
of the said rates rents and charges to hold to the said mortgagee and
his foresaids until the said principal sum and the whole interest due
thereon shall be fully paid and satisfied and it is hereby stipulated
that the said principal sum shall be repayable on the [date] or shall
thereafter in virtue hereof remain as a loan to the said Trustees until the
expiration of such further terms of years and at such rate of interest
as shall be specified in a minute or minutes to be endorsed hereon
and signed by the said mortgagee or his foresaids and by a trustee
and the clerk which minute or minutes are hereby declared and shall
be held to be valid and binding though they may be neither holograph
of the said parties nor tested and the said Trustees shall pay interest
on the said principal sum from the _____ day of _____
to the said date of repayment first above mentioned
(being at the rate of [specify rate] per centum per annum) declaring that
the said mortgagee and his foresaids shall not be entitled to make
and that the said Trustees shall not be bound to recognise or register
any partial assignation of these presents or of the sums of money
principal or interest herein contained and that the said Trustees shall
not be liable for any expenses that may be incurred by the said
mortgagee or his foresaids for or in relation to the preparation revision
adjustment or execution of any discharge renunciation assignation or
minute of postponement or renewal of this mortgage.

In witness whereof [testing clause according to law of Scotland].

[Signed by two Trustees and the clerk.]

L.S.

THE THIRD SCHEDULE.

FORM OF TRANSFER OF MORTGAGE.

I [name and designation of mortgagee] in consideration of the
sum of [specify amount] paid to me by [name and designation of
transferee] do hereby transfer to the said [name of transferee] and his
executors administrators and assignees [or as the case may be] a certain

A.D. 1910. mortgage number [number of mortgage] dated the [date of mortgage] made in my favour by the Wemyss and District Water Trustees by virtue of the Wemyss and District Water Order 1910 in connexion with the water undertaking authorised by that Order for securing the sum of [principal sum in mortgage] [or if the transfer be by endorsement the within mortgage] together with the interest thereon from and after the [date from which the transferee is to be entitled to the interest] and all my right and interest in and to the principal money thereby secured and interest thereon as aforesaid and in and to the rates rents and charges thereby assigned. In witness whereof [testing clause according to the law of Scotland].

THE FOURTH SCHEDULE.

FORM OF DISCHARGE OF MORTGAGE.

Received from the Wemyss and District Water Trustees the sum of _____ being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up as discharged.

Dated this _____ day of _____ one thousand nine hundred and _____

THE FIFTH SCHEDULE.

FORM OF WATER ASSESSMENT ROLL.

Assessment for the Water Rate under the Wemyss and District Water Order 1910 for the year from the fifteenth day of May one thousand nine hundred and _____ to the fifteenth day of May one thousand nine hundred and _____ at the rate of _____ in the pound.

No.	Name of Owner.	Name of Occupier.	Description and Situation of Property.	Full Annual Valuc.	Water Rate at in the Pound.	Arrears.

THE SIXTH SCHEDULE.

A.D. 1910.

MINUTE OF AGREEMENT between the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF BUCKHAVEN METHIL AND INNERLEVEN for themselves and on behalf of the Trustees to be incorporated under the Provisional Order hereinafter mentioned (and hereinafter referred to as "the Trustees") of the one part and the COUNTY COUNCIL OF THE COUNTY OF KINROSS incorporated under the Local Government (Scotland) Act 1889 (hereinafter called "the county council") of the other part.

WHEREAS under the provisions of the Private Legislation Procedure (Scotland) Act 1899 a draft Provisional Order (hereinafter referred to as "the Order") was on the seventeenth day of December nineteen hundred and eight deposited with the Secretary for Scotland intituled "Draft Provisional Order to incorporate a public trust for better supplying with water the parish of Wemyss including the burgh of Buckhaven Methil and Innerleven and districts and places adjacent to abolish the special water supply districts of Wemyss of Buckhaven Methil and Innerleven and of Windygates and Balcurvie to transfer the existing waterworks to the Trustees to be incorporated to sanction the construction and maintenance of new and additional waterworks and for other purposes" And whereas the Trustees *inter alia* are desirous of laying certain conduits or water mains in and along the roads in the county of Kinross under the control and management of the county council And whereas the county council desire to have provision made for a certain quantity of water to be supplied at Scotlandwell and districts thereto adjoining and that the work of laying the pipes should be done subject to certain terms and conditions hereinafter recited Therefore the parties hereto do subject to the approval of the Secretary for Scotland and of Parliament hereby agree with each other and oblige themselves to each other as follows videlicet:—

First.—The Trustees shall subject to this agreement supply when and so long as requested by the county council water for domestic purposes to any house or shop in East and West Balgedie Kinnesswood and Scotlandwell such water to be supplied at a yearly charge payable in advance by the owner and occupier of such house or shop so supplied under this agreement in equal proportions and at the rate of twopence per pound above the rate levied for the time being in the compulsory area according to the annual rent or value of the said house or shop as entered in the valuation roll of the county of Kinross and for this purpose at the expense of such owner or occupier at the sight and to the satisfaction of the Trustees there shall be provided fixed and main-

A.D. 1910. tained all such communication pipes and other pipes connexions and apparatus as may be necessary for taking the water so to be supplied from the conduit or main pipe of the Trustees adjacent to such house or shop but the occupier shall be entitled on payment of the costs and charges of such pipes and connexions to deduct from his rent the amount so paid by him.

The Trustees shall also supply a hydrant for supplying water for the purpose of road watering at Southfield Cuthil Muir on the Great North Road. In the event of a special water district being formed and provided with a water supply from the Trustees the county council shall levy assess and collect pay and hand over the amount payable to the Trustees subject to a reasonable charge for collection.

Second.—The obligations to supply water under the preceding article of this agreement shall not prejudicially affect or restrict the supply of water from time to time required for all purposes within the limits of compulsory supply and the quantity of water which the Trustees may be called upon to supply for domestic use under this agreement shall not exceed ten thousand gallons in any one day but subject to the foresaid qualifications the Trustees shall be bound to give to consumers an adequate supply for domestic use but shall not be obliged for the purposes of this agreement to check valves on any water main of the Trustees to afford a supply of water above the hydraulic gradient.

Third.—The Trustees hereby bind and oblige themselves to execute the works in connexion with the laying of the pipes in the said roads with the least inconvenience to the public and in such a manner as not to stop the traffic thereon nor shall more than one hundred yards of said roads be opened at one time and the Trustees shall take all necessary and usual precautions for the safety of the public and they hereby bind themselves to relieve the county council of all claims for damages for personal injuries or otherwise that may be caused by their failure to provide all such necessary and usual precautions or arising in any way through their fault. The Trustees shall be bound to restore the road or roads so far as affected by such operations and by the extraordinary traffic of the Trustees in the way of carting material for their operations or otherwise along said road to their former conditions and it is hereby agreed that the county council through their road surveyor Mr. Humphreys or his successors shall repair level and where necessary metal so much of the road as may have been disturbed and charge the expense thereof against the Trustees. In the event of the Trustees and the county council or their engineers respectively W. Tait Esq. C.E. Edinburgh and Mr. Humphreys differing in regard to the cost of the repairs executed then it is hereby provided and declared that it shall be competent for either party to refer to the sheriff the matter or matters in dispute and it is also

stipulated and agreed between the parties that the Newhill Road shall not be used by the Trustees or their contractors acting under them for the conveyance of material used in the construction of the reservoir at Glenfarg or otherwise in connexion with their operations. A.D. 1910.

Fourth.—In the event of any difference of opinion arising as to matter embodied in this agreement or the carrying out of the same such difference shall be referred to an arbiter to be mutually chosen by the parties to this agreement or failing this agreement to an arbiter to be named by the Local Government Board for Scotland and the decision of such arbiter shall be final and the due fulfilment of the same shall be binding on the parties to such reference.

Lastly.—Both parties consent to the registration hereof and of all decrees arbitral interim or final to follow hereon for preservation and execution In witness whereof

THE SEVENTH SCHEDULE.

MINUTE OF AGREEMENT between the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF BUCKHAVEN METHIL AND INNERLEVEN for themselves and on behalf of the Trustees to be incorporated under the Provisional Order hereinafter mentioned (and hereinafter referred to as “the Trustees”) of the one part and WILSONS AND CLYDE COAL COMPANY LIMITED incorporated under the Companies Acts 1862 to 1890 and having their registered office at 75 Bothwell Street Glasgow (hereinafter called “the guarantors”) of the other part.

WHEREAS under the provisions of the Private Legislation Procedure (Scotland) Act 1899 a Draft Provisional Order (hereinafter referred to as “the Order”) was on the seventeenth day of December nineteen hundred and eight deposited with the Secretary for Scotland intituled “Draft Provisional Order to incorporate a public trust for better supplying with water the parish of Wemyss including the burgh of Buckhaven Methil and Innerleven and districts and places adjacent to abolish the special water supply districts of Wemyss of Buckhaven Methil and Innerleven and of Windygates and Balcurvie to transfer the existing waterworks to the Trustees to be incorporated to sanction the construction and maintenance of new and additional waterworks and for other purposes” And whereas the guarantors are desirous that the villages of North and South GlenCraig Crosshill Milton and Rosewell and locality adjacent thereto in the parishes of Auchterderran and Ballingry in the

A.D. 1910.

county of Fife all as coloured red upon the plan annexed and subscribed as relative hereto (and which villages and locality are hereinafter referred to as "the scheduled area") shall be entitled to be supplied with water from the Glenfarg reservoirs and other works to be authorised and constructed under the Order. Therefore the parties hereto do hereby agree with each other and bind and oblige themselves to each other as follows viz. :—

First.—The Trustees shall subject to this agreement supply when and so long as requested by the owner or occupant of any house or shop within the scheduled area to such owner or occupant water for domestic purposes such water to be supplied at a yearly charge payable in advance and at the rate of twopence per pound above the rate levied for the time being in the compulsory area but not exceeding one shilling and sixpence per pound of the annual rent or value of said shop or house as entered in the lands valuation roll and for this purpose and at his own expense such owner or occupant shall provide fix and maintain at the sight and to the satisfaction of the Trustees all such communication pipes and other pipes connexions and apparatus as may be necessary for taking the water so to be supplied from the conduit or main pipe of the Trustees next adjacent to such house or shop. Nothing in this article shall prejudice the right of the Trustees to supply water for purposes other than domestic in the scheduled area at special rates.

Second.—As a condition preliminary to supplying water as aforesaid for domestic purposes to the owner or occupant of any house or shop within the scheduled area the Trustees shall be entitled to require the owner or occupant thereof (at no expense to him beyond the stamp duty which may be exigible thereon) to enter into an agreement conferring upon the Trustees powers to require provision of adequate storage and for the prevention of waste and of pollution or improper use of water similar to those which for the time being a local authority supplying water within the scheduled area would be entitled to exercise in regard to such house or shop.

Third.—The Trustees shall make (or may in lieu of part thereof acquire) and shall thereafter maintain the conduit aqueduct or line of pipes (No. 5 in the said Draft Order) said conduit aqueduct or line of pipes to be of sufficient dimensions for the adequate supply of the scheduled area for domestic purposes.

Fourth.—The obligations to supply water under the preceding articles of this agreement shall not prejudicially affect or restrict the supply of water from time to time required for all purposes within the limits of compulsory supply or any supply of water which under the provisions of the Waterworks Clauses Acts and the Order the Trustees may be required to give beyond the limits of compulsory supply and the quantity of water which the Trustees may be called upon to supply

for domestic use in the scheduled area shall not exceed sixty thousand gallons in any one day but subject to the foresaid qualifications the Trustees shall be bound to give to consumers in the scheduled area an adequate supply for domestic use. Provided always that the Trustees shall not be required to supply water in the scheduled area at a height greater than four hundred and forty feet above ordnance datum level. A.D. 1910.

Fifth.—If the Trustees shall within five years from the commencement of the Order acquire from the burgh of Lochgelly the pipe laid and presently maintained by the burgh along the public road leading from the boundary of the said burgh to Scotlandwell and traversing a portion of the scheduled area and shall within the said period acquire any other rights which now or prior to the foresaid acquisition the burgh may possess with regard to the supply of water for domestic purposes to individual consumers within the scheduled area or in the event of said burgh ceasing to supply water by the said pipe in the scheduled area then and from the date of such acquisitions or the said ceasing and the commencement of supply in the scheduled area by the Trustees the guarantors hereby guarantee and undertake that in each of the ten successive years thereafter the total sums receivable by the Trustees from owners and occupants or other consumers of water whether for domestic use or other purposes within the scheduled area shall not be less than three hundred and fifty pounds in all and in the event of there being in any one or more of the said ten years a deficiency the guarantors hereby guarantee and undertake to make up and pay to the Trustees within two months after the close of such year or years the amount of such deficiency. For the purpose of ascertaining the existence or amount of any deficiency the Trustees shall make patent to the guarantors their books and all other information showing or tending to show the sums receivable by the Trustees as aforesaid.

Sixth.—Until the burgh of Lochgelly shall either have sold and transferred the foresaid pipe to one of the parties to this agreement or have ceased to supply water in the scheduled area by the said pipe the Trustees shall not be bound to make or maintain the said conduit aqueduct or line of pipes (No. 5 in said Draft Order) nor shall the guarantee in the immediately preceding article come into effect. Further under no circumstances shall the said guarantee extend to any year beyond fifteen years from the commencement of the Order.

Seventh.—This agreement shall be enforceable at the instance of either party or of any owner or occupant of a house or shop or houses or shops within the scheduled area.

Eighth.—In the event of any difference of opinion arising as to the matters embodied in this agreement or the carrying out of the same such difference shall be referred to an arbiter to be mutually chosen.

A.D. 1910. by the parties to this agreement or by one of the parties thereto and one or more of the other persons at whose instance this agreement is enforceable or failing agreement to an arbiter to be named by the Local Government Board for Scotland and the decision of such arbiter shall be final and the due fulfilment of the same shall be binding on the parties to such reference.

Ninth.—It is hereby declared that this agreement is made subject to such alterations as may be made thereon during the progress of the Provisional Order but if any material alteration be so made it shall be competent to either party to withdraw from the agreement.

Lastly.—Both parties consent to the registration hereof and of all decrees arbitral interim or final to follow hereon for preservation and execution. In witness whereof—

THE EIGHTH SCHEDULE.

AGREEMENT between WILLIAM THOMAS KETCHEN writer to the Signet on behalf of the Promoters of this Order of the one part and BEVERIDGE SUTHERLAND AND SMITH solicitors on behalf of the trustees of the deceased Alexander Beveridge of Craigfarg (hereinafter called "the Beveridge Trustees") of the other part.

Subject to the Beveridge Trustees receiving a notice to treat for the land hereinafter referred to the following agreement shall take effect subject to such alterations as Parliament may think fit to make therein :—

First.—The Trustees undertake to pay to the Beveridge Trustees for land on the estate of Craigfarg to be taken for the purposes of the Reservoir No. 1 at the rate of eighty pounds an acre the land to be taken within a contour line four feet above top water level.

Second.—The Beveridge Trustees shall have right to improve or add to the water supply of the houses and steading at Craigfarg for all necessary purposes with a further right to utilise the water on the property for power purposes in connection with the houses and steading at Craigfarg if found to be necessary or desirable. The Trustees undertake to restore or provide water supplies to any land deprived of same by their operations.

Third.—In the event of any restriction being proposed by the Trustees with the view of limiting the use of the adjoining grounds on Craigfarg or West Blair for arable or other purposes the claim of the

Beveridge Trustees in respect of same failing agreement shall be submitted to arbitration with a view to assessing the compensation to be paid in respect of such restriction. A.D. 1910.

Fourth.—The Trustees shall pay to the Beveridge Trustees the additional sum of one hundred and twenty pounds for disturbance during the construction of the said reservoir and in the event of the construction not being completed within four years from the date of first entering on possession of the ground the Trustees shall pay to the Beveridge Trustees an additional sum at the rate of thirty pounds per annum for any period beyond the said four years.

Fifth.—The Trustees shall be bound and undertake to properly fence the reservoir and all the works connected therewith and to pay for any ground temporarily occupied under agreement to be made and to make good to the Beveridge Trustees all surface damages in any way caused by the operations of the Trustees and to arrange with the tenant of the ground and to settle all claims competent to him and generally to repair all damages to the property of Craigfarg caused by the operations of the Trustees and the Trustees shall also bear the entire expense of restoring the ground so far as not used to its present condition.

Sixth.—The Beveridge Trustees by themselves or members of the family of the late Mr. Beveridge and their successors in the estate without prejudice to the Trustees reserve their full sporting rights on their side of the reservoir and shall have a joint right along with the Trustees and the other riparian proprietors to fish in the reservoir and they shall have the privilege of putting and using a boat thereon.

Seventh.—The Trustees undertake to pay the whole expenses of any conveyance to be granted by the Beveridge Trustees in favour of the Trustees including Government duties.

Eighth.—In the event of any question arising out of this agreement the same shall be submitted to the arbitration of two arbiters mutually chosen or to an oversman appointed by them. In witness whereof—

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