



CHAPTER cxvi.

An Act to incorporate a public Trust for better supplying with Water the Burgh of Falkirk, and districts and places adjacent; and to make and maintain new and additional Waterworks; and for other purposes.

A.D. 1888.

[24th July 1888.]

WHEREAS by the Falkirk Police and Improvement Act, 1859 (herein-after called "the Act of 1859"), the magistrates and council of the burgh of Falkirk (who are herein-after referred to as "the Commissioners") were appointed Commissioners for carrying that Act into execution, and were empowered to supply the inhabitants within the burgh of Falkirk (herein-after called "the burgh") with water for domestic and other purposes:

22 & 23 Vict.,
c. cxxiii.

And whereas the Commissioners have, in pursuance of the Act of 1859, maintained the waterworks thereby transferred to and vested in them, and have given a supply of water from the same, to such an extent as the works would afford, to and within the burgh:

And whereas the Commissioners, in terms of the Act of 1859, caused pipes to be laid down and water to be brought to the streets of the district of Grahamston and the district of Bainsford respectively, situated within the burgh, and have supplied the said districts with water:

And whereas it was provided by the Act of 1859, that the said Act, and the whole powers, provisions, authorities, jurisdictions and regulations thereof respectively, should extend over and be executed and put in force within the Parliamentary limits and boundaries of the burgh, as defined and fixed by an Act passed in the second and third years of the reign of His late Majesty King William the Fourth, intituled "An Act to amend the Representation of the People in Scotland":

And whereas the General Police and Improvement (Scotland) Act, 1862, has been adopted and is in force within the burgh, and the magistrates and council of the burgh are Commissioners of police under the said Act therein:

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And whereas the magistrates and council of the burgh are also the local authority within the burgh under the Public Health (Scotland) Act, 1867 :

And whereas the supply of water to the burgh is inadequate, unsuitable and insufficient for the wants and convenience of the present and increasing population, trade and manufactures within the same :

And whereas the parochial board of the parish of Larbert are the local authority within the said parish under the said Public Health (Scotland) Act, 1867 :

And whereas certain districts within the parishes of Larbert, Denny, Bothkennar, and Polmont, are without an adequate supply of water :

And whereas it is necessary, for the health, comfort and convenience of the inhabitants, that a better and more abundant supply of water should be provided to the burgh of Falkirk and to the said districts and places adjacent ; and it is expedient that such supply should be provided by and placed under the control, regulation and management of Trustees to be incorporated, as herein-after mentioned, for carrying this Act into execution, and that the waterworks and other property of the Commissioners under the said recited Act, or some part or parts thereof, should be vested in the Trustees :

And whereas it is expedient that the Trustees should be empowered to introduce such water supply from the stream called Faughlin Burn and the affluents thereof, and to take and appropriate the stream called Earl's Burn and the affluents thereof, for the purpose of supplying compensation water, all which streams and others are situate in the county of Stirling, and to construct and maintain the embankments, reservoirs, and other waterworks herein-after authorised, and that the limits within which the Trustees are authorised to give such supply should be defined :

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

And whereas plans and sections, showing the lines and levels of the several works authorised by this Act, 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, streams and other property required, or which may be taken for the purposes or under the powers of this Act, were duly deposited in the offices at Stirling and Falkirk respectively, of the principal sheriff clerk of the county of Stirling, and are herein-after respectively referred to as the deposited plans, sections and book of reference :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty, that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

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1. This Act may be cited for all purposes as the Falkirk and District Water Act, 1888, and shall commence and take effect on and after the first day of August, one thousand eight hundred and eighty-eight.

Short title.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the burgh" or "the burgh of Falkirk" means the burgh of Falkirk, within the Parliamentary limits and boundaries thereof, as defined by the Act second and third William the Fourth, chapter sixty-five; the expression "the Commissioners" means the magistrates and council for the time being of the burgh of Falkirk, as Commissioners under the Act of 1859, and under the General Police and Improvement (Scotland) Act, 1862, and Acts amending the same, or under any other Act for the time in force within and relating to the burgh; the expression "the Trustees" means the Trustees incorporated under this Act; the expression "elective Trustees" means the Trustees other than the Commissioners; the words "clerk" and "treasurer" mean the clerk and treasurer respectively for the time being to be appointed by the Trustees under this Act; the word "collector" means the collector for the time being to be appointed by the Trustees under this Act, or such other officer or officers as the Trustees may from time to time appoint to collect the rates in this Act authorised, or any of them; "valuation roll" or "valuation rolls" means the valuation rolls for the county of Stirling and the burgh of Falkirk respectively, made up in terms of the Act seventeen and eighteen Victoria, chapter ninety-one, intituled "An Act for the Valuation of Lands and Heritages in Scotland," or any Act amending the same; the expression "the sheriff" means the sheriff of the county of Stirling, or his substitute at Falkirk; the word "person" includes companies, corporations, police commissioners, lunacy boards, benevolent institutions, trustees holding heritable property, and local authorities; the word "premises" includes lands, buildings and structures of any kind; and in the Acts wholly or partially incorporated with this Act the word "schoolmaster" includes session clerk, "the special Act" means this Act, "the company," "the undertakers," "the promoters of the undertaking," and "the Commissioners" mean

Interpretation of terms.

A.D. 1888. the Trustees ; and for the purposes of this Act, in the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, incorporated with this Act, the expression "the railway" means the works by this Act authorised, and the expression "the centre of the railway" means any part of these works as delineated upon the deposited plans ; and in the Commissioners Clauses Act, 1847, as incorporated with this Act, the expression "the undertaking," shall comprehend not only the works authorised to be constructed, but also the property and works of the Commissioners under the recited Act, so far as the same may be taken over by the Trustees, and also such other property and works as may be acquired by the Trustees under the provisions of this Act ; and in the Waterworks Clauses Act, 1847, the expression "the waterworks" means the works of the Trustees, including the works by this Act authorised.

Incorporation of Commissioners Clauses Act.

3. The Commissioners Clauses Act, 1847, except the clauses thereof with respect to the qualification of Commissioners (but not including in such exception clauses 9, 10 and 11) ; with respect to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors ; with respect to the meetings and other proceedings of the Commissioners and their liabilities (but not including in such exception clauses 36, 38, 40, 41, 42, 43, 44, 47, 49, 50, 51, 52, 53 and 55) ; and with respect to the accounts to be kept by the Commissioners (but not including in such exception clauses 89, 90 and 91) ; and also with the exception of clauses 84, 86 and 87, is (except when expressly varied by or inconsistent with this Act) incorporated with and forms part of this Act, and shall apply to the Trustees acting under this Act, and to the waterworks and mortgages authorised to be granted under the authority thereof.

Incorporation of other general Acts.

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

The Lands Clauses Consolidation (Scotland) Act, 1845 ;

The Lands Clauses Consolidation Acts Amendment Act, 1860 ;

The Waterworks Clauses Act, 1847, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and except 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 also with the exception of clauses 68, 70 and 72 ;

The Waterworks Clauses Act, 1863 ;

The clauses 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; but such clauses and provisions shall apply only in the case of the reservoirs, embankments, and other works immediately connected therewith by this Act authorised.

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5. The number of Trustees for the purposes of this Act shall be sixteen.

Number of Trustees.

6. The Trustees shall be a body corporate, under the name and style of "the Falkirk and Larbert 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 Act, and have all the other powers and privileges of a body corporate.

Incorporating Trustees.

7. The Commissioners for the time being, along with the following four persons, namely, John Hatt Noble Graham, Robert Dobbie, Francis Binnie, and John Yellowlees shall be, and they are hereby appointed, the first Trustees for putting this Act into execution.

First Trustees.

8. The future Trustees for the purposes of this Act shall be the Commissioners, along with four other persons (herein-after called "the elective Trustees") rated for the domestic water rate and the public water rate, or either of them, as herein-after mentioned, and qualified and elected as herein-after provided.

Future Trustees.

9. Upon the second Tuesday of November next ensuing after the passing of this Act, the first Trustees, other than the Commissioners, shall go out of office.

Retirement of Trustees named.

10. For the purpose of providing for the election of elective Trustees in the place of those going out of office, the area other than the burgh, within the limits of compulsory supply, herein-after mentioned, shall be formed into a division (herein-after called "the Larbert division"), and the ratepayers of the Larbert division, qualified as herein-after mentioned, and herein-after referred to as "the Larbert ratepayers," shall elect four persons as elective Trustees in the manner herein-after mentioned.

Division of districts for purposes of election.

11. Every person rated under this Act beyond the burgh for the domestic water rate and the public water rate, herein-after mentioned, or either of them, in respect of any lands and heritages of the yearly rent or value of twenty pounds at the least, as appearing on the water assessment roll herein-after mentioned, and who shall have paid all rates due and payable by him under this Act shall be qualified to be elected a Trustee by the Larbert

Persons qualified to be elective Trustees.

A.D. 1888. ratepayers under this Act: Provided always that if two or more persons be jointly rated in respect of any property, each of such persons shall be eligible to be elected a Trustee, provided the property, in respect of which such persons are rated, be of a yearly rent or value which, when divided by the number of persons so rated, will give to each a sufficient yearly value according to the provisions of this Act: Provided farther, that if any person elected by the ratepayers shall afterwards become a Trustee by becoming a Commissioner, or shall cease to possess the qualification herein-before provided, he shall cease to be an elective Trustee.

Election of
elective
Trustees.

12. The Larbert ratepayers shall, upon the second Tuesday of November, one thousand eight hundred and eighty-eight, elect four qualified persons to be elective Trustees under this Act, two of whom shall go out of office on the second Tuesday of November, one thousand eight hundred and ninety, when two qualified persons shall be elected in their room (and who shall go out of office on the second Tuesday of November, one thousand eight hundred and ninety-four), and the remaining two elective Trustees shall go out of office on the second Tuesday of November, one thousand eight hundred and ninety-two, when and on the second Tuesday of November in every alternate year thereafter, two qualified persons shall be elected for a period of four years in room of the elective Trustees going out of office at the said respective dates: Provided always that the Trustees, at a meeting to be held not less than eight days before the day of election in the year one thousand eight hundred and ninety, shall fix and determine the order in which the said four elective Trustees first elected shall go out of office, and provided also that every elective Trustee going out of office may be re-elected.

Time and
place of elec-
tion.

13. The Trustees shall fix the place and hour for the election of elective Trustees, and cause such notice thereof as they shall think fit to be given at least eight days previous to the date of any election, and may make all necessary or convenient arrangements for carrying out the same.

Qualification
of ratepayers
to elect
Trustees,
and scale of
voting.

14. Every person rated under this Act for the domestic water rate and the public water rate, herein-after mentioned, or either of them, in respect of any lands and heritages situate within the Larbert division, of the yearly rent or value of four pounds at the least, and who shall have paid all rates due and payable by him under this Act preceding the election, shall be qualified to vote in the election of elective Trustees under this Act; and the Trustee presiding at each election shall be the judge of the qualification to vote of every such person, and his decision thereon shall be final.

15. The Trustees shall from time to time appoint one of their own number to be the presiding officer at the election of elective Trustees, and such presiding officer shall declare the name of the person or persons elected, and his declaration and decision thereon shall be final; and in case of an equality in the number of votes for any two or more such persons, the presiding officer shall have a casting vote.

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Presiding
officers at
elections.

16. No person to be elected by the Larbert ratepayers under this Act shall be capable of acting as an elective Trustee except in administering the declaration herein-after mentioned, until he shall have made and signed, before one of the Trustees, a declaration to the effect following:—

Declaration
to be made
by Trustees
before
acting.

I, A. B., do solemnly declare that I will, faithfully and impartially, according to the best of my skill and judgment, execute all the powers and authorities reposed in me as a Trustee, by virtue of the Falkirk and District Water Act, 1888, and also that I (here set forth a statement of the possession of the qualification required).

17. Any person who shall falsely or corruptly make and subscribe the declaration foresaid, knowing the same to be untrue in any material particular, shall be deemed guilty of perjury.

Person
making false
declaration
guilty of
perjury.

18. If any Trustee to be elected by the Larbert ratepayers under this Act shall intimate to the clerk in writing, that he refuses to accept of the office of elective Trustee, or if any such Trustee shall, for the period of six months, at any one time, neglect to attend or abstain from attending the meetings of the Trustees (such Trustee 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, every such intimation or non-attendance shall be taken and held to be a refusal to act, and he shall cease to be a Trustee after such is minuted by the Trustees.

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

19. No bankrupt or insolvent person, or person not qualified as in this Act provided, shall be capable of being or continuing an elective Trustee.

Disqualifica-
tion by
bankruptcy
or insol-
vency.

20. If any elective Trustee shall decline to accept, or shall die, resign, or become incapable of continuing, or shall cease to be a Trustee from any other cause than going out of office, or if any such Trustee shall become a Commissioner, the remaining elective Trustees, or a majority of them, may elect another Trustee in his place; and any Trustee so elected shall continue in office for such time only as the person in whose place he is elected would have

Election of
Trustee for
party
declining or
ceasing to
be one.

A.D. 1888. — 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, to the other Trustees to carry this Act into execution until such vacancy or vacancies have been filled up.

Quorum and chairman of meetings of Trustees.

21. At all meetings of the Trustees, nine shall be a quorum, and at every meeting the provost or chief magistrate of the burgh of Falkirk, for the time being, shall be chairman; and if, at any meeting of the Trustees the provost be not present one of the Trustees present shall be elected chairman of the meeting by the majority of the votes of the Trustees present at such meeting, or by lot among such Trustees, in the event of their votes being equal.

Place for meetings of Trustees, and how special meetings convened.

22. The Trustees shall hold their meetings within the Council Chambers of Falkirk, or at or within such place as they may from time to time appoint, and any five Trustees may require a special meeting of the Trustees to be held within ten 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.

Extracts from minute books to be evidence.

23. A copy of, or 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.

Appointment of auditor.

24. The Trustees shall annually appoint an auditor, whose duty it shall be to examine and audit the accounts of the Trustees, to be received from them or the treasurer, with the vouchers thereof, for which purpose the said accounts and vouchers shall be open for his examination at least fourteen days previous to a yearly meeting at which they are to be examined and settled by the Trustees; and such auditor may either make a special report on such accounts or simply confirm the same, and such report or confirmation shall be read at the meeting of the Trustees to be held in every year for the examination and settlement of such accounts, and the Trustees shall pay to such auditor reasonable remuneration for his trouble: Provided always, that in case the office of such auditor shall before such accounts have been examined and audited by him become vacant by death or from any other cause, the Trustees shall appoint an auditor to supply such vacancy.

Existing waterworks of Commis-

25. On and after the date when water shall be introduced within the limits of compulsory supply, by means of the reservoirs and

other works by this Act authorised to be made, so much or such parts of the mains, pipes, plant and apparatus of and connected with the existing waterworks within the burgh as may be agreed between the Commissioners and the elective Trustees, or as may be settled by arbitration, shall vest in and be the property of the Trustees, and, subject to the provisions of this Act, shall form part of the undertaking of the Trustees, and may be held, used and disposed of by them for the purposes of this Act; and the provisions of this Act and the Acts incorporated herewith shall be applicable to the said waterworks, so far as the same shall vest as aforesaid, in the same manner and to the same effect as if the said waterworks had been authorised by this Act.

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—
sioners
vested in
Trustees.

26. On and after the date when water shall be introduced as aforesaid all feu contracts, feu charters, leases, dispositions, conveyances, bonds, securities, contracts, agreements and obligations, granted, made, or entered into in favour of, or with the Commissioners or their predecessors, in so far as regards such part or parts of the existing waterworks as may vest in the Trustees by virtue of this Act, shall remain in full force and effect, and shall be available to the Trustees in the same manner as the same were or might have been available to the Commissioners or their predecessors before the said date.

Convey-
ances, &c.,
granted to
Commis-
sioners to
remain in
force.

27. The Trustees shall make such compensation to the Commissioners for the part or parts of the said existing waterworks which may so vest as aforesaid, as may be agreed on between the Commissioners and the elective Trustees, or, in case of difference, may be fixed and determined in the manner prescribed by the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement, regard being had to the whole circumstances of the case; and such compensation shall be applied by the Commissioners in or towards payment of any sums of money that may have been borrowed by them, or may be owing in respect of the existing water supply, or otherwise in connexion therewith.

Trustees
to make
Commis-
sioners com-
pensation.

28. No action, suit, prosecution or other proceeding whatsoever, commenced on or before the date when water shall be introduced as aforesaid by or against the Commissioners or their predecessors, in so far as regards the supply of water, shall abate or be discontinued or be prejudicially affected by such transference 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 all penalties, by reason of any offence against the provisions of the recited Act, on or before the date aforesaid, may be

Actions not
to abate.

A.D. 1888. — sued for by the Commissioners, and all offences which may have been committed on or before the said date against the provisions of the said recited Act, in so far as regards the existing waterworks, may be prosecuted by the Commissioners, in such or the like manner, to all intents and purposes, as the same might have been sued for and prosecuted if such transference had not been made.

Proceedings
under recited
Act saved.

29. On and after the date when water shall be introduced as aforesaid, everything before that time done or suffered, in relation to the existing water supply, under the recited Act 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 under the said Act: Provided always, that the generality of the provisions contained in this enactment shall not be confined or restricted by any special provision contained in this Act.

Recited Act
partially
repealed.

30. On and after the date when water shall be introduced as aforesaid, the provisions contained in sections three and twenty-six of the recited Act, in so far as regards the supply of water, shall be and the same are hereby repealed, subject to the provisions of this Act: Provided always, that except to the extent foresaid, the recited Act shall remain in full force and effect, in the same manner, and to the same extent, as if this Act had not been passed; and the Commissioners may continue to exercise all the other powers and authorities under the same.

Power to
make new
waterworks.

31. The Trustees may, subject to the provisions of this Act, make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the waterworks herein-after described, with all proper embankments, dams, weirs, bridges, roads, approaches, ways, wells, tanks, basins, gauges, filter-beds, stand-pipes, sluices, waste-weirs, outlets, outfalls, discharge pipes, adits, shafts, tunnels, aqueducts, culverts, cuts, channels, conduits, drains, mains, pipes, junctions, meters, valves, engines, buildings, apparatus and conveniences connected with the said works, or any of them, or necessary or convenient for diverting, impounding, taking, collecting, storing, conducting, distributing and regulating the supply of water for the purposes herein-after mentioned, and for inspecting, maintaining, repairing, altering, cleansing, managing and using the same; and may enter upon, take and use such of the lands and streams delineated on the said plans and described in the deposited book of reference, as may be required for that purpose. The waterworks herein-before referred to and authorised by this Act are:—

- (1.) A reservoir on the line of the stream known as Earl's Burn, wholly situate in the parish of Saint Ninians, and county of Stirling, commencing at a point on the said stream six hundred and twenty yards or thereby, measured in a southerly direction from a point in the boundary between the parishes of Saint Ninians and Gargunnock, where said boundary is crossed by the centre line of said stream, and terminating at the embankment next herein-after described ;
- (2.) An embankment, wholly situate in the parish of Saint Ninians, and county of Stirling, across the stream known as Earl's Burn at and adjoining a point in the centre of that stream seven hundred and fifty yards or thereby, measured in a south-easterly direction from the point of commencement of the reservoir last described, which embankment will commence at a point two hundred and eighty yards or thereby, measured in a south-westerly direction from the said point in the centre of the said stream, and will terminate at a point four hundred and sixty yards or thereby, measured in a north-easterly direction from the point of commencement of said embankment ;
- (3.) A road of access to the reservoir above described, wholly situate in the parish of Saint Ninians, and county of Stirling, commencing at a point in the public road leading from Fintry to Stirling by Cringate Muir, two hundred yards or thereby, measured in a north-easterly direction from the north-east corner of the Shooting Lodge known as Easter Cringate or Cairnoch, and terminating at the point of commencement of the embankment above described ;
- (4.) A reservoir, situate partly in the parish of Kilsyth, and partly in the parish of Denny, and in the county of Stirling, on the line of the stream known as Faughlin Burn, commencing at a point in the said stream one hundred and thirty yards or thereby, measured in a westerly direction from the point at which said stream is crossed by the centre line of the road (leading from Kilsyth to Crosspath) known as the Takmadoon Road, and terminating at the embankment next herein-after described ;
- (5.) An embankment, situate partly in the parish of Kilsyth, and partly in the parish of Denny, and in the county of Stirling, across the stream known as Faughlin Burn, at and adjoining a point in the centre of that stream five hundred yards or thereby, measured in a southerly direction from the centre line of the River Carron at the point where it is crossed by the centre line of Carron Bridge, which embankment will commence at a point

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one hundred and twenty-eight yards or thereby, measured in a westerly direction from the said point in the centre of the said stream known as Faughlin Burn, and will terminate at a point two hundred and five yards or thereby, measured in an easterly direction from the said point of commencement;

- (6.) A diversion of the public road (leading from Kilsyth to Crosspath) known as the Takmadoon Road, situate partly in the parish of Kilsyth, and partly in the parish of Denny, and in the county of Stirling, commencing at a point in the centre of said road sixty yards or thereby, measured in a southerly direction from the point at which the centre line of said road crosses the centre of the stream known as Faughlin Burn, and terminating at a point in the centre of the said road, two hundred yards or thereby, measured in a north-easterly direction from the said point of commencement;
- (7.) A conduit or line of pipes, situate partly in the parish of Kilsyth, and partly in the parish of Denny, and in the county of Stirling, commencing in the intended reservoir last before described, on the line of the stream known as Faughlin Burn, at a point thirty-five yards or thereby, measured in a south-westerly direction from the centre of the said stream where it is crossed by the centre line of the embankment of the said intended reservoir, and terminating in the reservoir next herein-after described, at a point six hundred and sixty yards or thereby, measured in an easterly direction from the south-east corner of Drumbowie Farm Steading;
- (8.) A reservoir, wholly situate in the parish of Denny, and county of Stirling, on the line of the stream known as Little Denny Burn, commencing at a point on the said stream five hundred and eighty yards or thereby, measured in an easterly direction from the south-east corner of Drumbowie Farm Steading, and terminating at the embankment next herein-after described;
- (9.) An embankment, wholly situate in the parish of Denny, and county of Stirling, across the stream known as Little Denny Burn, at and adjoining a point in the centre of that stream three hundred and twenty yards or thereby, measured in a southerly direction from the north-west corner of Cuthelton Greens Farm Steading, which embankment will commence at a point two hundred and sixty yards or thereby, measured in a south-easterly direction, from the said point in the centre of the said stream, and will terminate at a point four hundred and fifteen yards or thereby, measured in a north-westerly direction from the said point of commencement;

- (10.) A bye pass channel, wholly situate in the parish of Denny, and county of Stirling, commencing at a point in the centre of the stream known as little Denny Burn, four hundred and ninety yards or thereby, measured in an easterly direction from the south-east corner of Drumbowie Farm Steading, and terminating at a point in the said stream two hundred and sixty-five yards or thereby, measured in a southerly direction from the north-west corner of Cuthelton Greens Farm Steading;
- (11.) A road of access to the reservoir last described, wholly situate in the parish of Denny, and county of Stirling, commencing at a point in the public road leading from Denny to Haggs by Blaefaulds, one hundred and ninety yards or thereby, measured in a south-easterly direction from the south-west corner of Blaefaulds Farm Steading, and terminating at a point twenty yards or thereby, measured in a southerly direction from the point of termination of the embankment last described;
- (12.) A conduit or line of pipes, wholly situate in the parish of Denny, and county of Stirling, commencing in the intended reservoir last described, at a point forty yards or thereby, measured in a southerly direction from the centre of the stream known as Little Denny Burn, where it is crossed by the centre line of the embankment last described, and terminating at a point two hundred and forty yards or thereby, measured in a south-westerly direction from the north-west corner of Little Denny Farm Steading;
- (13.) A filter or filters, and a pure water tank or tanks, wholly situate in the parish of Denny, and county of Stirling, in the field numbered eight hundred and thirty-five on the Ordnance Survey map of the parish of Denny;
- (14.) A road of access to the filters and pure water tanks last described, wholly situate in the parish of Denny, and county of Stirling, commencing at a point one hundred and fifty yards or thereby, measured in a south-westerly direction from the north-west corner of Little Denny Farm Steading, and terminating in the public road leading from Denny to Haggs by Blaefaulds, at a point two hundred yards or thereby, measured in a north-westerly direction from the north-west corner of Little Denny Farm Steading;
- (15.) A conduit or line of pipes, commencing at a point one hundred and seventy yards or thereby, measured in a south-westerly direction from the north-west corner of Little Denny Farm Steading; and terminating in the burgh of Falkirk, at a point in the centre line of the High Street of said burgh of Falkirk, opposite the centre line of the Cow Wynd of said

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burgh, which conduit or line of pipes will be situate in and will pass from, in, through, or into the parishes of Denny, Dunipace, and Falkirk, the burgh of Denny and Dunipace and the burgh of Falkirk, or some, or one of them ;

(16.) A conduit or line of pipes, commencing by a junction with the conduit or line of pipes last described at a point in the centre of the public road leading from Denny to Falkirk, fifty yards or thereby, measured in a southerly direction from the centre of the River Carron at the point where that river is crossed by the centre line of Dunipace Bridge, and terminating in the parish of Larbert, at a point in the public road leading from Carron to Carronshore, five hundred yards or thereby, measured in an easterly direction from the north-east corner of Skaithmuir Mill, which conduit or line of pipes will be situate in, and will pass from, in, through, or into the parishes of Dunipace and Larbert.

Works to proceed simultaneously.

32. The works of the Trustees for the supply of the burgh and of the remaining area included within the limits of compulsory supply shall be carried on and completed, as far as practicable, simultaneously.

Errors and omissions in plans and book of reference may be corrected by sheriff, who shall certify the same.

Certificate to be deposited.

33. If there be any omission, mis-statement or erroneous description of any lands, or of the owners, lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference, the Trustees, after giving ten days notice to the owners, lessees and occupiers of the lands in question, may apply to the sheriff for the correction thereof ; and if it appear to the sheriff that the omission, mis-statement or erroneous description arose from mistake, he shall certify the same accordingly, and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described, and such certificate shall be deposited with the principal sheriff clerk of the county of Stirling, and kept by such principal sheriff clerk with the other documents to which the same relates, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Trustees may enter on, take, hold and use those lands and execute the works in accordance with such certificate.

Power to deviate laterally and vertically.

34. The Trustees may, in constructing the works by this Act authorised, deviate laterally from the lines 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 : Provided that the Trustees shall not, in the exercise of the

powers of lateral deviation hereby given, 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: Provided also that if the Trustees shall exercise the powers of vertical deviation hereby granted, they shall construct the embankments in each case of such additional thickness at the base as shall be equal to five feet for every foot of additional height, and shall make a corresponding addition to the strength of any retaining wall. A.D. 1888.

35. The proprietors for the time being of the estates of Cairnoch, Cringate, Touch, Todholes, Callendar, and Denny, and the families and visitors of such proprietors, or other persons having written authority of such proprietors, shall have the exclusive right of fishing, shooting and sporting, and of keeping and using pleasure boats, and of skating and curling in and over the reservoirs, so far as on or touching their respective estates, but so that the exercise of such rights shall not injure the embankments, walls or sluices of the said reservoirs, or any of the works of the Trustees, or pollute the waters of the said reservoirs: And the said proprietors shall also have the right (without prejudice to a similar right on the part of the Trustees) of protecting the said reservoirs from trespassers, by using all lawful means therefor; and the rights before mentioned (except the right of protecting said reservoirs from trespassers) shall not belong to or be enjoyed by the Trustees, or any of them, or any of their officers or servants, or any person deriving or pretending to derive any authority from them: Provided always that the rights before mentioned shall be personal to the said proprietors, their families, visitors or other persons having written authority as aforesaid respectively, but always provided that it shall be lawful for the Trustees or any person acting under their authority to keep and use boats on the said reservoirs for the sole purpose of constructing, inspecting, repairing or renewing the works of the Trustees, and of cleansing the said reservoirs, and that except in so far as the provisions herein-before contained confer upon the said proprietors the rights herein-before specified, and exclude the Trustees from the exercise of such rights, nothing herein contained shall be held to take away or diminish any of the rights, powers and authorities by this Act conferred on the Trustees in respect of the said reservoirs or otherwise. Rights of sporting reserved.

36. For the purposes and during the execution of the several works which the Trustees are by this Act authorised to make, and in maintaining the same, and subject to the provisions of this Act, Power to alter roads, &c., temporarily.

A.D. 1888. — the Trustees may from time to time break up, or cross over or under, alter or stop up, temporarily, any streets, highways, roads, lanes, paths, bridges, railways, canals, passages, sewers, drains, watercourses, gas pipes 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, and 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 street, highway or railway, or the flow of water, gas, sewage or electricity in any such sewer, drain, watercourse, canal or pipe, and making full compensation to all persons injuriously affected thereby: Provided that nothing in this section shall extend to authorise any interference with electric apparatus or other property of Her 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 Act, 1882, to which the provisions of section 15 of the said Act apply.

For protection of road trustees.

37. For the protection of the county road trustees of the county of Stirling (in this section called "the road trustees"), the following provisions shall have effect:—

- (1.) The clauses and 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 the opening and breaking up by the Trustees of any public roads, highways, footways or bridges within the jurisdiction of the road trustees, and also to the laying down and placing of pipes, conduits and other works in, under and along the said roads, highways, footways and bridges respectively;
- (2.) No greater length than one hundred and fifty yards of any road or highway shall be broken up at any one place at one time without the consent of the road trustees. A clear and sufficient carriageway shall, if practicable, be kept for the passage of carriages and traffic along every road, highway and bridge during any interference therewith by the Trustees; and in case of default in compliance with this provision the road trustees may, by their own servants and workmen, clear any such carriageway, and may recover the expenses of and incident thereto from the Trustees;
- (3.) Nothing in this Act shall interfere with the right of the road trustees to alter the level of or deviate or improve, in any manner they think fit, any road or highway in or across which any pipe of the Trustees shall be laid, and the Trustees shall forthwith, on receiving notice in writing under the hand of the

clerk to the road trustees so to do, alter the position of the said pipes in such manner and to the extent prescribed by such notice ;

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- (4.) If any difference arise between the road trustees and the Trustees touching this section, or anything to be done or not to be done thereunder, such difference shall be determined by a summary application to the sheriff by either party, and the decision of the sheriff shall be binding and conclusive on all parties, and the costs shall be in the discretion of the sheriff.

38. The Trustees shall construct the works herein-before described, and shall exercise the other powers of this Act, so far as crossing, or affecting, or interfering with the lines of railway and railway works of the Caledonian Railway Company (herein-after called "the Caledonian Company"), and lands connected therewith, in accordance with the following provisions and not otherwise, that is to say :—

Works
affecting
Caledonian
Railway.

- (1.) The said works which may be constructed by the Trustees, so far as in any manner interfering with any lines of railway or railway works of the Caledonian Company, or lands connected therewith, shall be of such design and materials as shall be approved of by the engineer for the time being of that company, and shall be constructed and completed under the superintendence and to the reasonable satisfaction in all respects of such engineer, and according to working plans, sections and specifications to be submitted to and approved of by him previously to the commencement of the works affecting the property of the Caledonian Company, and all costs, charges and expenses incurred to such engineer in relation to the matters aforesaid shall be paid by the Trustees ;
- (2.) The works of the Trustees at each of the points where the same cross or affect any of the railways or railway works of the Caledonian Company, shall be completed within one month after the commencement thereof respectively, of which commencement the Trustees shall give one month's previous notice in writing to the Caledonian Company ;
- (3.) The works of the Trustees shall be made and for ever maintained and used, and all operations connected therewith shall be conducted in such a manner as not to injure or endanger the stability of any of the lines or works, nor to cause any interruption, impediment, or inconvenience to the traffic of the Caledonian Company, and if in the construction, maintenance, or use of the said works, any injury be caused to any of the Caledonian Company's lines or works, or any interruption, impediment, or inconvenience be occasioned to their traffic, the

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Trustees shall pay all damages arising from or consequent on such injury, interruption, impediment, or inconvenience;

- (4.) The Trustees shall not, without the previous consent in writing of the Caledonian Company, enter upon or interfere with any railways, works, or lands belonging to that company further or otherwise than is necessary for constructing and maintaining the works across and through the said railways, works, or lands, and the Trustees shall not without such consent, alter the lines or levels of any of the railways or works of the Caledonian Company, nor take or acquire any of the lands belonging to that company, or any right therein other than an easement or right of making, maintaining and using their said works under or across the same in manner by this section prescribed.

Works
affecting the
Forth and
Clyde
navigation.

39. Whereas it is intended that the conduit or line of pipes (No. 15) herein-before described shall be carried under the Forth and Clyde navigation now vested in and belonging to the Caledonian Company at a point near Camelon, in the parish of Falkirk, the following provisions are hereby enacted for the protection of the Caledonian Company, that is to say:—

- (1.) The Trustees, before entering upon or interfering with the said navigation, or with any houses, lands or works belonging to the Caledonian Company in connexion therewith, or opening up the ground within a distance of thirty feet on either side thereof at the said point of crossing, shall submit to the engineer of the Caledonian Company working plans, sections and specifications showing the manner in which their works are to be carried below the said navigation, and the houses, lands and works of that company connected therewith, and the Trustees shall not commence operations within the said distance at the said point of crossing until the said plans, sections and specifications are approved of by such engineer; and the said operations shall be executed at the sight and to the reasonable satisfaction of such engineer, and all costs, charges and expenses incurred to such engineer in relation to the matters aforesaid shall be paid by the Trustees: Provided always that the Trustees shall not take or acquire any of the said lands belonging to the Caledonian Company, or any right therein, other than an easement, or right of making, maintaining and using the aforesaid works under the same in manner by this section prescribed;

- (2.) The works of the Trustees at the said point of crossing and within the distance aforesaid shall be completed within one month after the commencement thereof respectively, of which

commencement the Trustees shall give one month's previous notice in writing to the Caledonian Company;

- (3.) The said operations shall be carried on and completed, and the said works shall be maintained by the Trustees in all time coming in a state of perfect repair, at the sole risk of the Trustees, and so that no leakage of the said navigation shall be caused by or in consequence of the said operations or works, and the Trustees shall be liable for all damages occasioned to the said navigation, and houses, lands and works connected therewith, or to the traders on the said navigation, or to the adjoining country, by or in consequence of their operations or failure to maintain the said works as aforesaid whensoever such damages may occur;
- (4.) If in consequence of the said operations or of any failure in the works of the Trustees, boats, barges, or other vessels shall be prevented from using the said navigation as freely and uninterruptedly as at present, then the Trustees shall pay to the Caledonian Company the actual damage thereby occasioned, or in lieu thereof and in the option of that company as and by way of ascertained and liquidated damages the sum of ten pounds for every hour during which the interruption or impediments shall continue not exceeding forty-eight consecutive hours, but if beyond forty-eight consecutive hours, then the sum of ten pounds for each of the said forty-eight hours, and the sum of twenty pounds for every hour during which such interruption or impediments shall continue after such first forty-eight hours, and in default of payment of any such actual or ascertained and liquidated damages, upon demand being made on the Trustees, the Caledonian Company may sue for and recover the same, together with full expenses against the Trustees, by action in the Court of Session or before the sheriff;
- (5.) If at any time there shall be any leakage of the said navigation, caused by or in consequence of the operations or works of the Trustees, and if the Trustees do not within twenty-four hours after notice in writing of such leakage to their clerk, forthwith proceed to execute the operations necessary for the prevention of such leakage, the Caledonian Company are hereby empowered to perform all such operations at the risk of the Trustees without prejudice to their right to recover the amount of all actual damage which may be caused as aforesaid (or in their option, but only when such leakage causes interruption or impediment to the use of the navigation as aforesaid ascertained and liquidated damages at the rates herein-before provided), so long as such leakage shall continue, both before and after the giving of such notice and during the currency thereof; and the

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Caledonian Company shall be entitled to recover from the Trustees the expense of all such operations, and in default of payment thereof or of such ascertained and liquidated damages, as the case may be, the same may be recovered as herein-before provided with reference to damages for interruptions or impediments to the use of the said navigation ;

(6.) Nothing in this Act contained shall alter, prejudice, affect or take away any of the rights, powers, privileges or authorities vested in the Caledonian Company, or shall authorise the Trustees to alter the line or level of the said navigation, or to reduce the breadth or depth thereof, or in any manner to obstruct or impede the use of the same or any part thereof, and it shall not be lawful for the Trustees without the previous consent in writing of the Caledonian Company to leave less than a clear depth of thirteen feet from the top-water level of the said navigation to the top of the work of the Trustees under the same at the point of crossing : Provided, nevertheless, that nothing herein contained shall prevent the Trustees from carrying the said conduit or line of pipes (No. 15) through an existing culvert or bridge (presently built up) under the said navigation, nor from carrying into execution the powers of this Act, but always consistently with the provisions of this section and with reference to the safety of the said navigation and works connected therewith.

Differences between Trustees and Caledonian Railway Company to be settled by arbitration.

40. If any difference shall at any time arise between the Trustees and the Caledonian Company or their respective engineers with respect to any of the matters referred to in the two immediately preceding sections, such difference shall be determined by an engineer to be appointed by the Board of Trade on the application of either the Trustees or the Caledonian Company.

On completion of diverted portion of road, site of existing road, so far as superseded, to vest in Trustees.

41. So soon as the substituted portion of the public road leading from Kilsyth to Crosspath, known as the Takmadoon Road, situate partly in the parish of Kilsyth and partly in the parish of Denny, in the county of Stirling, and by this Act authorised to be diverted, is formed and ready for traffic, and certified by the sheriff, as in the next following section provided, the Trustees may stop up and extinguish all rights of way over the portion of the said existing road between the points of the commencement and termination of the said diversion thereof, and they may appropriate for the purposes of this Act the site of so much of the said road so stopped up and diverted as may be bounded on both sides by lands of the Trustees.

Maintenance of diverted road.

42. Immediately upon the completion of the said substituted portion of road, the Trustees shall make an application to the sheriff

to certify as to the completion of the same, and the county road trustees shall be made parties to such application. The said diverted portion of road, when its completion is so certified (of which completion such certificate shall be conclusive evidence), shall become and the same shall thenceforth be part of the said public road, and shall, subject to the proviso herein-after contained, be upheld and maintained by the county road trustees: Provided always, that the Trustees shall pay to the county road trustees the cost of upholding and maintaining the said diverted portion of said road for a period of twelve months after the date of the said certificate of completion.

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43. The Trustees may, by means of the waterworks by this Act authorised, divert, impound, take, appropriate, store, use and distribute the waters of the stream known as Faughlin Burn, and all streams, springs and waters flowing into or arising within the said stream, and into or within the site of the reservoirs numbered (4) and (8) of the works herein-before described, and other waterworks authorised by this Act, and from such works supply water within the limits of this Act, for the domestic and other purposes for which the Trustees are by this Act authorised to supply the same, and may, for the purpose of providing compensation water, as after-mentioned, take, impound, and use the waters of the stream known as Earl's Burn, and all streams, springs, and waters flowing into or arising within the said stream, and into or within the site of the Reservoir Number (1) of the works herein-before described.

Power to
take and
supply water.

44. The following provisions shall have effect, and shall be binding on the Trustees for the protection of all mill owners and other persons interested in the waters flowing down the said streams known as Earl's Burn and Faughlin Burn, and in the River Carron, that is to say:—

For pro-
tection of
mill owners,
&c., on the
Carron.

- (1.) The Trustees shall, as soon as the waterworks authorised by this Act are completed so far as to be able to afford the supply of compensation water herein-after mentioned, and during every day of twenty-four hours in every year permit to flow or shall deliver into the Earl's Burn from the said Reservoir Number (1) of the works by this Act authorised not less than eight hundred and twenty-eight thousand gallons of water;
- (2.) The Trustees shall, after the construction of the said Reservoir Number (1), thereafter maintain the same in good condition;
- (3.) The said flow or delivery of water shall be regular and continuous;
- (4.) The Trustees shall construct and for ever thereafter maintain a suitable measuring gauge or gauges over or through which

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the said quantity of compensation water shall flow or be delivered;

(5.) The said gauges, and Reservoir Number (1) and works connected therewith shall be open to the inspection and examination of the mill owners or other persons interested as aforesaid, or any one or more of them respectively, or of any persons or person deputed by them or any of them;

(6.) If at any time the said Reservoir Number (1) or any of such gauges and works be out of repair, or in an unfit condition for the purposes for which they are intended, the Trustees shall forthwith put the same into fit repair and condition, and if they fail to do so within seven days after notice in writing to that effect, given to them or any proper official on their behalf, by or on behalf of the mill owners, or any one or more of them, then any such mill owners or mill owner may cause the same to be put in fit repair and condition, and may recover the reasonable cost of so doing, with full costs of suit, in any court of competent jurisdiction;

(7.) The Trustees shall not divert any water of the Faughlin Burn, nor take any water from the Faughlin Burn into their said Reservoirs Number (4) and Number (8) or either of the same, nor shall they interfere with the continuous flow of the Earl's Burn, except for the purpose of accumulating the waters thereof, until they have completed their said Reservoir Number (1) and have made provision for affording the quantity of compensation water herein-before mentioned;

(8.) The said Reservoir Number (1) shall be so constructed as to prevent the discharge of water therefrom, at a lower level than ten feet below the top-water line thereof as shown on the deposited plans and sections;

(9.) If any difference arise between the Trustees and the mill owners or any one or more of them with respect to any of the matters in this section contained, such difference shall be settled and determined by a hydraulic engineer to be nominated as arbitrator (unless otherwise agreed on between the parties in difference) on the application of either party, after seven days notice in writing to the other of them, by the sheriff principal of the county of Stirling for the time being, and the costs of and incident to the reference shall be borne as the arbitrator shall direct.

Compensation.

45. The compensation water discharged under the provisions of this Act, if and while discharged, shall be deemed to be full compensation to all mill owners and others interested in the waters flowing down said streams known as Earl's Burn and Faughlin Burn

and in the River Carron for the water intercepted and appropriated for the purposes of this Act, and also for any water which may hereafter be intercepted and appropriated by the Trustees from Earl's Burn at the said Reservoir Number (1), and from Faughlin Burn at the said Reservoir Number (4). A.D. 1888.

46. The Trustees may, subject to the provisions of this Act, take by agreement, and any person by the Lands Clauses Consolidation (Scotland) Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or otherwise enabled to sell lands, may grant to them any estate, easement, servitude, interest, right, or privilege (not being an easement or servitude of water) in, over, affecting or belonging to lands at a price or yearly rent, feu duty, or otherwise; but in the case of a person not enabled otherwise than by the said Acts to sell lands, then, subject and according to the provisions relative to the taking of lands by agreement contained in the said Acts; and for the purposes of this section any such estate, easement, servitude, interest, right or privilege shall be deemed to be lands within the meaning of those Acts. Power to agree for easements, &c.

47. In addition to the lands authorised to be taken as aforesaid, the Trustees may purchase by agreement lands not exceeding ten acres for the purpose of making depôts, pipe yards, and other buildings and conveniences in connexion with the works by this Act authorised, but nothing in this Act shall exonerate the Trustees from any action, indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section. Lands for extra-ordinary purposes.

48. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Act, shall not be exercised after the expiration of three years from the passing of this Act. Limiting time for exercise of compulsory powers of purchase.

49. If the works authorised by this Act are not completed within seven years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Trustees for executing any works not so completed, or in relation thereto, shall cease to be exercised, 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 within the limits of this Act. Period for completion of works.

50. The Trustees shall not under the powers of this Act, without the consent of the Secretary for Scotland, purchase or acquire in any district, within the meaning of the Public Health (Scotland) Restriction on displacing persons of labouring class.

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Act, 1867, ten or more houses which after the passing of this Act have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. The expression "labouring class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

Limits of Act.

51. The limits of this Act shall comprise and include the burgh of Falkirk, the burgh of Grangemouth, and the villages of Larbert, Stenhousemuir, Bonnybridge, Camelon, Carron, Carronshore, and Laurieston, and the districts adjoining such burghs and villages respectively, all in the parishes of Denny, Larbert, Falkirk, Bothkennar, and Polmont respectively, in the county of Stirling; and the limits described in this section are in this Act referred to as "the limits of this Act."

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

52. 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, 1867, 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 Act, and that for such price as may be agreed on, or failing agreement, as may be fixed by arbitration under the Lands Clauses Consolidation (Scotland) Act, 1845.

Limits of compulsory supply.

53. Subject to the provisions of this Act the limits of compulsory supply shall be and shall comprise and include (first) the burgh of Falkirk; and (second) the following area, situated within the parish of Larbert, bounded as follows:—On the west by the east side of the Grinding Mill Road leading to the River Carron from the public road from Larbert to Denny; on the south by a line commencing at the south end of said Grinding Mill Road and thence running eastward along the north bank of the River Carron till it reaches the sluices of the lead which supplies the Carron dams; then by a line running eastward along the north bank of said lead till it reaches the south-west corner of the larger reservoir known as Carron Dam;

then to a point two hundred and seventy yards north-east of the north-east corner of Mount Carron House (but exclusive of the Carron Dams); then due south-east in a direct line to the centre of the River Carron; thence along the south-east and east boundary of the parish till said boundary reaches a point five hundred yards or thereby in an easterly direction from the south-east corner of Skaithmuir Mill; thence along the north-east side of the road leading past the Red Row till it reaches a point marked No. 293 on the Ordnance Survey plan of the parish of Larbert; and on the north by a direct line running south-westward to Skaithmuir Mill Dam; then by a line running along the north and north-east bank of the Chapel Burn till said burn passes under the road leading from Carron to Crossmuirhead; then eastward from the centre of the road where said burn passes under the same to a point one hundred yards distant therefrom; then in a north-westerly direction at a distance of one hundred yards from and parallel to the centre of the said road to a point one hundred yards north-west of and distant from the centre of the road leading from North Broomage to Bellsdyke; then south-westerly at a distance of one hundred yards from and parallel to the centre of the road last-mentioned till it meets the south-west side of the road leading from said last-mentioned road to Gowkhill; then in a north-westerly, south-westerly, north-westerly, southerly and south-easterly direction following the boundaries of the property presently belonging to the Stirling District Lunacy Board, to a point in said boundary, distant one hundred yards or thereby from the centre of the said road from North Broomage to Bellsdyke; thence in a south-westerly direction, at a distance of one hundred yards from and parallel to the centre of the said last-mentioned road, to the fence which forms the boundary between the Caledonian Railway (Scottish Central Branch) and the Larbert Imbecile Institution; thence northerly, south-westerly and southerly following the boundaries of said Larbert Imbecile Institution, to a point one hundred yards distant from the centre of the said road leading from North Broomage to Bellsdyke; thence in a south-westerly direction, one hundred yards distant from and parallel to the centre of said last-mentioned road, to a point one hundred yards distant from the centre of the road leading from Larbert to Stirling; thence in a north-westerly direction, for a distance of four hundred and twenty yards or thereby parallel to and one hundred yards distant from the centre of the said last-mentioned road; thence in a south-westerly direction, across said last-mentioned road, to a point one hundred yards distant from the centre of the same; thence in a south-easterly direction, for a distance of one thousand and fifty yards, or thereby parallel to and one hundred yards distant from the centre of said last-mentioned road; thence in a south-westerly direction

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to the point where the east side of the Grinding Mill Road meets the south side of the road leading from Larbert to Denny.

Trustees
may enlarge
or increase
number of
pipes.

54. The Trustees may from time to time, subject to the provisions of this Act, lay down, maintain, use, extend, alter, renew, relay, replace, enlarge and increase the number and size of the works, (other than reservoirs), mains, pipes and other conveniences from time to time in use or required for 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 which they are by the Waterworks Clauses Acts, 1847 and 1863, entitled to open and break up for such purposes.

Pressure.

55. The water to be supplied from any main or pipe of the Trustees need not be supplied in any case at a level above or at a greater pressure than can be supplied or afforded by gravitation from the service reservoirs or tanks from which the supply is taken.

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

56. 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, as defined by this Act, and shall, as soon as conveniently may be after the completion of the reservoirs and other works by this Act 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 waterclosets 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 fireplugs, unless some pipe of the Trustees shall have been laid within one hundred feet of the premises in respect of which such supply of water or pipes or fireplugs 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 feet 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 feet of such premises.

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57. The Trustees shall cause pipes to be laid down and water for domestic purposes to be brought to every part of the places and districts within the limits of this Act, beyond the limits of compulsory supply, whenever they shall be required by so many owners or occupiers of houses in such part of the districts beyond the limits of compulsory supply, as that the aggregate amount of water rates payable by them annually, at such rates as may be fixed by the Trustees as herein-after provided, shall not be less than one-tenth part of the expense of providing and laying down such pipes: Provided always, that no such requisition shall be binding on the Trustees, unless such owners or occupiers shall severally execute an agreement, binding themselves to take such supply of water for ten successive years at least: Provided also, that the water to be supplied by the Trustees, under the provisions of this section, need not be laid on constantly or under pressure: Provided further, that it shall be lawful for the Trustees to agree with any owner or occupier, who is not entitled to demand a supply of water, for such a supply for domestic purposes, to be made at any place within the limits of this Act.

Supply of water for domestic purposes beyond the limits for compulsory supply.

58. The Trustees may furnish to any person within the limits of this Act a supply of water for other than domestic purposes, to shops, offices and warehouses, and for steam engines or railway purposes, 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, where such horses or carriages are kept for hire or are the property of a dealer, or for gardens, fountains or ornamental purposes, or for any trade, manufacture, business or occupation, or for hotels, taverns, pot-houses, hospitals, prisons, barracks, schools or other public buildings, such respective supplies being so furnished at such rates, not exceeding fourpence halfpenny for each quantity of one thousand gallons, upon such terms and conditions, as shall be fixed from time to time by the Trustees, and published by being exhibited in the office of the treasurer of the Trustees, at Falkirk: Provided always that, so far as possible, the rate for such supply of water shall be uniform to all persons 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 Act, and of the Waterworks Clauses Acts, 1847 and 1863: Provided further that when water is so supplied the Trustees shall have the option either to charge the persons obtaining

Trustees may supply water for other than domestic purposes.

A.D. 1888. — the same with the domestic water rate, in respect of the premises for which such supply is given, or to charge for the same by measure: Provided always that the supply of water under this and the immediately preceding section shall not prejudicially affect or restrict the supply of water from time to time required for domestic use within the limits of compulsory supply.

Payment of
charge for
water
supply.

59. The charge for the supply of water under the immediately preceding section of this Act shall be payable yearly, or at such other times as the Trustees shall fix, and unless the Trustees shall otherwise determine shall be paid in advance, and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Trustees, or at the time when the agreement to take water from the Trustees is made: Provided always, 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.

Cleansing
sewers, &c.

60. 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.

Owners to
provide and
maintain
service pipes.

61. 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 means and 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, and to provide, lay and maintain such service pipes, stand pipes or taps, cisterns and other means and 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 Act, 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 such owner with respect to the necessity for such supply being provided for any such house or tenement, or with respect to the number or description of service pipes, stand pipes or taps, cisterns or other means and apparatus necessary for the purpose aforesaid, the same shall be determined and fixed by the sheriff, on summary application by either of the parties; and the decision of the sheriff shall be final, and not subject to appeal or review in any court or by any process whatsoever.

A.D. 1888.
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62. When there shall be in any building, or part of a building, within the limits of compulsory supply, a common pipe, the supply through and from which pipe shall be used by or shall be accessible to the various occupants of such building, or part of a building, as aforesaid, nothing in this Act shall render it obligatory upon the Trustees to give or continue a supply of water through or from such common pipe unless the several water rates and charges which may be payable under the provisions of this Act to the Trustees in respect of the supply of water through such common pipe to such building, and every part thereof, shall first have been paid to the Trustees by the owner of such building, or part of a building, as aforesaid.

Provision as
to common
pipe.

63. For the purpose of preventing the waste, misuse, or undue consumption or the contamination of the water supplied by the Trustees, the Trustees may from time to time prescribe the size, nature, strength, materials, mode of arrangement and repair of the pipes, valves, cocks, cisterns, waterclosets, and other apparatus to be used, and may interdict any arrangement and use of any pipes, valves, cocks, cisterns, waterclosets, and other apparatus, which, in their judgment, may tend to any such waste, misuse, undue consumption or contamination, and they may make byelaws for regulating all or any matters and things whatsoever connected with the supply of water, and may impose such penalties for breaches of such byelaws, not exceeding forty shillings for each offence, as may be considered expedient, and from time to time, as they shall think fit, may repeal, alter or re-enact any such byelaws: Provided always, that any byelaws made by the Trustees in the exercise of the power conferred on them by this section shall be operative only in such part of the compulsory limits in which the Trustees are bound to afford, and do, in fact, afford, or are prepared to afford, a constant

Regulations
for prevent-
ing waste of
water.

A.D. 1888. — supply, and shall not be operative unless the same shall have been approved of and confirmed by the sheriff.

Conditions of supply.

64. The Trustees, notwithstanding anything contained in the Waterworks Clauses Acts, 1847 and 1863, or in this Act, shall not be bound to supply any water unless the pipes, valves, cocks, cisterns, waterclosets, or other apparatus to be used, be sufficient to prevent the waste, misuse, or undue consumption or contamination of the water supplied.

Supply of water may be shut off if apparatus defective.

65. If the apparatus in any house or premises be out of repair, or be so used or contrived as that the water supplied by the Trustees is or is likely to be wasted, misused, unduly consumed, or contaminated, it shall be lawful for the Trustees (without prejudice to any other remedy in respect thereof) to shut off, or lock up such apparatus or the communication of the service pipe leading thereto, and to cease to give a supply of water to such house or premises, so long as the defect or cause of damage remains or is not remedied.

Trustees may repair apparatus on failure by owner or occupier.

66. If any of the apparatus shall be out of order, the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same; and if such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do, the Trustees may and shall enter upon such premises, and repair, renew, and make water-tight all such apparatus, and shall be entitled to recover in the name and at the instance of their clerk or treasurer, from the owner or occupier so failing, the cost of such repair or renewal, together with any penalty which may have been incurred for wilful waste of water, or for suffering such apparatus to be out of repair, in the manner by the Acts herewith incorporated provided for the recovery of penalties, or by action in any court of competent jurisdiction; and, for the purposes of this section, the word "apparatus" means and includes pipe, cistern, bath, watercloset, ballcock, stopcock, valve, and other articles used in the supply or storing of water in houses, manufactories or premises, or in connexion therewith: Provided that in the event of such repair or renewal being paid by the occupier of any such house or premises, he shall be entitled to recover such expense from the owner thereof, or to deduct the same from his rent, unless otherwise provided for by the terms of the tenancy.

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

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

68. 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, carriages, or other vehicles, houses or buildings, 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.

A.D. 1888.
Tube or hose not to be affixed to mains or pipes without consent of Trustees.

69. The Trustees may 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; 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.

70. 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 borrowed or that may be due under the provisions of this Act, and the payment to the sinking fund, together with the expense of maintaining and managing the works, and obtaining and providing and distributing supplies of water within the limits of this Act, 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.

71. 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 public water rate after mentioned, and other water revenues of the Trustees, shall be sufficient for the purposes aforesaid, annually to impose, assess and levy a rate to be called "the domestic water rate," upon and from the occupiers of all dwelling-houses, offices, shops, warehouses, public buildings, manufactories, farm steadings and all other residential or business premises (excluding canals, basins of canals, towing paths thereof, and lines of railway constructed under

Estimate to be considered, and domestic water rate imposed.

A.D. 1888. — the authority of Parliament, and mines, minerals and quarries), and the parts and pertinents of the said respective subjects within the limits of compulsory supply, according to the yearly rent or value thereof, as entered in the water assessment roll to be made up as herein-after mentioned for the year then current; but such domestic water rate shall not in any year exceed two shillings and sixpence per pound on the annual rent or value of dwelling-houses, farm steadings, and shops and other buildings or premises partly occupied as dwelling-houses, nor shall, on the annual value of the other subjects herein-before mentioned exceed one half of the rate for the time being imposed and levied on dwelling-houses: Provided always that, as regards all persons who shall be the occupiers of any such subjects or premises (other than tenements situate in a private close or place), they shall not be liable to be assessed in respect thereof for the domestic water rate, unless some pipe of the Trustees shall be laid down within one hundred feet of the outer wall, fence or boundary of the same: Provided further, that as regards the occupiers of tenements situate in a private close or place, they shall not be liable to be assessed in respect of such tenements for the said rate, unless some pipe of the Trustees shall be laid down within one hundred feet of the entrance to such close or place.

Public water
rate to be
levied.

72. The Trustees may, and they are hereby authorised and required annually to impose, assess and levy a rate, to be called "the public water rate," upon and from the owners of all lands and heritages within the limits of compulsory supply according to the full yearly rent or value thereof, as entered in the water assessment roll for the year then current, which rate shall not exceed twopence in the pound on the rental or full annual value of all such lands and heritages.

Lands, &c.
how to be
valued.

73. The annual value of the following lands or heritages shall, for the purposes of the public water rate, be held to be the nearest aggregate sum of pounds sterling to one fourth of the annual value thereof entered in the valuation roll, viz. :—

- (1.) All lands and premises used exclusively as a canal or basin of a canal, or towing-path for the same, or as a railway, excepting the stations, depôts, wharves and buildings which shall be assessable to the same extent as other lands and heritages within the limits of compulsory supply;
- (2.) All the underground gas pipes or underground works of any gas undertaking;
- (3.) All woodland, arable, meadow or pasture ground or other ground used for agricultural purposes;
- (4.) All mines, minerals and quarries.

74. The charge to be made by the Trustees for the supply of water for domestic purposes to any person beyond the limits for compulsory supply, but within the limits of this Act, shall be at least equal to the combined amount of the domestic water rate and the public water rate herein-before mentioned levied at the time by the Trustees, and shall be levied from the person receiving the supply, according to the full annual rent or value of the house, or of such part of any house or building, occupied by him as a dwelling-house, and of any offices, gardens, yards or greens belonging thereto or occupied therewith respectively.

A.D. 1888.
Rate to be levied for supply of water for domestic purposes beyond limits of compulsory supply.

75. The Trustees may, if they think fit, annually appoint one or more surveyors, who shall be sworn by any one of the magistrates of Falkirk, or by any justice of the peace for the county of Stirling, to administer their office faithfully according to their judgment and knowledge; and such surveyors shall, as soon as may be after the fifteenth day of May in each year, survey the lands, heritages, houses, buildings, and other premises and property in respect of which the rates are authorised to be levied, in so far as the value thereof cannot be ascertained from the valuation rolls; and a certificate signed by the surveyor making such survey shall be deemed sufficient *prima facie* evidence of the full annual rent or value of the same as surveyed by him; and the Trustees may estimate and fix the annual rent or value of all lands, heritages, houses, buildings and other premises and property, so far as can be ascertained, by the valuation roll or valuation rolls, at the valuation or valuations therein contained, and the valuation so made and adjusted shall be final and binding on all parties, and shall not be subject to review or alteration in any court.

Surveyors to be appointed.

76. The Trustees may from time to time either appoint a separate collector (who shall not be the same person as the treasurer) or may agree with any officers having the charge and collection of any other rates or assessments within the limits of this Act, (not being the treasurer of the Trustees), for the collection of the several rates, rents, and charges authorised to be made and levied by this Act, in such manner and form as the Trustees and such officers respectively shall mutually determine, with the view to the collection thereof in the most satisfactory and economical manner.

Trustees may agree with collectors of other rates.

77. When any premises in respect of which any person may be liable to be assessed to the domestic water rate under the provisions of this Act shall at the time of assessing any such rate be unoccupied, then, and in every such case, it shall be lawful for the

Unoccupied premises may be included in rates.

A.D. 1888. Trustees to include such premises, describing them in the column in the water assessment roll appropriated to the name of occupier as being "unoccupied"; and if any person shall afterwards occupy such property during any part of the period for which such rate may have been assessed, it shall be lawful for the Trustees to insert the name of such occupier, and to levy from him, or from the owner, if he shall be liable to pay the same, as in this Act provided, such part of the said rate as shall be proportioned to the time during which such person shall occupy such property, and every such person shall thereupon be deemed, to all intents and purposes, to be properly rated, and all such rates may be levied and recovered from the person who shall be liable to pay the same, under the provisions of this Act: Provided always, that any such person whose name shall be so inserted in such assessment roll, and such owner as last aforesaid, may appeal against the same to the Trustees, as provided by this Act: Provided also, that, except as aforesaid, no domestic water rate shall be payable by any person whatsoever in respect of unoccupied premises.

Power to rate the owners of houses in certain cases.

78. The owners of all dwelling-houses, or parts of dwelling-houses occupied as separate tenements, the annual rent or value of which houses or tenements shall not exceed the sum of four pounds, shall be liable to the payment of the domestic water rate instead of the occupiers thereof; and the powers and provisions herein contained for the recovery of the domestic water rate from occupiers shall apply and be construed to apply to the owners of such houses and tenements; and the person receiving the rent of any such house or tenement, as aforesaid, from the occupier thereof, on his own account, or as agent or factor for any person interested therein, shall be deemed the owner of such house or tenement: Provided always that the Trustees shall allow to the owners of all dwelling-houses, or parts of dwelling-houses occupied as separate tenements, not exceeding four pounds of annual rent or value, who shall pay the domestic water rate authorised to be levied thereon by this Act, an abatement of ten per centum on the amount of such rate paid by such owner: Provided also that such owners shall be entitled to receive from the occupiers of such houses the amount of the rates payable for their respective possessions.

Form of rate and notice thereof to ratepayers.

79. Every assessment for the domestic water rate and public water rate shall be fairly transcribed in a book to be kept for that purpose, and which is in this Act called the water assessment roll, and may be in the form of the Fourth Schedule to this Act 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. A.D. 1888.

80. 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.

81. The Trustees may from time to time amend the water assessment roll in respect of any such rate assessed by virtue of this Act, by 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 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 Act, 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. Rates may be amended.

82. 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. Any person aggrieved may lodge objections and be heard.

A.D. 1888.

Water rates
to be assessed
from Whit-
sunday to
Whitsunday.

83. The domestic water rate, and the public water rate, shall be assessed for the period from the term of Whitsunday in each year to the term of Whitsunday in the year following, and shall be payable at such place or places, and on such day in each year, as the Trustees shall appoint, or otherwise as the Trustees may determine.

Mode of
recovery of
rates and
assessments.

84. If any person shall refuse or neglect to pay any rates, rents, or charges or assessment imposed upon him, or for which he is liable under the provisions of this Act, for the space of three months next after such rates, rents, or charges or assessment shall be due, and demanded by the collector, such demand being made by a written or printed notice left at the place of abode or place of business of such person, if such place of abode or place of business be within the limits of this Act, or if any such person shall not have any such known place of abode or place of business, by a written or printed notice left at the place of abode or place of business last known to have been occupied by such person within the limits of this Act, or sent through the Post Office by registered letter, addressed to such person at his place of abode or place of business, it shall be lawful for the collector either to recover such rates, rents, or charges or assessments according to the ordinary procedure before any competent court, or to apply to the sheriff, or to any two justices of the peace for the county of Stirling, for a warrant to any of their respective officers to enter the lands or premises occupied by such person, and to seize, take possession of, and carry away his goods and effects, or so much thereof as shall appear to be necessary, as after mentioned; and it shall be competent to the said sheriff or justices, if they think fit, to grant such warrant, upon a certificate signed by the collector of such demand having been made, and of such person being in arrear to the amount stated in such certificate, together with one penny upon each pound of the rental of the property in respect of which such person is assessed in name of penalty; and if such rates, rents, or charges or assessment and penalty shall not be paid, together with the costs or charges incurred in obtaining such warrant (as the same shall be fixed by the judge, and stated in the warrant), upon presentment of the said warrant to such person, or at his place of abode or place of business, then the collector is hereby authorised to cause an officer or officers to seize, take possession of, and carry away so much of the goods and effects of such person as shall appear sufficient for satisfying by the sale thereof the rates, rents, or charges or assessments due by him, with the penalty and costs, fixed as aforesaid, and the further charges incurred or to be incurred in carrying the warrant into execution; and if such rates, rents, or charges or assessments shall not be paid within four days next after such seizure is made, together with the

A.D. 1888.

penalty, costs and charges, then the collector is hereby authorised to sell or cause to be sold the said goods and effects so seized, by public roup, at such public place as may be fixed by the Trustees as a proper place for such sales; and the collector shall return the surplus of the price, if any, after payment of the said rates, rents, or charges or assessments and penalty and costs, to the owner of the said goods and effects; and the collector shall be bound to preserve the warrants of such seizures and sales, and enter in a book to be kept for the purpose the names of the parties proceeded against, the rates, rents or charges or assessments due, the expense of the proceedings, and the net proceeds of such sales, which book shall be open without any fee to the inspection of all parties interested, for three months after the date of each sale, and at any time within that period it shall be competent to any party considering himself aggrieved to complain to the sheriff of anything done unjustly or oppressively in regard to such seizure or sale, such complaints being made in the form of a petition subscribed by the complainer, and the decision of the sheriff on such petition shall be final.

85. No misnomer, mistake, or informality committed in any proceedings for recovery of any rates, rents, or charges or assessments under this Act shall prejudice the recovery thereof and expenses, nor shall such proceedings fall or abate by the death, resignation, or removal of the collector instituting the same, or by any change in the persons holding office as Trustees, but it shall be lawful for the collector for the time to prosecute and follow forth procedure commenced and carried on in the name of any previous collector, in all respects as if such procedure had been taken by himself: Provided that it shall not be competent for any person to sue nor for any court of law to entertain any action or proceedings against the Trustees, or the collector or officers or other persons employed in executing any warrant in reference to any rates, rents, or charges or assessments under this Act, by reason of any mistake, informality, or misnomer, if the goods or other effects seized or sold under such warrant were bonâ fide the property or in the lawful possession of the person actually liable in payment of such rates, rents, or charges or assessments under the provisions of this Act.

Recovery of rates or assessments not to be prejudiced by informalities.

86. In any proceeding to levy and recover, or consequent on the levying or recovering of any rate, rent, or charge under the provisions of this Act, the water assessment roll of the Trustees, and all entries made therein, in manner by this Act directed, by the production thereof, alone and without any evidence that the requirements of the Act have been complied with, shall be received as evidence of such rate, and of the amount thereof.

Water assessment roll to be evidence.

A.D. 1888.

Public rates
to be open
to inspection
of Trustees
and others.

87. The Trustees or any person by them authorised, may from time to time inspect all or any of the public or parochial rates and assessments, embracing the lands and heritages within the limits of 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.

Water rates
to be regu-
lated so as
not to exceed
expenses.

88. If in any year the revenue of the trust 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 the rates, rents or charges that they may, one year with another respectively, produce the amount of money required.

Application
of rates
and charges.

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

First, in defraying the expense of managing and maintaining the 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 undertaking;

Secondly, in payment of the interest on the money borrowed by the Trustees;

Thirdly, in setting apart the sinking fund by this Act required;

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

Application
of penalties.

90. All penalties and forfeitures exigible under the provisions of this Act, 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.

91. All offenders against any of the provisions of this Act, 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 of the Trustees for the time being, before the sheriff, or before any one or more of the justices of the peace for the county of Stirling.

A.D. 1888.

Prosecution
of offences.

92. The Trustees may from time to time borrow on mortgage any sums required for the purposes of this Act, and for executing the waterworks authorised by this Act, and for the general purposes of their undertaking not exceeding in the whole eighty thousand pounds, and may make and grant mortgages of the several rates, rents and charges by this Act authorised in security of the money so borrowed and interest thereon.

Power to
borrow.

93. If after having borrowed the sums of money by this Act authorised, or any part thereof, the Trustees shall pay off the same or any part thereof otherwise than by means of the sinking fund herein-after mentioned, 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.

Trustees
may re-
borrow.

94. 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 assignations of their undertaking, and of the several rents, rates and charges authorised and leviable under the authority of this Act, 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 them on mortgage, shall never, when taken together, exceed the aggregate amount of the sum by this Act authorised to be borrowed.

Trustees
may borrow
on cash
account.

95. 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 First Schedule to this Act, or to the like effect.

Form of
mortgage.

96. 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

Manner in
which mort-
gages and
orders on

A.D. 1888. Trustees and the treasurer; and all drafts or orders on the cash bank account to be signed and executed. account before mentioned shall be signed by the treasurer and countersigned by one of the Trustees and by 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.

Transfers of mortgages. **97.** 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 Second Schedule to this Act, or to the like effect.

Transmission of mortgages in case of bankruptcy. **98.** 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.

Mortgages of rates to be personal estate. **99.** All mortgages and all moneys advanced and lent on the security of the rates, rents and charges under this Act, shall be moveable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Discharge of mortgages. **100.** Any person entitled to any mortgage granted by the Trustees under the authority of this Act 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 Third Schedule to this Act, 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.

Sinking fund. **101.** The Trustees may, and they are hereby required, in each year after the expiration of one year from the date of borrowing to set apart as a sinking fund, from and out of the rates, rents and charges and other moneys received by them from or on account of their waterworks (other than money borrowed), such a sum as shall, by accumulation with compound interest thereon at the rate of three and a half per centum per annum, be sufficient to pay off the whole of the moneys borrowed under the powers and for the purposes of this Act within fifty years from the time of borrowing such moneys respectively.

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

A.D. 1888.

Application
of moneys
borrowed.

103. No person lending money to the Trustees shall be bound to inquire as to the observance by the Trustees of any provision of this Act, 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.

104. In the event of any principal money borrowed by the Trustees on mortgage as aforesaid, or any interest thereon, not being paid within three months after such payment shall have become due, and after demand thereof in writing, it shall be lawful for any mortgagee holding by himself or in conjunction with any other mortgagee or mortgagees joining in the application, not less than one thousand pounds of debt, to render his or their security effectual by the appointment of a judicial factor; and the application for such appointment shall be made by summary petition to the Court of Session, or in time of vacation to the Lord Ordinary on the Bills, who are hereby respectively authorised and required, on such application being made by any mortgagee or mortgagees holding the sum before specified, to appoint some person as judicial factor to the effect and with the powers herein-after mentioned, unless previously to such application being advised the amount of such principal money or interest, with interest thereon and expenses, shall have been paid to the petitioner or petitioners, or unless the said Court or Lord Ordinary, as the case may be, shall be satisfied that consignation thereof should, under the circumstances, be accepted in lieu of payment, and such consignation be made accordingly, and the interlocutor making such appointment shall not be subject to review or appeal.

Appoint-
ment of
judicial
factor.

105. The judicial factor so appointed, on finding security in common form, shall exercise all the powers conferred by this Act upon the Trustees, for and in relation to assessing, levying and recovering the several rates, rents and charges by this Act granted, and managing and maintaining the undertaking, and the Trustees shall hand over to him all rate books and other books and docu-

Powers and
duties of
judicial
factor.

A.D. 1888. — ments necessary for that purpose; and after defraying the expense of such application, management and maintenance, the said judicial factor shall, from time to time, apply and pay over the balance of the sums received by him to the several parties entitled to the same, according to the priority by this Act established; and such judicial factor shall continue, not only until all arrears due at the date of the appointment of such judicial factor and any interest which shall have become due during his continuance in office, with interest and expenses, including the expenses of the application for such appointment and of carrying the purposes thereof into execution, shall have been paid, but also until any half year's interest which, although not due, may become current during his continuance in office, and a sufficient sum to meet expenses, shall have been paid or consigned in one of the chartered banks in Scotland; and upon payment and consignation as aforesaid of the said principal money, interest and expenses, it shall be lawful for the Trustees to apply to the Court of Session or Lord Ordinary as aforesaid for the recall of the appointment of the judicial factor.

Costs of
Act.

106. The costs, charges and expenses incurred in preparing for and obtaining this Act, and incidental thereto, shall be paid by the Trustees.

A.D. 1888.

THE SECOND 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 transferree], do hereby transfer to the said [name of transferree], and his executors, administrators and assignees [or as the case may be], a certain mortgage, number [number of mortgage], dated the [date of mortgage], made in my favour by the Falkirk and Larbert Water Trustees by virtue of the Falkirk and District Water Act, 1888, in connexion with the undertaking authorised by that Act, 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 transferree 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 THIRD SCHEDULE.

FORM OF DISCHARGE.

Received from the treasurer to the Falkirk and Larbert Water Trustees, acting on their behalf, 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 paid.

Dated this day of , one thousand eight hundred and

THE FOURTH SCHEDULE.

A.D. 1888.

FORM OF WATER ASSESSMENT ROLL.

Assessment for the domestic water rate and the public water rate under the Falkirk and District Water Act, 1888, for the year, from the fifteenth day of May, one thousand eight hundred and , to the fifteenth day of May, one thousand eight hundred and , at the rate of in the pound for domestic water rate, and in the pound for the public water rate.

Number.	Name of Owner.	Name of Occupier.	Description and Situation of Property.	Full Annual Value.	Domestic Rate at in the Pound.	Public Rate at in the Pound.

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