ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xxxiv.

An Act for supplying the Burghs of *Dumfries* and *Maxwelltown* and Suburbs with Water.

[25th *June* 1850.]

WHEREAS the Royal Burgh of *Dumfries*, the adjacent Burgh of Barony of *Maxwelltown*, and the Suburbs of those Burghs, are not at present sufficiently supplied with Water: And whereas an abundant Supply of Water can be easily and cheaply introduced into those Burghs and Suburbs from *Lochrutton Loch* in the Stewartry of *Kirkcudbright*, and the Streams issuing therefrom and adjacent thereto; but that Object cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the following Acts of Parliament, (that is to say,) "The Commissioners Clauses Act, 1847," "The Waterworks Clauses Act, 1847," and "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall, save as varied or otherwise provided by this Act, be incorporated with and form Part of this Act.

Provisions of 10 & 11 Vict. cc. 16. & 17. and 8 & 9 Vict. c. 19. incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Dumfries and Maxwelltown* Waterworks Act, 1850."

Limits of Act.

2&3 W.4. c.65.

III. And be it enacted, That the Limits of this Act shall comprise and include the Parliamentary Burgh of *Dumfries* as defined by the Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland.

Number of Commissioners.

IV. And be it enacted, That the Number of Commissioners for the Purposes of this Act shall be Sixteen.

First Commissioners.

V. And be it enacted, That the Provost of the Royal Burgh of *Dumfries* for the Time being, *James Dinwiddie*, *George Dunbar*, *William M'Gowan*, *Andrew Crombie*, *John Balieff*, and *Miles Leighton*, Six of the Town Council of the said Burgh; *Joseph Welsh*, *William Gillies*, and *John Maxwell*, Three of the Town Council of the Burgh of *Maxwelltown*; and *James Halliday*, *Walter Grierson*, *James Caldow*, *James Swan*, *Francis Nicholson*, and *Thomas Hairstens M'Gowan*, shall be and they are hereby appointed the first Commissioners for putting this Act into execution.

Duties of Commissioners.

VI. And be it enacted, That the Commissioners herein-before named, and their Successors, to be appointed as herein-after mentioned, shall be the Commissioners for the Purposes of this Act and for making and maintaining the Waterworks and all Works and Conveniences which they may deem necessary for such Purposes, subject to the Provisions contained in this Act and in the Acts incorporated herewith, and shall be called "The *Dumfries and Maxwelltown* Waterworks Commissioners;" and the Provost of *Dumfries* for the Time being shall be the Chairman of the Commissioners.

Future Commissioners.

VII. And be it enacted, That the future Commissioners for the Purposes of this Act shall be the Provost of the Royal Burgh of *Dumfries* for the Time being *ex officio*, and Six Members of the Town Council of the said Burgh, Three Members of the Town Council of the Burgh of *Maxwelltown*, and Six other Persons, all to be elected at the Times and in the Manner after mentioned.

Qualification of Commissioners.

VIII. And be it enacted, That every Person rated on House Property for the "Public Water Rate" herein-after mentioned in respect of any such Property of the yearly Rent or Value of Ten Pounds at the least, and who shall have paid all such Rates as may have been due and payable by him under this Act at or before the Term of *Whitsunday*

Whitsunday preceding the annual Election of Commissioners for the Time, shall be qualified to be elected a Commissioner under this Act.

Election of Commissioners by the Town Council of Dumfries.

IX. And be it enacted, That the Magistrates and Town Council of the said Royal Burgh of *Dumfries* shall at each of their annual Meetings held for the Election of Magistrates of the said Burgh in the Year One thousand eight hundred and fifty-one, and in each succeeding Year, nominate and appoint Two Members of the Town Council of the said Burgh to be Commissioners under this Act, in lieu of the Commissioners, Members of the said Town Council, who shall at such Meetings respectively go out of Office by Rotation, under the Provisions of this Act.

Election of Commissioners by the Town Council of Maxwelltown.

X. And be it enacted, That the Magistrates and Town Council of the said Burgh of Barony of *Maxwelltown* shall at each of their annual Meetings held for the Election of Magistrates of the said Burgh in the Year One thousand eight hundred and fifty-one, and in each succeeding Year, nominate and appoint One Member of the Town Council of the said Burgh to be a Commissioner under this Act, in lieu of the Commissioner, Member of the said Town Council, who shall at such Meetings respectively go out of Office by Rotation, under the Provisions of this Act.

Election of Commissioners by the Rate-payers.

XI. And be it enacted, That the Rate-payers qualified as hereinafter mentioned shall upon the First *Tuesday* after the said annual Meeting of the Magistrates and Town Council of the Royal Burgh of *Dumfries* in the Year One thousand eight hundred and fifty-one, and in each succeeding Year, and at such Place as the Commissioners may from Time to Time appoint, elect Two Persons, not Members of the Town Council of either of the said Burghs, to be Commissioners under this Act, in lieu of the Commissioners, not Members of either of the said Town Councils, who shall at the Date of such Elections respectively go out of Office by Rotation, under the Provisions of this Act.

Rotation of Commissioners.

XII. And be it enacted, That in the Year One thousand eight hundred and fifty-one, and in each succeeding Year, Two of the Commissioners, Members of the Town Council of the Royal Burgh of *Dumfries*, One of the Commissioners, Members of the Town Council of the Burgh of *Maxwelltown*, and Two of the other Commissioners, shall go out of Office by Rotation at the respective Dates herein-before prescribed for the Election of new Commissioners by the said Town Councils of *Dumfries* and *Maxwelltown* and by the Rate-payers respectively, and in other respects in the Manner and Order directed by the said first-recited Act.

XIII. And

Members of Town Council not to be elected by Rate-payers.

XIII. And be it enacted, That no Person, being a Magistrate or Town Councillor of either of the said Burghs, shall be qualified to be elected a Commissioner by the Rate-payers under this Act; and if any Person elected by the said Rate-payers shall afterwards become a Town Councillor of either of the said Burghs, he shall cease to be a Commissioner, unless he shall be elected to be Provost of the said Burgh of *Dumfries*.

Qualification of Electors.

XIV. And be it enacted, That until the Waterworks shall be completed, and a Supply of Water distributed, under the Provisions of this Act, all Persons rated under this Act for the "Public Water Rate" in respect of Property of the yearly Rent or Value of Two Pounds or upwards, and after the said Waterworks shall have been completed, and a Supply of Water distributed as aforesaid, all Persons charged with Water Rates in respect of any such Property, and who in either Case shall have paid all such Rates as shall have been due and payable by him at or before the Term of *Whitsunday* preceding the Election, shall be entitled to vote in the Election of the Commissioners to be elected by the Rate-payers as aforesaid.

Time and Place of First and subsequent annual Meetings of Commissioners.

XV. And be it enacted, That the Commissioners shall hold their First Ordinary Meeting on the Third *Tuesday* after the passing of this Act, at the Hour of Two o'Clock Afternoon, and every subsequent annual Meeting shall be held on the Third *Tuesday* of *October* in each Year; and all Meetings of the Commissioners may be held either at their ordinary Place of Business or in the Council Chamber of *Dumfries*.

Monthly Meetings.

XVI. And be it enacted, That the monthly Meetings of the Commissioners shall be held on the First *Tuesday* in every Month.

Power to borrow Money on Mortgage, &c.

XVII. And be it enacted, That it shall be lawful for the Commissioners to borrow for the Purposes of this Act, on Mortgage or Assignation in Security, any Sums, not exceeding in the whole the Sum of Ten thousand Pounds, in the Manner provided by the said first-recited Act; and that the Powers therein contained of borrowing Money, and charging the Rates therewith, in order to pay off existing Securities, may from Time to Time be exercised by the Commissioners, whether or not such Money can be borrowed at a lower Rate of Interest than such existing Securities shall bear.

Power to make Waterworks according to deposited Plan.

XVIII. And whereas Plans and Sections showing the Lines, Situation, and Levels of the proposed Works, and the Lands, Waters, and Streams intended to be taken for the Purposes thereof, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, Waters, and Streams, have been deposited in the Office at *Dumfries* of

of the Sheriff Clerk of the County of *Dumfries*, and in the Office at *Kirkcudbright* of the Steward Clerk of the Stewartry of *Kirkcudbright*: Be it enacted, That it shall be lawful for the Commissioners, subject to the Provisions and Restrictions of this Act, to make and maintain the said Works through the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands, Waters, and Streams as shall be necessary for that Purpose: Provided always, that it shall be lawful for the Commissioners to execute the said Works within the Limits of Deviation described on the said Plans, and to deviate from the Levels defined on the said Sections to any Extent not exceeding Five Feet.

Power to purchase Land not exceeding 15 Acres for additional Purposes.

XIX. And be it enacted, That, in addition to the Lands, Waters, and Streams authorized to be taken as aforesaid, it shall be lawful for the Commissioners to contract with any Party willing to sell or lease the same, for the Purchase or Lease of any Streams or Springs of Water, or of any Land not exceeding in Quantity Fifteen Acres, which shall be deemed proper or expedient for the Purposes of the Waterworks.

Owners may grant Leases.

XX. And be it enacted, That the Persons empowered by the said "Lands Clauses Consolidation (*Scotland*) Act, 1845," to convey Lands, shall have full Power to grant Leases of any Lands, Waters, and Streams for the Purposes of this Act, or any Servitude, Power, or Authority in or over such Lands, Waters, or Streams: Provided always, that where such Leases shall be granted by Persons under any Disability or Incapacity to grant the same except under the Powers of this Act, the Amount of Rent to be paid under such Leases shall be determined in the Manner provided by the said "Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase Money or Compensation to be paid for Lands taken from Parties under a similar Disability or Incapacity to sell or convey the same.

Period for compulsory Acquisition of Lands limited.

XXI. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase of Lands, Waters, and Streams for the Purposes of this Act, or for the compulsory Acquisition of any Right therein, shall not be exercised after the Expiration of Five Years from the passing of this Act.

Period within which Works are to be completed.

XXII. And be it enacted, That the Waterworks shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the said Acts incorporated

porated herewith granted to the Commissioners for executing such Works shall cease to be exercised, except as to so much of the said Waterworks as shall then be completed, and except also as to such Pipes as may from Time to Time thereafter require to be laid within the Limits aforesaid, for the further Supply of the said Burghs and Suburbs with Water.

Rates at which Water is to be supplied for domestic Purposes.

XXIII. And be it enacted, That the Commissioners shall, at the Request of the Owner or Occupier of any House or Part of a House within the Limits of this Act, who, under the Provisions of this Act and the said second-recited Act incorporated herewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier a sufficient Supply of Water for domestic Use at a Rate *per Annum* not exceeding Sixpence *per* Pound upon the Rack Rent or annual Value of the Tenement so supplied with Water; provided that the Commissioners shall not be obliged to furnish such Supply to any Person for any less Sum than Two Shillings and Sixpence in any One Year; and provided also, that no Person shall be entitled to demand such Supply of Water, or to require the Commissioners to lay down Communication Pipes or Fire Plugs, unless some Pipe of the Commissioners shall have been laid within One hundred Feet of the Tenement in respect of which such Supply or Communication Pipes or Fire Plugs are demanded, or unless the Commissioners shall have become bound, by virtue of a Requisition and Agreement made and executed in the Manner and to the Extent required by the said second-recited Act, to cause Pipes to be laid down within the said Distance of One hundred Feet of such Tenement.

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

XXIV. And be it enacted, That a Supply of Water for domestic Use shall not be held to include a Supply of Water for Railway Purposes, or for Shipping, or for Horses or Cattle, or for washing Carriages, or for any Trade, Manufacture, or Business whatsoever.

Water for other than domestic Purposes to be supplied by Agreement.

XXV. And be it enacted, That it shall be lawful for the Commissioners to supply any Corporation or Person with Water for other than domestic Use, at such Rates, and upon such Terms and Conditions, as shall be agreed upon between the Commissioners and the Corporation or Person desirous of having such Supply of Water; and the Rates so agreed upon shall be recoverable in the same Manner as any other Rates payable under this Act.

Owners in certain Cases to pay Rates instead of Occupiers.

XXVI. And be it enacted, That the Owners of all Dwelling Houses or Parts of Dwelling Houses occupied as separate Tenements, the annual Value of which Houses or Tenements shall not exceed the Sum of Two Pounds, and all Owners of Houses or Tenements which shall

be let for a shorter Term of Occupation than One Year, or for Rents payable quarterly or at more frequent Periods, shall be liable to the Payment of the Rates, instead of the Occupiers thereof; and the Powers and Provisions herein and in the said second-recited Act contained for the Recovery of Rates from Occupiers shall be construed to apply to the Owners of such Houses and Tenements; and the Person receiving the Rents of any such House or Tenement as aforesaid from the Occupier thereof, on his own Account, or as Agent or Receiver for any Person interested therein, shall be deemed the Owner of such House or Tenement.

Rates to be paid half-yearly.

XXVII. And be it enacted, That all Water Rates under this Act shall be paid in advance, by equal half-yearly Payments at *Martinmas* and *Whitsunday* in each Year.

Commissioners to estimate annual Sums required.

XXVIII. And be it enacted, That the Commissioners shall once in each Year estimate and fix the Amount of Money necessary to be levied for the Purpose of defraying the Costs, Charges, and Expenses for the current Year of supplying the Places within the Limits of this Act with Water, under which shall be comprehended the Interest of borrowed Money, and such Sums as may be set apart for a Sinking Fund for paying off the Principal Monies so borrowed, and for Contingencies, and the annual Expenses of maintaining and managing the Waterworks, and procuring and distributing a Supply of Water within the Limits aforesaid.

Commissioners to make a public Water Rate.

XXIX. And in order to provide Funds for carrying this Act into execution, be it enacted, That it shall be lawful for the Commissioners, once in every Year, to cause a Rate, to be called the "Public Water Rate," to be made upon all Dwelling Houses, Inns, Hotels, and Taverns, and all Shops, Warehouses, Offices, Manufactories, and other Premises used for Trade or Business, situated within the Limits of this Act; and such Rate shall be made according to the Rack Rent or annual Value of the Property rated, but shall not exceed Sixpence in the Pound of such Rack Rent or annual Value; and the said Public Water Rate shall from Time to Time be collected and paid half-yearly, and shall be chargeable and recoverable in the same Manner as Water Rates may be recovered under the Authority of this Act and the said second-recited Act: Provided always, that such Public Water Rate shall not be made or levied upon Ground used for agricultural or nursery Purposes in any Event, nor upon Dwelling Houses or other Buildings situate on such Ground, or adjacent thereto and occupied in connexion therewith, unless some Pipe of the Commissioners shall have been laid within Sixty Feet of such Dwelling Houses or other Buildings.

XXX. Pro-

Exemptions from Public Water Rate.

XXX. Provided always, and be it enacted, That no Person shall be rated for any such Public Water Rate in respect of any Church, Chapel, Meeting House, or other Building exclusively used for Public Worship, or any Building exclusively used for the Purposes of gratuitous Education of the Poor or of public Charity, or any Property belonging to the Commissioners.

Public Water Rate may be prospective or retrospective.

XXXI. And be it enacted, That the Commissioners may make any such Public Water Rate prospectively, in order to raise Money to pay Charges and Expenses to be incurred thereafter, or retrospectively, in order to raise Money to pay Charges and Expenses already incurred.

Notice of Rate to be given.

XXXII. And be it enacted, That a Statement of the proposed Public Water Rate shall be deposited for the Inspection of the Rate-payers; and Notice of the Place of such Deposit shall be given by the Commissioners by Advertisement in the Week immediately previous to such Rate being made.

Form of Rate.

XXXIII. And be it enacted, That every such Public Water Rate shall be fairly transcribed in a Book to be kept for that Purpose, and may be in the Form given in the Schedule annexed to this Act, or as near thereto as the Circumstances of the Case will admit; and every such Rate shall contain an Account of every Particular set forth at the Head of the respective Columns in such Schedule, so far as the same can be ascertained; and every such Rate shall be signed by Three of the Commissioners, and by the Clerk of the Commissioners.

Rate to be open to Inspection of Rate-payers, who may take Copies, &c.

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

Rates may be amended.

XXXV. And be it enacted, That the Commissioners may from Time to Time amend any such Rate made 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

if it appear to them that such Person has been under-rated or over-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 avoid the Rate: Provided always, that every Person aggrieved by any such Alteration shall have the Right of Appeal therefrom; and as respects such Person the Rate shall be considered to have been made at the Time when he received Notice of such Alteration; and every Person whose Rate is altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

How Water and other Rates to be ascertained.

XXXVI. And be it enacted, That the Public Water Rate and all other Rates to be levied and payable under this Act shall be made and payable either according to the next preceding Assessments for the Relief of the Poor within the Limits of this Act, or according to a Valuation to be made of the rateable Property within the Limits of this Act, by some competent Person to be appointed by the Commissioners for that Purpose, at the Option of the Commissioners.

Person appointed a Valuer to make a Declaration before acting.

XXXVII. And be it enacted, That before any such Valuation shall be made the Person appointed to make it shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and of the Date thereof; and any Justice to whom Application is made for that Purpose shall administer such Declaration.

Poor Rate to be open to Inspection by Commissioners.

XXXVIII. And be it enacted, That the Commissioners, or any Person by them authorized, may from Time to Time inspect any of the Rates for the Relief of the Poor in any Parish or other District within the Limits of this Act, 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 or Assessments who does not suffer the Commissioners, or any Person authorized 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 every such Offence.

Unoccupied Premises to be included in the Rates; and if the Premises are afterwards occupied, a Portion of

XXXIX. And be it enacted, That when any Property in respect of which any Person is liable to be assessed as Occupier to the Public Water Rate is unoccupied at the Time of making such Rate, the Commissioners shall in every such Case include such Property in the Rate, describing it in the Column appropriated to the Name of the Occupier rated as being "empty;" and if any Person afterwards occupy

the Rates to be paid.

occupy such Property during any Part of the Period for which such Rate was made the Commissioners shall insert in such Rate the Name of such Occupier, and collect from such Occupier, or from the Owner, if he be liable to pay the same, a Portion of the said Rate proportioned to the Time during which such Person occupies 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 collected and recovered from the Person liable to pay the same, in the same Manner as other Rates made payable under the Provisions of this Act: Provided always, that any Person whose Name is so inserted in such Rate, and such Owner as last aforesaid, may appeal against such Rate to the Sheriff, in the same Manner as he might have appealed if named in the Rate.

Commissioners may excuse Persons on account of Poverty from Payment of Rates, &c.

XL. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to appoint One or more of their own Body to hear and determine all Appeals which shall be made against the Payment of any Rate on the Ground of Poverty; and it shall be lawful for the Commissioners, or for the Commissioner or Commissioners so appointed as aforesaid, to summon before him or them, by Summons signed by any One of them, any Person who may be in arrear in respect of any Rate made by virtue of this Act; and if it shall be made to appear to the Satisfaction of the Commissioners that any Person rated to any Rate to be made under the Authority of this Act is unable through Poverty to pay the Amount of the Rate upon him, it shall be lawful for them to order and direct that such Person shall be wholly or partially excused from the Payment of such Rate, as to the Commissioners may seem proper, and the Sum from Payment of which such Person may have been so excused shall not be collected, nor shall any Person be charged therewith, or called upon to account for the same.

Appeal to Commissioners.

XLI. And be it enacted, That if any Person shall think himself aggrieved by any of the Rates payable under this Act, on the Ground of Unfairness or Incorrectness in the Valuation of the Property in respect of which he is rated, he may appeal to the Commissioners at their first Meeting which shall be holden after the Expiration of Fourteen Days from the Time of demanding such Rate; and the Commissioners, at such Meeting or any Adjournment thereof, are hereby empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable.

Parties may appeal to the Sheriff againstRates.

XLII. And be it enacted, That if any Person shall think himself aggrieved by any such Determination of the Commissioners, he may appeal to the Sheriff of *Dumfriesshire* within Fourteen Days after the Date of such Determination; but no such Appeal shall be entertained

tained by the Sheriff unless Seven clear Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given by the aggrieved Party to the Commissioners; and the Judgment of such Sheriff in the said Appeal shall be final and conclusive.

Rate Books to be Evidence.

XLIII. And be it enacted, That in any Proceeding relating to the levying or recovering of any Rate under the Provisions of this Act the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, by the Production thereof alone, and without any Evidence that the Notices and other Requirements of this Act have been given or complied with, or Proof of the Signatures of the Commissioners or of their Clerk whose Names appear thereon or subscribed therein, shall be received as Evidence of such Rate and of the Contents thereof.

Sinking Fund to be formed for paying off Money borrowed.

XLIV. And be it enacted, That in order to reduce the Amount of the Principal of such Money as shall be borrowed for the Purposes of this Act it shall be lawful for the Commissioners in every Year to set apart and appropriate, out of the several Rates levied under the Authority of this Act, such a Sum of Money as they shall think fit, as a Sinking Fund; and the Sums so from Time to Time set aside shall be applied, so far as the same will extend, towards Payment of such of the Principal Sums owing by the Commissioners as aforesaid as they may find it necessary or expedient to pay off; or the same shall be invested in the Public Funds, or on Government or Real Security, or in the Purchase of Stock or Shares in any Bank in *Scotland* incorporated by Act of Parliament or Royal Charter, or deposited at Interest in any such Bank in the Name of the Commissioners; and the Dividends and Interest of the Money so invested shall from Time to Time be invested in like Manner, in order that the said Monies may accumulate at Compound Interest; and when such accumulated Fund shall amount to a Sum which, in the Opinion of the Commissioners, can be conveniently applied for that Purpose, the Stocks, Shares, Funds, or Securities wherein the same shall be invested shall from Time to Time be sold, or otherwise converted into Money; and the Monies arising from any such Sale or Conversion shall be applied, so far as the same will extend, towards Payment of such of the Principal Sums owing by the Commissioners as aforesaid as they shall be enabled and may find it necessary or expedient to pay off.

Power to form a Fund for contingent Expenses.

XLV. And be it enacted, That, in addition to the said Sinking Fund, it shall be lawful for the Commissioners from Time to Time to set apart and appropriate out of the said several Rates such Sums of Money as they shall think fit as a Reserved Fund to meet any extraordinary Claims or Demands which may at any Time arise against

against them for the Repair of the Waterworks or otherwise in relation thereto; and the same, with the Interest and Dividends thereof, shall from Time to Time be invested and allowed to accumulate in some one or other of the Ways herein-before provided with respect to the said Sinking Fund, until the same shall amount to the Sum of One thousand Pounds.

Interest of Fund to be applied to general Purposes of this Act.

XLVI. And be it enacted, That when the said Reserved Fund shall have amounted to the Sum of One thousand Pounds the Interest and Dividends thereof shall be received by the Commissioners, and by them applied to the general Purposes of this Act.

Payments may be made out of the Fund for contingent Expenses.

XLVII. And be it enacted, That in the event of any extraordinary Claim or Demand arising against the Commissioners for the Repair of the Waterworks or otherwise, it shall be lawful for the Commissioners to sell or otherwise convert into Money the Stocks, Shares, Funds, or other Securities wherein the said Reserved Fund shall have been invested, or such Part thereof as shall be necessary, and to apply the same towards any such Demand or Claim; and when the said Fund so set apart shall by means of such Payments be reduced below the Sum of One thousand Pounds, it may be again restored to the said Sum, and so from Time to Time as often as such Reduction shall happen.

Magistrates and Town Council of Dumfries may contribute Money for the Purposes of this Act.

XLVIII. And whereas the Waterworks will be of great Advantage to the Community of the said Royal Burgh of *Dumfries*, and would be of further Advantage if the Commissioners were enabled to diminish the Rates herein-before authorized to be levied: Be it enacted, That it shall be lawful for the Magistrates and Town Council of the said Royal Burgh to contribute, out of the Common Good of the said Burgh, such a Sum of Money as they shall think fit, not exceeding in the whole the Sum of Four thousand Pounds, for and towards the Purposes of this Act, and, if necessary for that Purpose, to raise or borrow such Sum of Money or any Part thereof on the Security of the Property, Funds, and Revenues of the said Burgh.

Application of Rates.

XLIX. And be it enacted, That all Monies which shall come to the Hands of the Commissioners from any of the Rates hereby authorized or other Payments, or which shall be raised by Mortgage or Assignation in Security under this Act, shall be applied and disposed of as follows; (that is to say,) first, in defraying the Charges and Expenses which shall have been incurred in applying for and obtaining this Act, or anywise incident thereto; and then in carrying the several Provisions of this Act into execution, as the Commissioners shall order and determine.

Application of Penalties.

L. And be it enacted, That all Penalties and other Payments exigible under this Act and the Acts incorporated herewith (excepting any Penalties which may be imposed upon the Commissioner or their Officers) shall be paid over to the Commissioners, for the Purposes of this Act, instead of being applied in the Manner provided by the Acts incorporated herewith or the Acts therein referred to.

Undertaking not exempt from Provisions of 11 & 12 Vict. c. 63.

LI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Commissioners from the Provisions of "The Public Health Act, 1848," or of any general Act relating thereto or to the Subject Matter thereof, which may pass during the present or any future Session of Parliament.

Public Act.

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

SCHEDULE.

Form of Rate.

An Assessment to the Public Water Rate for the Burghs of Dumfries and Maxwelltown, and Suburbs thereof, made this Day of in the Year of our Lord One thousand eight hundred and after the Rate of pence in the Pound.

Number in the Rate.	Name of Person rated.	Name of Owner of Property rated.	Description and Situation of Property.	Rack Rent or Annual Value.	Rate at in the Pound.

Signed by us, this Day of in the Year of our Lord One thousand eight hundred and .

A.B., Commissioner.
C.D., Commissioner.
E.F., Commissioner.
G.H., Clerk to the Commissioners of the Dumfries and Maxwelltown Waterworks.

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