CHAPTER cxlvi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunfermline District Water. [1st August 1904.]

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

62 & 63 Vict. c. 47.

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

Confirmation of Order in schedule.

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

Short title.

2. This Act may be cited as the Dunfermline District Water Order Confirmation Act 1904.

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SCHEDULE.

DUNFERMLINE DISTRICT WATER.

Provisional Order to empower the Dunfermline District Committee of the County Council of the County of Fife to construct waterworks and supply water within their district and the said County Council for the purposes thereof to acquire lands and servitudes and to levy assessments and borrow money and for other purposes.

WHEREAS the County Council of the county of Fife (hercin-after called "the County Council") are by the Local Government (Scotland) Act 1889 (herein-after called "the Act of 1889") empowered to acquire and hold lands and to raise money by rate or loan for the purposes of the Public Health Acts as herein-after defined:

And whereas the county of Fife has for the purposes of the administration therein of the laws relating to public health been divided into districts in accordance with the provisions of the Act of 1889 one of which districts (herein-after called "the Dunfermline District") comprises the parishes of Aberdour Beath Carnock Culross Dalgety Dunfermline Inverkeithing Saline Torryburn and Tulliallan excepting the burghs of Dunfermline Inverkeithing Culross and Cowdenbeath:

And whereas the Dunfermline District Committee of the County Council constituted under the provisions of the Act of 1889 (hercin-after called "the District Committee") are the local authority for the execution of the Public Health Acts with respect to a supply of water for the domestic use of the inhabitants and for sanitary and other purposes within the Dunfermline District except with respect to acquiring or holding land rating and borrowing:

And whereas the population of the Dunfermline District is considerable and is increasing and in important parts of that district the supply of water is insufficient and defective in quantity and quality and is in other respects inadequate and unsatisfactory:

And whereas the Admiralty with the authority of His Majesty's Government have resolved to form a naval establishment at Rosyth

situate within the Dunfermline District and there to erect dockyards workshops barracks hospitals and other buildings and premises in connexion with such establishment for which and for His Majesty's ships in such dockyards and in the adjoining waters a large supply of water will be required:

And whereas an agreement has been entered into between the District Committee and the Admiralty with respect to a supply of water to such intended naval establishment and it is expedient that such agreement as set forth in the First Schedule to this Order should be sanctioned and confirmed:

And whereas the District Committee and the burgh of Inverkeithing derive a supply of water by means of certain water apparatus mains and pipes in which the District Committee and burgh have a joint right of ownership and it is expedient that the right of the burgh should be acquired by the County Council and that such water apparatus mains and pipes should be maintained and used by the District Committee as part of their said water undertaking:

And whereas the District Committee and the said burgh have entered into an agreement with respect to a supply of water from the works authorised by this Order and it is expedient that such agreement as set forth in the Second Schedule to this Order should be sanctioned and confirmed:

And whereas it is expedient for the purposes aforesaid and in the interests of the inhabitants of the Dunfermline District that a more abundant supply of water should be provided within the district and that the District Committee should be authorised and empowered to construct waterworks and to supply water as in this Order provided and to exercise such other powers in that behalf as are in this Order contained and that the County Council should be authorised and empowered to acquire and hold lands for the purpose of the construction thereon by the District Committee of such waterworks and for the other purposes of the undertaking:

And whereas certain portions of the county of Fife were formed into special water supply districts known as the special water supply districts of Aberdour Kelty Gowkhall Crossgates Charlestown and Limekilns Lassodie North Queensferry Saline and Tulliallan all situate within the Dunfermline District and Culross situate partly within the Dunfermline District and partly within the burgh of Culross and it is expedient that the said

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special water supply districts should at such periods and subject to such conditions as are by this Order provided cease to exist as special water supply districts and to be rated and assessed for the purposes of water supply separately from other parts of the Dunfermline District and that the whole waterworks mains pipes plant and apparatus now supplying the said several water supply districts so ceasing to exist should be transferred to the County Council and be maintained and used by the District Committee as part of their water undertaking by this Order authorised:

And whereas it is expedient that the County Council should be authorised and required to levy assessments in respect of the waterworks and water supply by this Order authorised in the manner provided by this Order and to borrow on the security of such assessments such moneys as may be necessary for the purposes of this Order:

And whereas it is expedient that the other powers and provisions contained in this Order should be conferred on the County Council and the District Committee:

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff clerks of the counties of Fife Perth and Kinross 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 an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

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

Short title and commencement of Order.

1. This Order may be cited as the Dunfermline District Water Order 1904 and shall come into operation at the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order."

Incorporation of Acts.

2. 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 Order) are hereby incorporated with and form part of this Order namely :—

The Lands Clauses Acts :

The Waterworks Clauses Act 1847 except the provisions thereof 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 except sections 68 70 and 72 thereof :

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.

Interpretation.

3. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts or the Act of 1889 have the same respective meanings unless there be something in the subject or context repugnant to such construction In this Order and in the Acts wholly or partially incorporated with this Order—

The expression "the county" means the county of Fife ;

The expression "the County Council" means the County Council of the county ;

The expression "the District Committee" means the Dunfermline District Committee of the County Council ;

The expression "the Dunfermline District" means the parishes of Aberdour Beath Carnock Culross Dalgety Dunfermline Inverkeithing Saline Torryburn and Tulliallan exclusive of the burghs of Dunfermline Inverkeithing Culross and Cowdenbeath ;

The expression "limits of supply" means and includes the Dunfermline District ;

The expression "the Public Health Acts" means the Public Health (Scotland) Act 1897 and any Act amending the same ;

The expression "the Act of 1889" means the Local Government (Scotland) Act 1889 and includes any Act amending the same ;

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The expression "the standing joint committee" means the standing joint committee of the County Council and the commissioners of supply of the county appointed in pursuance of the Act of 1889;

The expression "the special Act" means this Order;

The expression "valuation roll" means the valuation roll for the county made up in terms of the Lands Valuation (Scotland) Act 1854 and any Act amending the same;

The expressions "the Undertakers" "the Company" and "the Promoters of the Undertaking" mean respectively the District Committee and the County Council as the case may be; and

The expression "the waterworks" means and includes the undertaking and the waterworks and works connected therewith belonging or which shall belong to the District Committee under this Order and the expression "the undertaking" means the water undertaking of the District Committee.

Power to construct works.

4. Subject to the provisions of this Order the District Committee may on the lands to be acquired by the County Council as herein-after provided make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works herein-after described together with all necessary and proper embankments dams weirs bridges roads approaches ways wells tanks basins gauges filter beds stand pipes sluices outlets outfalls discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits mains pipes junctions valves meters engines houses buildings works apparatus and other conveniences in connexion with the said works or any of them or necessary or convenient for diverting taking collecting impounding storing conducting distributing and regulating the supply of water for the purposes herein-after mentioned and for compensating all persons whose supply of water may be affected by or in consequence of the works by this Order authorised or the other powers of this Order and for inspecting maintaining repairing altering cleansing managing and using the said several works.

Description of works.

5. The works herein-before referred to and authorised by this Order are as follows:—

(1) A reservoir on the stream called Glenquey Burn situate partly in the parish of Glendevon and partly in the

parish of Muckart in the county of Perth commencing at a point in the centre of the said stream one thousand six hundred and forty yards or thereby measured south south-westward from the north-west corner of Glenquey Farm Steading and terminating at the embankment next herein-after described:

(2) An embankment across the said stream called Glenquey Burn situate wholly in the parish of Glendevon in the county of Perth at a point in the centre of that stream five hundred and thirty-four yards or thereby south south-westward from the north-west corner of Glenquey Farm Steading which embankment will commence at a point eighty-four yards or thereby west north-westward from the said point in the centre of the said stream and will terminate two hundred and twelve yards or thereby east south-eastward from the said point in the centre of the said stream:

(3) A diversion wholly in the parish of Glendevon in the county of Perth of the cart track or road leading from Glendevon to Dollar commencing at a point in the said cart track or road one hundred and eighty-three yards or thereby north north-eastward from the point where it crosses the centre of the stream called Garchel Burn and terminating at a point in the said cart track or road three hundred and sixty-eight yards or thereby south south-westward from the north-west corner of Glenquey Farm Steading:

(4) A road of access to the intended reservoir herein-before described situate wholly in the parish of Glendevon in the county of Perth commencing at the point of termination of the embankment herein-before described and terminating by a junction with the public road leading from Yetts of Muckart to Crieff at a point three hundred and twenty yards or thereby north-westward from the point where that road is crossed by the stream known as Rab's Burn:

(5) A conduit or line of pipes commencing in the parish of Glendevon in the county of Perth in the intended reservoir herein-before described at a point six hundred and thirty-five yards or thereby south south-westward from the north-west corner of Glenquey Farm Steading

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and terminating in the parish of Inverkeithing in the county of Fife at a point thirty-six yards or thereby south-westward from the north-west corner of Castlandhill Farm Steading:

(6) A conduit or line of pipes commencing in the parish of Saline in the county of Fife by a junction with the conduit or line of pipes last herein-before described at a point in the centre of the public road leading from Saline to Kelty opposite the centre of the junction therewith of the public road leading from Saline to Dunfermline by Gowkhall and terminating at Milesmark in the parish of Dunfermline in the county of Fife at a point in the centre of the said last-mentioned public road opposite the centre of the junction therewith of the road known as Targate Road.

Power to acquire lands.

6. Subject to the provisions of this Order the County Council may purchase acquire hold enter upon take and use such of the lands streams springs and waters shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works herein-before described.

Power to take servitudes &c. by agreement.

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

Power to acquire servitudes only for lines of pipes.

8. The County Council may in lieu of acquiring any lands for the purpose of the conduits or lines of pipes by this Order authorised acquire such servitudes and rights in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such

servitudes and rights as fully as if the same were lands within the meaning of such Acts :

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

Provided that as regards any lands taken or used by the County Council for the purpose of making such conduits or lines of pipes the County Council shall not (unless they give notice to treat for and have acquired such lands and not merely servitudes therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the County Council.

Power to acquire additional lands by agreement.

9. In addition to the lands which the County Council are by this Order authorised to purchase compulsorily they may for any of the purposes of this Order from time to time by agreement purchase any additional quantity of land not exceeding in the whole twenty acres Provided that neither the County Council nor the District Committee shall upon any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with their waterworks.

Power to hold lands needful to prevent fouling and to protect water.

10. The County Council may hold any lands to be acquired by them under the powers of this Order which the District Committee may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachments or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but neither the County Council nor the District Committee shall create or permit a nuisance or erect any buildings on the lands while so held by them except offices and dwellings for persons in their

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employ and such buildings and works as may be incident to or connected with their waterworks.

Restriction on taking houses of labouring class.

11.—(1) The County Council shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the County Council acquire or appropriate any house or houses in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means 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.

Period for compulsory purchase of lands.

12. The powers of the County Council for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years after the commencement of this Order.

Limits of lateral and vertical deviation.

13. Subject to the provisions of this Order the District Committee may in the construction of the works by this Order authorised deviate from the lines thereof as shown or referred to on the deposited plans to any extent not exceeding the limits of deviation defined on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir five feet upwards but not downwards to any extent and not exceeding five feet downwards or upwards as regards the works other than the reservoir by this

Order authorised

Provided that the District Committee shall not in the exercise of the powers of lateral deviation hereby conferred construct any embankment or retaining wall of any reservoir so that the height thereof above the general surface of the ground shall be more than five feet greater than the height of the corresponding embankment or retaining wall above the general surface of the ground shown on the deposited sections nor raise over the surface of the ground any part of the pipes except so far as shown on the deposited sections Provided also that where the line of any work is shown on the deposited plans as passing along any public highway or private road the limits of deviation if not otherwise laid down shall be the boundaries of such highway or road:

Provided also that if the District Committee shall in the case of the embankment exercise the powers of vertical deviation hereby granted they shall construct the embankment of such additional thickness at the base as shall be equal to five feet for every additional foot of additional height and shall make a corresponding addition to the strength of any retaining wall.

Temporary occupation of lands.

14. The provisions with respect to the temporary occupation of lands of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Order shall apply only to the reservoir authorised by this Order and works immediately connected therewith and the provisions of sections 25 and 26 of that Act shall apply also to all the other works by this Order authorised and for the purposes of this Order those provisions shall be read as if the several works by this Order authorised were therein mentioned instead of the railway and the boundaries of those works instead of the centre of the railway and the prescribed limits shall be two hundred yards from such boundaries.

Power to alter roads streets sewers &c. temporarily.

15. For the purposes and during the execution of the several works which the District Committee are by this Order authorised to make and subject to the provisions of this Order the District Committee may break up or cross over or under alter or stop up temporarily any roads streets lanes paths bridges tramways 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 or in any of the lands acquired by the County Council under the powers of this Order or in any lands in which they may acquire a servitude providing when possible a

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temporary substitute before interrupting the traffic on any such road or street or the flow of water gas sewage or electricity in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with electric apparatus or other property of His Majesty's Postmaster-General or with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1902 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

New portions of road to be subject to same provisions as existing roads.

16. Where in the construction of the works by this Order authorised any diverted or altered portion of road is formed in lieu of any existing road such diverted or altered portion shall as respects management and maintenance and in all other respects but subject to the provisions of this Order be held as part of and be subject to the same provisions as any existing road so diverted or altered.

Power to divert and impound waters.

17. Subject to the provisions of this Order the District Committee may divert intercept impound take appropriate store use and distribute for the purposes of this Order the waters of the streams called Glenquey Burn Garchel Burn Dunmoss Burn Meadow Burn and Blackrig Burn and of all or any of the affluents of those streams and all streams springs and waters flowing into or arising within the sites of the reservoir and other works by this Order authorised or which can be collected by the same or any of them.

For protection of reservoir &c. from pollution.

18. The District Committee may on any lands or in any stream or watercourse which the County Council may acquire under the powers of this Order or otherwise construct all such drains channels and other works as they think necessary or desirable for preventing sewage or polluting liquids from entering or polluting the reservoir conduits or watercourses of the District Committee or any waters flowing into the same.

Compensation water.

19.—(1) The District Committee so soon as the reservoir authorised by this Order is completed and filled to top water level shall before any of the water therein is taken by the District Committee for the purposes of this Order during every day of twenty-four hours discharge or allow to flow as compensation water down the Glenquey Burn in a regular and continuous stream six hundred and sixty-six thousand six hundred and sixty-six gallons which shall be deemed to be full compensation to all millowners

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and others interested in the water flowing down the Glenquey Burn and River Devon for the waters intercepted abstracted and appropriated in virtue of this Order Provided that the District Committee shall not abstract more than one million three hundred and thirty-three thousand three hundred and thirty-four gallons a day of twenty-four hours by or through the conduits or lines of pipes by this Order authorised In the event of the District Committee appropriating more than the aforesaid quantity they shall discharge or allow to flow down the Glenquey Burn as further compensation water an additional quantity at the rate of one thousand gallons for every two thousand gallons so abstracted.

(2) It shall not be competent for the District Committee to draw water from the said reservoir for the purposes of this Order without first duly providing the water for compensation purposes as stated in this section.

For protection of millowners and others.

20.—(1) The District Committee shall construct and for ever thereafter maintain suitable recording gauges or meters over or through which the said compensation water and the said water to be abstracted by the District Committee in virtue of the provisions of this Order shall flow or be delivered and measured.

(2) The said recording gauges or meters and works connected therewith shall be subject to the approval of William Archer Tait civil engineer Edinburgh and William Robertson Copland civil engineer Glasgow and failing either or both of them from any cause whatever a person or persons as the case may be shall be appointed in his or their place by the sheriff of the county of Perth on the application of the District Committee or the County Council of Clackmannan or any riparian proprietor or millowner on the Glenquey Burn or River Devon In the event of the said referees or their successors differing in opinion either as to the design arrangement or erection of said recording gauges or meters they shall refer the matter in dispute to an oversman to be appointed by them and in the event of their failing to agree upon an oversman such oversman shall be appointed by the sheriff of the county of Perth.

(3) The recording gauges or meters and works connected therewith and the records taken by said recording gauges or meters shall be open to the inspection and examination of the County Council of Clackmannan or the millowners or other persons interested or any one or more of them respectively or of any persons or person deputed by them or any of them.

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(4) If at any time the said recording gauges or meters and works shall be out of repair or in an unfit condition for the purpose for which they are intended the District Committee 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 County Council of Clackmannan or riparian proprietors or millowners or any one or more of them then the County Council of Clackmannan or any such riparian proprietor or millowner may cause the same to be put in fit repair and condition and may recover from the District Committee the reasonable cost of so doing with full costs of suit in any court of competent jurisdiction.

(5) If any dispute shall arise as to the fulfilment by the District Committee of any obligation imposed upon them by this or the immediately preceding section the same shall be determined by the sheriff of the county of Perth and the decree of the said sheriff after hearing the parties interested in such form as he shall deem expedient shall be final and not subject to review in any way Provided that the said sheriff shall have power if he sees fit before proceeding to pronounce any decree to appoint some competent person to report to him as to the facts out of which such dispute has arisen.

Period for completion of works.

21. If the works authorised by this Order are not completed within seven years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the District Committee for executing the said works respectively or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the District Committee from extending enlarging altering or renewing any of their engines machinery weirs tanks pipes and other works from time to time as occasion requires for supplying water within the limits of this Order or beyond the said limits as authorised by this Order.

For protection of North British Railway Company.

22. The following provisions for the protection of the North British Railway Company (herein-after called "the North British Company") shall unless otherwise agreed between that company and the County Council and the District Committee apply and have effect (that is to say):—

(1) The conduit or line of pipes Work No. 5 by this Order authorised where the same is intended to pass under

any bridge carrying any railway of the North British Company over any road shall be constructed and executed and thereafter maintained renewed and repaired by the District Committee so as not to impair the stability of such bridge and to the reasonable satisfaction of the North British Company:

(2) The County Council or the District Committee shall not take or acquire any lands or property of the North British Company for the purposes of this Order but shall be entitled to acquire such a servitude in or under any lands or property of the North British Company as may be required for laying down and maintaining the said conduit or line of pipes and relative works in accordance with the provisions of this Order:

(3) All the works and operations of the District Committee under this Order shall be constructed executed and completed so as not to injuriously affect the structure of any bridge of the North British Company or to cause any injury thereto or to any railway of that company or any interruption to the passage or conduct of traffic on any such railway and if any injury or interruption shall arise from or be in any way owing to the works or operations of the County Council or the District Committee or the bursting leakage or failure of the said conduit or line of pipes or other works of the District Committee the District Committee shall forthwith make good or remove such injury or interruption at their own expense or the North British Company may do the same and the District Committee shall pay to the North British Company all costs and expenses loss or damage incurred or sustained by them in respect thereof:

(4) The North British Company may repair and when necessary alter or reconstruct any bridge under which the said conduit or line of pipes may be laid but not so as to injuriously affect the conduit or line of pipes or works of the District Committee or to interrupt the water supply but if any injury or interruption shall arise from or be owing in any way to any works or operations of the North British Company on any such bridge the North British Company shall forthwith make

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good or remove such injury or interruption at their own expense or failing their doing so the District Committee may do the same and the North British Company shall pay to the County Council or the District Committee all costs and expenses loss or damage incurred or sustained by them in respect thereof Provided that any such works of the North British Company shall so far as they may interfere with the works of the District Committee be done to the reasonable satisfaction of the engineer of the District Committee:

(5) If any difference shall arise between the County Council or the District Committee and the North British Company or between their respective engineers as to the meaning of this section or any matter arising under the provisions of this section or as to any plans or sections or the mode of executing any works or as to any costs or expenses loss or damage provided for in this section such difference shall be determined by an arbiter to be appointed by the sheriff on the application of either the County Council the District Committee or the North British Company and the cost of any such reference shall be borne and paid as the said arbiter shall direct:

(6) Nothing contained in this Order shall prejudice or affect the provisions of section 10 of the schedule annexed to the Kelty Water Order Confirmation Act 1896.

For protection of James Stewart Robertson.

23. The following provisions shall have effect for the protection of James Stewart Robertson of Edradynate and his successors in the ownership of the lands of Glenquey and Auchlinsky in the parishes of Glendevon and Muckart and county of Perth (all of whom are in this section included in the expression "the owner"):—

(1) There shall be reserved to the owner all proprietary and other rights and privileges which he possessed and might exercise in or upon the lands situate within the drainage or catchment area of the reservoir and works by this Order authorised prior to the commencement of this Order in so far as such rights or privileges have not been or may not be acquired by the District Committee or the County Council under the provisions of this Order or in respect of which compensation shall

not have been or shall not be paid to the owner and if any works shall be required in order to prevent the pollution of the water supply authorised by this Order arising from the exercise of any such rights or privileges by the owner the District Committee may on lands belonging to them or the County Council or which the County Council may acquire construct all such drains channels or other works as they think necessary or desirable for preventing sewage or polluting liquids from entering or polluting any of the reservoirs conduits or watercourses of the District Committee or water flowing into the same And the owner shall on such terms and for such considerations as may be agreed or failing agreement as may be fixed by an arbiter to be appointed by the sheriff of the county of Perth on the application of either party give to the District Committee all requisite and reasonable facilities for executing any such works on any lands belonging to the owner which may be necessary for effecting the said objects:

(2) The owner and his tenants and vassals shall be entitled to take and use so much of the water arising within or flowing through the said drainage or catchment area as shall be necessary for estate purposes within the said area in virtue of the reservation in his favour contained in the immediately preceding subsection and that without any payment or compensation made therefor to the District Committee:

(3) There shall be reserved to the owner and persons having his authority the exclusive right of fishing shooting and sporting in or over the said reservoir and on the other lands to be acquired from the owner by the County Council and also of keeping and using two boats on the said reservoir with power to erect and maintain a boat-house thereon and to stock and restock the said reservoir with fish and with all rights of access that shall be necessary for the full use and enjoyment of the fishing shooting and sporting rights hereby reserved but so that by the exercise of such rights the embankments sluices pipes or other works authorised by this Order shall not be injured or the water of the said reservoir fouled or polluted Provided always that it shall be

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lawful for the District Committee or their engineer or any of their servants or any person acting under their authority to enter upon the lands and to keep and use a boat for examining and repairing the works of the District Committee Provided further that nothing in this section contained shall prevent the District Committee from reducing the water in or emptying the said reservoir when necessary for the purpose of cleansing repairing or altering the same without incurring any claim for damages to the fishing shooting and sporting rights hereby reserved:

(4) It shall not be competent for the District Committee to draw water from the said reservoir for their own purposes without first duly providing the water for compensation purposes as stated in the section of this Order whereof the marginal note is "Compensation water":

(5) If the District Committee after commencing to impound water in the said reservoir shall at any time fail to discharge down the Glenquey Burn the full quantity of compensation water provided for in the section of this Order whereof the marginal note is "Compensation water" they shall make full compensation to the tenant or occupier for the time being of Burnfoot Mill for all loss and damage sustained by such tenant or occupier in respect thereof as the same shall failing agreement be fixed by an arbiter to be appointed by the sheriff of the county of Perth on the application of either party:

(6) The owner shall be entitled from time to time to obtain from the works by this Order authorised a supply of water for his own use or for the use of his feuars and vassals provided that the District Committee shall have surplus water available for the purpose after supplying the requirements of their own district including the property of the Admiralty and the burghs of Inverkeithing and Culross and that at the lowest rate charged by the District Committee for water sold in their own district:

(7) The owner and his tenants and others having his authority shall have a perpetual right to use for estate purposes the road of access to be formed by the District Committee in virtue of this Order.

Constant supply and pressure.

24. The water to be supplied by the District Committee need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations and the District Committee shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service tanks by this Order authorised.

District Committee may alter or increase number and size of works authorised by Order.

25. The District Committee may subject to the provisions of this Order make lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works by this Order authorised (other than the reservoir) and other conveniences from time to time in use or required for preventing the pollution of and for purifying conveying and distributing water under the powers of this Order and may also erect and keep in repair a dwelling-house or dwelling-houses suitable for the workmen in charge of the reservoir and other works forming part of the undertaking Provided always that such making laying down extension enlargement or increase of works of the District Committee shall be executed only on lands or property for the time being belonging to the County Council or which the District Committee are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes or over which they have acquired servitudes for that purpose under the powers of the recited Acts and this Order and that such erection or repair of workmen's dwelling-houses shall be executed only on lands or property for the time being belonging to the County Council.

Power to lay pipes in streets not dedicated to public use.

26. The District Committee may subject to the provisions of this Order upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with water and may lay in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to and for the purposes of this section.

For protection of County Council of Clackmannan.

27.—(1) The District Committee shall after the completion of the works by this Order authorised if and when required by the county council of Clackmannan supply the county council of Clackmannan with such quantity of water for domestic purposes as they shall require for the supply of any places or

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special water supply districts formed or to be formed in the county of Clackmannan but not exceeding in the aggregate twenty-five thousand gallons per day of twenty-four hours and the quantity of water supplied shall be ascertained by meter and shall be supplied in bulk at a price not higher than the lowest rate charged for supply of water in bulk within the limits of supply and the District Committee shall form such connection or connections with and at such place or places on their conduits or lines of pipes as shall be reasonably required by the county council of Clackmannan for the purpose of such supply and the District Committee whenever they consider it expedient and have such water to spare may enter into agreement with the county council of Clackmannan to give a fresh and additional supply of water of such quantity and at such price and upon such conditions as may be arranged between the parties.

(2) The cost of providing forming laying and maintaining all connections pipes valves scours and others including meters for measuring the water supply provided for by this section shall be paid by the county council of Clackmannan.

(3) The District Committee shall allow the county council of Clackmannan to lay and maintain pipes and others in along through and across their roads in the county of Fife in so far as may be necessary for providing the aforesaid water supply to the county of Clackmannan and that free of any charge or wayleave provided that the surface of the highway shall be restored and thereafter maintained in so far as the same may be affected by the said pipes and others by the county council of Clackmannan to the reasonable satisfaction of the road surveyor of the District Committee.

(4) If any difference shall arise between the District Committee and the county council of Clackmannan as to the place or places where the connections are to be made for the water which the county council are entitled to demand or as to the cost of forming such connections or as to any other question arising out of this section such difference shall be determined by the referees provided for in subsection (2) of the section of this Order of which the marginal note is "For protection of millowners and others."

Certain special water

28. The special water supply districts of Aberdour Kelty Gowkhall Crossgates Charlestown and Limekilns Lassodie North

Queensferry Saline and Tulliallan situate within the Dunfermline District and Culross situate partly within the Dunfermline District and partly within the burgh of Culross and each of them shall as from and after the first term of Whitsunday or Martinmas after the works authorised by this Order are furnishing a supply of water be deemed to have ceased to exist as a special water supply district and shall cease to be assessed for the purposes of water supply separately from other parts of the Dunfermline District but each such special water supply district shall thenceforth be for all purposes part of the Dunfermline District and the waterworks now supplying each such special water supply district shall be part of the undertaking as if the same had been constructed under this Order Provided always that any debt which may affect any such special water supply district so ceasing to exist as such shall from and after such term aforesaid form a charge upon the undertaking.

Special water supply districts abolished.

29. The County Council shall purchase from the provost magistrates and councillors of the burgh of Inverkeithing and they shall sell to the County Council on such terms and conditions as may be agreed on or settled by arbitration under and in terms of the Lands Clauses Acts the share or interest or right of ownership or property or other right of or reputed to belong to the said provost magistrates and councillors in the water tank situate at Castlandhill and the water mains or pipes conveying water to and from the said tank in so far as such water mains or pipes belong or are reputed to belong jointly to the said provost magistrates and councillors and the District Committee and on the completion of such purchase such water tank and water mains or pipes shall be part of the water undertaking of the District Committee and the price or consideration payable to the said provost magistrates and councillors in respect of the purchase and sale aforesaid shall be applied by them to such capital purposes within their statutory powers as they may determine.

Purchase of rights of burgh of Inverkeithing in certain waterworks.

30. The District Committee may purchase from the provost magistrates and councillors of the burgh of Culross who may sell to the District Committee on such terms and conditions as may be agreed on or settled by arbitration under and in terms of the Lands Clauses Acts the share or interest or right of ownership or property or other right of or reputed to belong to the said provost magistrates and councillors in the water mains or pipes which are or are reputed to be the joint property of such provost

Purchase of rights of burgh of Culross in certain waterworks.

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magistrates and councillors and the District Committee and on the completion of such purchase all powers obligations contracts and agreements on the part of the said provost magistrates and councillors to supply water within any portion of the limits of supply shall cease and determine and such water mains or pipes shall be part of the water undertaking of the District Committee and the price or consideration payable to the said provost magistrates and councillors in respect of such purchase and sale shall be applied by them to such capital purposes within their statutory powers as they may determine.

Supply of water for domestic use within limits of supply.

31. The District Committee may 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 supply and shall as soon as conveniently may be after the completion of the reservoir and other works by this Order authorised to be constructed at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling in any such street or road as aforesaid situated within the limits of supply furnish to such person by means of service or 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 District Committee a sufficient supply of water for domestic purposes in any such house or dwelling (including a supply for private water closets and private fixed baths in any 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 District Committee to lay down pipes or fire-plugs unless some pipe of the District Committee shall have been laid within one hundred yards of the premises in respect of which such supply of water or pipes or fire-plugs is or are demanded or in case of tenements situated in a private close or place unless a water pipe of the District Committee shall have been laid within one hundred yards of the entrance to such close or place or unless the District Committee shall have become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act 1847 to cause pipes to be laid down within the said distance of one hundred yards of such premises Provided further that such agreement shall be for ten successive years at least.

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Owners to provide and maintain service pipes.

32. For the purpose of providing for the better distribution of the water supply among the inhabitants it shall be lawful for the District Committee to require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street road or place within the limits of supply in which the pipes of the District Committee are laid to take a supply of water for such house or tenement by connecting a service or communication pipe with the main pipe of the District Committee in any such street road or place (such connection to be made by the District Committee 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 or communication pipes stand pipes or taps cisterns and other means and apparatus and in such positions as shall appear to the District Committee 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 within a month of the date on which such requisition is given it shall be lawful for the District Committee or persons employed by them after twenty-four hours' notice in writing to enter such house or tenement and premises connected therewith between the hours of nine in the morning and four in the afternoon and to provide lay and maintain such service or communication 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 under this Order Provided always that in the case of houses not exceeding five pounds of yearly rent or value such owner shall not be required to introduce water into each house if such means of supply has been provided for each tenement of houses as the District Committee may reasonably deem necessary Provided also that in case of any question or difference arising between the District Committee 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 or communication 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 whatever.

District Committee not bound to supply several

33. The District Committee shall not be bound to supply more than one tenement of houses by means of the same service pipe

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tenements of houses by one pipe.

but they may if they think fit require that a separate pipe from the main be laid into each tenement of houses supplied by them with water.

Supply of water to tenements in a row.

34. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the District Committee to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him assessed or rated for a supply of water.

Confirmation of agreements with Admiralty and burgh of Inverkeithing.

35. The agreements between the District Committee of the one part and the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland of the other part and between the District Committee of the one part and the provost magistrates and councillors of the royal burgh of Inverkeithing of the other part as set forth in the First and Second Schedules to this Order are hereby confirmed and shall be carried into effect by the parties thereto respectively according to the true intent and meaning thereof.

Power to supply water by agreement within limits of supply.

36. When there is a supply of water more than is required for domestic purposes within the limits of supply the District Committee may supply water in bulk for other than domestic purposes to any local authority company or person within the limits of supply and may from time to time enter into and carry into effect contracts and arrangements with any local authority company or person within the limits of supply with respect to the supply of water in bulk for other than domestic purposes or for the laying or acquisition of mains pipes or other works within such limits and every such contract and arrangement may be for such period and on such terms (pecuniary or otherwise) and conditions as may be arranged In the event of any dispute as to the terms or conditions of such supply or as to the ability of the District Committee to furnish the same such dispute shall be referred to the sheriff upon a summary application by either of the parties and the decision of the sheriff shall be final.

Power to supply water by agreement beyond limits of supply.

37. The District Committee may supply water in bulk beyond the limits of supply by meter or otherwise from the lines of pipes by this Order authorised or from any of the works of the District Committee to any owners and occupiers of lands and heritages lying adjacent or near to the same and to any local authority or other public authority or person in any place within the counties

of Clackmannan Kinross or Fife through or near to which the said lines of pipes and waterworks of the District Committee may pass and the District Committee may contract with all or any of such owners occupiers persons and authorities for such supply upon such terms and conditions and for such period or periods of time as they may agree or as in the event of disagreement may be fixed by the sheriff upon a summary application by either of the parties and the decision of the sheriff shall be final Provided that the supply of water by the District Committee under this section shall be subject to the consent of any local authority or company who at the commencement of this Order are authorised to supply or are supplying water beyond the limits of supply and who may be affected by the supply under this section.

Supply of water for other than domestic purposes not to affect domestic supply.

38. The supply of water beyond the limits of supply shall not prejudicially affect or restrict the supply of water from time to time required for domestic use or trade purposes within the limits of supply and the supply of water for other than domestic purposes within the limits of supply shall not prejudicially affect or restrict the supply of water from time to time required for domestic use within the limits of supply.

As to supply of water by meter and by agreement.

39. The District Committee shall not be bound to supply any dwelling-house with water (otherwise than by meter or by special agreement) when any part of such dwelling-house is used for any trade or business purpose for which water is required.

Water supplied for domestic purposes not to be used for other purposes.

40. In addition to and without prejudice to the provisions contained in this Order with regard to the misuse of water supplied by the District Committee no person supplied by the District Committee with water for domestic purposes shall use such water or suffer the same to be used for the purposes of affording power to or in connection with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the District Committee a penalty not exceeding five pounds.

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

41. Every person who takes water from any public fountain or stand pipe belonging to the District Committee for any purpose other than domestic use or drinking unless under written agreement with the District Committee shall for every such offence be liable to a penalty not exceeding five pounds.

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Water to be supplied by measure if required in certain cases.

42. The District Committee may require any local authority company or person supplied with water for other than domestic purposes to take and pay for his supply by measure and if so required by any such authority company or person shall subject to the provisions of this Order supply them with water by measure for other than domestic purposes In every case a meter for ascertaining the quantity consumed shall be provided by the District Committee at a reasonable rate for the same:

Provided that when water is supplied for other than domestic purposes it shall not be lawful for the District Committee to charge the authority company or person so supplied both with the domestic water rate herein-after mentioned applicable to the buildings or premises so supplied and also for the supply of water obtained for other than domestic purposes to such buildings or premises but the District Committee may either charge the said rate leviable on such buildings or premises or charge for the supply of water furnished to the same as they shall think fit:

Provided that in the application of this section to lands premises or buildings belonging to any railway company such company shall be entitled to require the District Committee to set off against the aggregate of the said domestic water rate levied upon its whole lands premises and buildings other than dwelling-houses within the limits of supply the aggregate amount of the charges for water furnished to such company for other than domestic purposes at all places wheresoever within the limits of supply the District Committee being entitled to charge either of such aggregates as they shall think fit.

Power to sell or let meters.

43. The District Committee may from time to time sell and dispose of (but shall not manufacture) meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meters and fittings and for securing safe access to and the safety and return to the District Committee of such meters and fittings as may from time to time be agreed upon between the hirer and the District Committee.

Register of meter to be primâ facie evidence.

44. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

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Power to District Committee to supply materials.

45. The District Committee may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soilpans water-closets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the District Committee in providing such materials and executing such work shall be paid by the person requiring the same.

Meters not to be connected or disconnected without notice to District Committee.

46. No person shall connect any meter with any pipe through which any water is supplied by the District Committee to such meter or disconnect any meter from any such pipe unless he shall have given to the District Committee not less than forty-eight hours' notice in writing of his intention so to do and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and be performed under the superintendence of an officer of or person authorised by the District Committee or if the District Committee in any case so elect may be done by the District Committee and the cost thereof recovered from the person requiring the same or on whose behalf the same were performed and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Fraudulently injuring meters &c.

47. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the District Committee or without due authority interferes therewith or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the District Committee or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the District Committee may in addition thereto recover the amount of any damages sustained by them and the District Committee may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damages is paid notwithstanding any contract previously existing and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting Provided that the District Committee shall not under the powers of this

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section discontinue any supply of water for domestic purposes within the limits of supply.

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

48. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the District Committee 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 District Committee or to any service pipe or apparatus of such owner or any other owner or occupier for the purpose of washing horses carriages or other vehicles windows houses or buildings or for watering gardens or washing pavements or footpaths of roads or for any other purpose and the District Committee may prohibit the same and without prejudice thereto any person who contravenes this enactment shall be guilty of an offence and shall for every such offence forfeit and pay to the District Committee a penalty not exceeding forty shillings.

Water may be supplied for cleansing streets &c.

49. The District Committee may if they see fit furnish a supply of water for the purposes of watering or cleansing streets or roads 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.

Byelaws for preventing waste &c. of water.

50.—(1) The District Committee may subject to the provisions of sections 183 to 187 of the Public Health (Scotland) Act 1897 make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soilpans water-closets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination and such byelaws may provide for such penalties for breaches of such byelaws not exceeding forty shillings for each offence as may be considered expedient Provided always that such byelaws shall apply only in the case of premises to which the District Committee are bound to afford and do in fact afford or are prepared on demand to afford a constant supply of water.

(2) In case of failure of any person to observe such byelaws as are for the time being in force the District Committee may if they think fit after twenty-four hours' notice in writing enter and by and

under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the District Committee as the water rates in respect of the premises are recoverable.

Form and service of notices by District Committee.

51. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the clerk to the District Committee or if it be a notice to pay any charge in respect of the supply of water by the name of the county collector or the collector of the District Committee being affixed thereto in print or in writing or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Notice of discontinuance.

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

District Committee to estimate annual sum required.

53. The District Committee shall and they are hereby authorised and required once in every year on or before the fifteenth day of August to estimate the expenses incurred or to be incurred for the purposes of water supply under this Order for and during the year next ensuing the fifteenth day of May then last past including the sums necessary for payment of interest on and repayment of principal of any money borrowed for providing such supply.

County Council to assess and levy domestic water rate.

54. The estimate to be made up in manner before provided shall be submitted to the finance committee of the County Council who shall revise the same and submit the estimate so revised to the County Council at their meeting in the month of October in each year and the County Council may and they are hereby authorised and required annually to impose and levy an assessment to be called the domestic water rate upon all lands and heritages within the

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limits of supply at such rate in the pound as shall be sufficient when supplemented by the public water rate (if any) after mentioned and the other water revenues received under the powers of this Order to defray the expenses referred to in the immediately preceding section Provided that as regards all persons who shall be the owners or occupiers of any dwelling-houses railway stations or other buildings (other than tenements situated in a private close or place) they shall not be liable to be assessed in respect thereof for the domestic water rate unless such dwelling-houses railway stations or other buildings shall have been actually supplied with water under this Order or unless some pipe of the District Committee shall be laid down within one hundred yards of the same measuring from the outer wall of such dwelling-houses railway stations or other buildings or of any domestic offices in contact with and occupied as appurtenances of such dwelling-houses railway stations or other buildings and that as regards the owners or occupiers of tenements situated in a private close or place they shall not be liable to be assessed in respect of such tenements for the said domestic water rate unless some pipe of the District Committee shall be laid down within one hundred yards of the entrance to such close or place or the nearest part thereof Provided also that no agricultural lands shall be assessed for the domestic water rate unless some pipe of the District Committee shall be laid down within one hundred yards measuring as aforesaid from some dwelling-house or dwelling-houses upon the same and then only in respect of the annual value of such dwelling-house or dwelling-houses and in any case in which the annual value of such dwelling-house or dwelling-houses is not entered in the valuation roll separately from that of the remainder of the subject of which it is a part or pertinent the County Council shall subject to the right of appeal by any person aggrieved apportion to the said dwelling-house or dwelling-houses its or their due proportion of the annual value of the entire subject as entered in the valuation roll and for the purpose of assisting them in making any such apportionment the County Council may employ any surveyor or other skilled person Provided that the annual value of the following lands or premises shall for the purposes of the domestic water rate be held to be 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 or tramway excepting the stations depôts and buildings

which shall be assessable to the same extent as other lands and premises within the limits of supply :

(2) All water works gas works electric power or electric supply works and underground or other pipes of any water company gas company electric power or electric supply company corporation or commissioners :

(3) All mines minerals and quarries.

In this section "agricultural lands" means any lands and heritages used for agricultural or pastoral purposes only or as market gardens orchards allotments woodlands parks gardens or pleasure grounds or lands kept or preserved mainly or exclusively for sporting purposes.

Public water rate to be levied.

55. The County Council may and they are hereby authorised if they shall think fit annually to impose and levy an assessment (to be called the public water rate) upon all lands and heritages within the limits of supply but such assessment shall not exceed threepence in the pound and may be such less amount as the County Council may from time to time determine.

Minimum water rate.

56. The District Committee shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year.

As to mode of levying and recovering assessments.

57. The assessments or rates by this Order authorised shall be deemed to be the assessments authorised by the Public Health Acts and shall not exceed the rates in the pound set forth in section 137 of the Public Health (Scotland) Act 1897 which section shall apply as if the same were expressly incorporated herein and the said assessments or rates shall be imposed and levied and be payable and may be recovered in the same manner as nearly as may be as assessments under the provisions of the said Acts and for the purposes of the said assessments the limits of supply shall be deemed to be a special water supply district.

Application of rates and charges.

58. The County Council shall after making provisions for—

(1) The expenses of collection ;

(2) The payment of interest on the money borrowed by them under this Order ;

(3) The repayment by instalments or otherwise of money from time to time borrowed or the setting apart of the sinking fund in accordance with the provisions of the Act of 1889 and of this Order ;

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pay over the balance of the several assessments or rates levied and received by them under the authority of this Order to the District Committee as the District Committee may from time to time require and the District Committee shall apply the same for the purposes of water supply under this Order.

Application of penalties.

59. All payments penalties and forfeitures exigible under the provisions of this Order and of the Acts wholly or partially incorporated therewith (excepting any penalties which may be imposed upon the District Committee) shall be paid over to the District Committee and applied for the purposes of this Order.

County Council may pay interest and instalments of debt and charge same against water rates.

60. Until the District Committee are supplying water for domestic purposes from the works authorised by this Order the County Council shall from time to time pay all interest and instalments of principal as the same respectively may become due and require to be paid or set aside in respect of the moneys borrowed under this Order and shall accumulate such payments with interest at such rate not exceeding four per centum per annum as the County Council may determine and shall charge the same against the rates leviable by them under the provisions of this Order and when and so soon as the domestic water rate authorised by this Order shall become leviable the County Council may and they are hereby authorised and required from time to time to levy that rate to such an increased annual amount as when supplemented by the public water rate (if any) may be required to repay any moneys so accumulated by them as aforesaid within such period as they may determine not exceeding forty years from the date of borrowing and the moneys so accumulated shall be deemed to be capital expenditure for the purposes of this Order.

Power to County Council to borrow.

61. The County Council may with the consent of the Standing Joint Committee in addition to the powers conferred by the Public Health Acts borrow money for any of the purposes of this Order including the repayment of any moneys accumulated under the provisions of the immediately preceding section on the security of the assessments by this Order authorised and the obligations of the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland and of the provost magistrates and councillors of the burgh of Inverkeithing contained in the agreements respectively set forth in the First and Second Schedules hereto and may assign the said assessments and obligations and the general assessments which may be imposed

under the said Acts or any of them in security of the money so borrowed and the provisions of section 67 subsections (3) (4) (5) and (6) of the Act of 1889 shall so far as applicable apply to any moneys borrowed under the authority of this Order in the same manner as if such moneys had been borrowed under the provisions of the Act of 1889 Provided always that any loan under this section shall be repaid within such period not exceeding forty years from the date of borrowing as the County Council with the consent of the Standing Joint Committee may determine in each case.

Application of moneys borrowed.

62. The sums borrowed by the County Council under the authority of this Order shall be paid to the District Committee as the District Committee may from time to time require and shall be applied by the District Committee only to purposes of this Order to which capital is properly applicable.

Form of mortgage.

63. All mortgages to be granted by the County Council for the purposes of this Order and transferences or assignations and discharges thereof may be in the forms contained in the schedule to the Public Health (Scotland) Act 1897 or to the like effect.

Manner in which mortgages to be signed and executed.

64. Every mortgage to be granted by the County Council for the purposes of this Order shall in addition to being sealed be signed by two of the members of the County Council and the county clerk Provided always that no county councillor or county clerk shall by his subscription of any such mortgage be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed or any interest thereon or of any sums whatsoever in respect thereof.

Transfer of mortgages.

65. 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.

Transfer of mortgages in case of bankruptcy.

66. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the County Council 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.

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

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Discharge of mortgages.

68. Any person entitled to any mortgage granted by the County Council under the authority of this Order may discharge the same and his right and interest therein in favour of the County Council and every such discharge may be written on the mortgage and such discharge when signed by the person entitled to such mortgage shall be valid and effectual to all intents and purposes.

Protection of lender from inquiry.

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

Audit of accounts.

70. Sections 68 69 and 70 of the Act of 1889 relating to the accounts and audit so far as the same are applicable shall apply to the accounts of the County Council under the provisions of this Order (including those of the District Committee) and to the audit of such accounts.

Power to establish communication with works by means of electricity.

71. The District Committee may establish and maintain such overhead wires and apparatus for the transmission of messages and other communications to and from any point or points on the route of their pipes or to and from their reservoir wholly or partially by means of electricity or by telephone (which wires and apparatus are in this section called "any such apparatus as aforesaid") as they think expedient or necessary for the better execution of any of the powers or authorities for the time being vested in them and in relation to any such apparatus as aforesaid for the purposes of the Telegraph Act 1863 the District Committee shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs would be or might have been under that Act but nothing in this Order shall authorise the District Committee to work any such apparatus as aforesaid in consideration of any money payment or any valuable consideration or for any purpose other than the execution of their powers and authorities aforesaid or in contravention of any exclusive privilege by law vested for the time being in the Postmaster-General or to construct any such apparatus as aforesaid which shall interfere in any way with any telegraphic or telephonic line in the possession or under the control of the Postmaster-General or the North British Railway Company as the case may be and the District Committee shall within forty-eight hours of the service on them of a notice in writing by the

Postmaster-General or the North British Railway Company as the case may be in that behalf remove or alter to the satisfaction of the Postmaster-General or the North British Railway Company as the case may be any such apparatus as aforesaid which in the opinion of the Postmaster-General or the North British Railway Company as the case may be interferes or will interfere with the efficient or convenient maintaining working or user of any telegraphic or telephonic line which the Postmaster-General or the North British Railway Company as the case may be has constructed or desires to construct and in default of such removal or alteration as aforesaid the Postmaster-General or the North British Railway Company as the case may be may remove or alter any such apparatus as aforesaid at the expense of the District Committee.

In this Order the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

County Council and District Committee to be deemed to act as local authorities.

72. In carrying out the provisions of this Order the County Council and the District Committee respectively shall be deemed to be acting as the local authorities under the Public Health Acts and they shall possess all the powers and be subject to all the restrictions of the Public Health Acts with respect to water supply except in so far as the same are varied by the provisions of this Order.

Prosecution of offences.

73. All offences against the provisions of this Order or of any of the Acts incorporated with the same respectively or against any of the byelaws of the District Committee 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 District Committee under the Summary Jurisdiction Acts.

Costs of Order

74. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid by the County Council out of the assessments or rates to be levied or out of the moneys to be borrowed under the authority of this Order or out of any other moneys which the County Council may legally apply to such purpose and if such costs are paid out of moneys to be borrowed the same shall be repaid within five years from the passing of the Act confirming this Order.

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The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

AGREEMENT between THE DUNFERMLINE DISTRICT COMMITTEE OF THE COUNTY COUNCIL OF FIFE (herein-after called "the District Committee") of the one part and THE COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH ADMIRAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND (herein-after called "the Commissioners") of the other part.

WHEREAS the District Committee are the local authority for the Dunfermline District of the county of Fife and as such are vested with the powers conferred by the Public Health (Scotland) Act 1897 of acquiring and providing or arranging for a supply of water for the domestic use of the inhabitants of the said district and for sanitary and other purposes:

And whereas the said district is at present insufficiently supplied with water and in consequence of the continuous increase of population the insufficiency is becoming greater:

And whereas the need for forthwith procuring a sufficient supply has become most urgent because of the resolution of His Majesty's Government to form a naval establishment at Rosyth within the said district and to erect barracks hospitals workshops dockyards and others thereon for which a large supply of water will be required and a supply will also be required for His Majesty's ships in the dockyards and adjoining waters:

And whereas the District Committee acting in concert with the Commissioners have resolved to apply for the requisite statutory powers to enable them to provide a supply of water for the said district which shall include a supply for the prospective requirements of the Commissioners within the district of the Committee and that as the said naval establishment has not yet been formed it is necessary that an agreement should be entered into between the District Committee and the Commissioners in regard to the expenditure which will be required consequent on the necessity of providing for requirements which have not yet emerged and also for other purposes:

Therefore it is hereby agreed between the District Committee and the Commissioners as follows videlicet:—

First The District Committee shall forthwith adopt the requisite proceedings for procuring a Provisional Order or Private Bill to enable them to procure an adequate supply of water for the said district including the prospective requirements of the Commissioners On obtaining the requisite powers the District Committee will cause the works to be executed and the supply of water to be introduced as soon as circumstances will permit.

Second It is understood that the source of supply shall be Glenquey in the parish of Glendevon and county of Perth and that a suitable reservoir or reservoirs shall be erected thereon and main pipes laid therefrom for the purpose of conveying the water from the reservoir or reservoirs to the said district and naval establishment.

Third The pipes shall be as follows videlicet—(First) One shall be led from the reservoir viâ Saline to Redcraig in the parish of Dunfermline which shall be eighteen inches in diameter (Second) Another shall be led from Redcraig to Castlandhill which shall be twelve inches in diameter (Third) A third shall be led from Saline to Cowstrandburn which shall be nine inches in diameter and (Fourth) A fourth shall be led from Cowstrandburn to Milesmark to connect with the pipe there which is from thence led to Castlandhill and which shall be six inches in diameter.

Fourth The probable cost of obtaining the statutory powers to provide the supply of water and of purchasing the land and wayleaves required and forming a reservoir and laying the before-mentioned pipes including all expenses incident thereto and the interest which may have to be paid to bankers or others while the works are in course of construction has been estimated by the engineer of the District Committee at one hundred and four thousand pounds of which it is agreed that two-third parts shall be held as applicable to the requirements of the District Committee and one-third shall be held as applicable to the prospective requirements of the Commissioners The whole cost as ascertained on the completion of the work shall be payable by the parties in the aforesaid proportions videlicet—two-thirds by the District Committee and one-third by the Commissioners.

Fifth The capital sum required to meet the aforesaid whole cost shall be obtained by loans which shall be raised by the District Committee and shall be repayable in forty years or such other term as may be agreed upon by the parties The District Committee shall pay two-thirds and the Commissioners one-third of the periodical sums required to repay the said loans and the interest thereof.

Sixth The Commissioners shall bear the cost of all piping and works within the boundaries of the naval establishment and the District Committee shall bear the cost of all other piping and works In the event of any additional main pipes being required for supplying any future Government establishments upon any areas hereafter acquired by the Commissioners within the district the Commissioners shall bear the cost thereof.

Seventh During the period fixed for the currency of the loan or loans under the preceding article the Commissioners shall be entitled to receive free of charge a supply of water not exceeding on the average four hundred and forty-four thousand four hundred and forty-four gallons per day calculated over periods of three consecutive months it being understood that the supply to be received on any one day in excess of the said quantity of four hundred and forty-four thousand four hundred and forty-four gallons shall not be such as to restrict the supply required for the ordinary purposes

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of the District Committee The said supply is to be used for the purposes of the naval establishment including His Majesty's ships and any visiting foreign ships of war and also for the purposes of any person or Corporation who may be contractors with the Commissioners for the execution of any contracts for works to be executed at His Majesty's Naval Establishment aforesaid and for any other Government purposes within the area at Rosyth recently acquired by the Commissioners of the Admiralty or within any other additional area within the district of the Committee which may be acquired by the said Commissioners The Commissioners shall be entitled to a further supply to the extent to which the District Committee may be able to give the same after giving a full supply to their district for domestic or other purposes at twopence per thousand gallons The District Committee will undertake to use the existing pipe from Milesmark to Castlandhill as an additional source of supply so far as necessary or convenient Provided always that if such supply is taken from the existing pipe between Milesmark and Castlandhill the terms on which the use of said pipe will be allowed shall form the subject of a special agreement between the parties and failing such agreement the question of the terms on which the use of the said pipe shall be allowed shall be referred to arbitration in accordance with the last clause of this agreement.

Eighth In the event of the supply of water proving insufficient to meet the requirements of both parties it shall be in the power of either of the parties to require the other party to concur in executing the necessary works for the purpose by increasing the capacity of the reservoir or in forming an additional reservoir or reservoirs and the District Committee shall thereupon adopt the requisite proceedings towards carrying out the works and the costs thereby to be incurred shall be borne in the same proportions as for the original works videlicet—two-thirds by the District Committee and one-third by the Commissioners and the parties shall be entitled to receive the additional water to be procured by the additional works in the same proportions the average daily supply of the additional water being calculated over periods of three consecutive months as provided in regard to the daily supply of four hundred and forty-four thousand four hundred and forty-four gallons in the preceding article the Commissioners' proportion to be free of charge during the period fixed for the currency of the loan or loans under this article The costs shall be provided by loans as stipulated for in article fifth hereof.

Ninth After the repayment of the loans for the costs of the original works has been completed the Commissioners shall be entitled to supplies of water on payment of twopence per thousand gallons for a minimum supply of four hundred and forty-four thousand four hundred and forty-four gallons per day and that over and above the additional quantity which they may be entitled to obtain free of charge during the period fixed for the currency of any loan or loans under Article Eight hereof If such additional works are executed then after the loans for the costs thereof have been repaid the Commissioners shall be entitled to receive the said

additional quantity of water on the same terms as the minimum supply of four hundred and forty-four thousand four hundred and forty-four gallons per day videlicet—twopence per thousand gallons and they shall also be entitled to a further supply to the extent to which the District Committee may be able to give the same with due regard to the requirements of their district at the lowest rate charged for supplies other than domestic within their district.

Tenth The Commissioners shall have power to nominate a representative to attend and take part in the proceedings of any committee entrusted by the District Committee with the construction or management of the works herein authorised and the said representative shall have access to all documents correspondence and plans relative to the carrying out of the works herein provided for.

Eleventh The quantity of water to be delivered to the Commissioners shall be accurately recorded by a meter or meters placed in a meter house or meter houses to be provided and maintained in good working order by the Commissioners The District Committee shall have right of access to the meter house or meter houses and meter or meters at such times as they may desire for the purpose of checking the registers showing the quantity or quantities of water delivered and they shall also have the right of inspecting any accounts and documents kept by the Commissioners showing or tending to show the quantity of water delivered If it shall be found that the meter or meters are out of order and are registering incorrectly it shall be assumed until the contrary is shown by the Commissioners that they got out of order on the day preceding the day of the inspection on behalf of the District Committee and if the Commissioners can show on what other day since the last inspection of the meters the same got out of order then whether the imperfection of the meters was telling for or against the Commissioners the quantity of water taken by the Commissioners from the day on which the meters got out of order until the same shall be amended shall after the first year of supply be taken to be that supplied by the District Committee on each of the days in the preceding year corresponding with the days during which the meters shall be out of order and the account shall be adjusted on that footing but it shall be open either to the District Committee or the Commissioners to show to an engineer to be selected by both as a referee between them what the quantity of water actually supplied by the District Committee per diem during the period in question was and the account between the District Committee and the Commissioners shall then be adjusted with reference to the finding and decision of such referee.

Twelfth The Commissioners shall contribute one hundred pounds in each year towards the cost of superintendence and maintenance of the works for which the District Committee shall be otherwise responsible.

Thirteenth If at any time material damage shall be occasioned to the works by flood or accident or corrosion or by natural decay a special report of

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the proposed renewals shall be obtained from a competent engineer and the cost thereof shall be met by the parties hereto in the same proportions as the cost of the original works After the loans have been repaid the annual payments for water falling to be made by the Commissioners as provided in Article Ninth hereof shall be considered as part of any such proportion payable by them.

Fourteenth If any dispute shall arise between the parties to these presents touching the meaning or construction of these presents or affecting the rights and liabilities of these parties respectively thereunder the same shall be referred to arbitration pursuant to the Arbitration (Scotland) Act 1894 or any statutory modification thereof.

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

In witness whereof these presents written on this and the five preceding pages are subscribed in duplicate as follows videlicet they are subscribed for and on behalf of the said District Committee as duly authorised at a meeting held on fourth March nineteen hundred and four by David Alexander manufacturer Dunfermline chairman of the District Committee at Crieff on the twenty-first day of April and year last mentioned before these witnesses Alfred MacIntyre cashier and John Andrew Paterson clerk both at the Hydropathic Crieff by Henry Mungall coalmaster residing in Edinburgh member of the District Committee at Edinburgh on the twenty-second day of said month and year last mentioned before these witnesses James Mungall and Robert Henry Mungall both his sons and residing with him and by John Ross solicitor Dunfermline clerk to the District Committee at Dunfermline on the twenty-third day of said month and year last mentioned before these witnesses James Davidson and David Connel both clerks to the said John Ross and they are subscribed by Rear-Admiral Sir Charles Carter Drury Knight Commander of the Star of India and Captain Frederick Samuel Inglefield two of the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland for and on behalf of said Commissioners at London on the twenty-eighth day of said month and year last mentioned before these witnesses Walter Frederick Nicholson and William Percival Daniels both Admiralty clerks London.

ALFRED MACINTYRE Witness.	D. ALEXANDER
JOHN A. PATERSON Witness.	District Chairman.
JAMES MUNGALL Witness.	HY. MUNGALL
R. H. MUNGALL Witness.	District Member.
JAS. DAVIDSON Witness.	JOHN ROSS Clerk.
DAVID CONNEL Witness.	
W. F. NICHOLSON Witness.	CHAS. C. DRURY.
W. P. DANIELS Witness.	F. S. INGLEFIELD.

THE SECOND SCHEDULE.

AGREEMENT between THE DUNFERMLINE DISTRICT COMMITTEE OF THE COUNTY COUNCIL OF FIFE (herein-after called "the District Committee") of the one part and THE PROVOST MAGISTRATES AND COUNCILLORS OF THE ROYAL BURGH OF INVERKEITHING (herein-after called "the Corporation") of the other part.

WHEREAS under the provisions of the Private Legislation Procedure (Scotland) Act 1899 a draft Provisional Order (herein-after referred to as "the Order") was on the seventeenth day of December nineteen hundred and three deposited with the Secretary for Scotland intituled "Draft Provisional Order to empower the Dunfermline District Committee of the County Council of the county of Fife to construct waterworks and supply water within their district and the said County Council for the purposes thereof to acquire lands and servitudes and to levy assessments and borrow money and for other purposes":

And whereas by the Order the limits of supply are defined as comprising and including the Dunfermline District which means the parishes and parts of parishes included under the said expression by clause 3 of the Order and which district is exclusive of the burghs of Dunfermline Inverkeithing Culross and Cowdenbeath:

And whereas an agreement has been entered into or is about to be entered into between the District Committee on the one part and the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland of the other part (herein-after called "the Commissioners") by which agreement it is provided that the District Committee are to adopt the requisite procedure for procuring the Order and for obtaining the requisite powers and that they are to cause the works to be executed and the supply of water to be introduced as soon as circumstances will permit and by which agreement it is further provided that the costs incurred in forming the said works and introducing the said supply are to be payable to the extent of two-thirds by the District Committee and to the extent of one-third by the Commissioners which agreement contains sundry other provisions with which both of the parties hereto are acquainted and to which reference is hereby made:

And whereas the Corporation are desirous of obtaining a supply of water from the said works and the District Committee have agreed to give the same on the terms and conditions after written:

Therefore the parties hereto do hereby agree with each other and bind and oblige themselves to each other as follows videlicet:—

First It being contemplated that the supply of water to be obtained by the foresaid works (exclusive of compensation water) shall be one million

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three hundred and thirty-three thousand three hundred and thirty-four gallons per day whereof the said Commissioners are to receive four hundred and forty-four thousand four hundred and forty-four gallons per day it is hereby agreed that the Corporation shall receive one-seventh part of the remaining eight hundred and eighty-eight thousand eight hundred and ninety gallons per day and that the same shall be delivered at such a rate as may be required by the Corporation but not exceeding at any time twelve thousand gallons per hour providing that in the event of the Corporation paying for or acquiring an increased daily supply the foresaid maximum hourly rate of twelve thousand gallons shall be proportionately increased.

Second The capital sum required to meet the whole cost of the undertaking shall be obtained by loans which shall be raised by the District Committee and shall be repayable in forty years or such other term as may be agreed upon by the parties The Corporation shall pay to the District Committee one-seventh part of two third parts of the said capital sum by periodical instalments spread over the period of said loans as the same fall due with interest at five per centum per annum from the date of payment of each instalment by the District Committee until repaid The Corporation undertake to put in force all their statutory or other powers for the purpose of providing the said instalments There shall be included in the said capital sum the cost of obtaining the requisite statutory powers to provide the said supply of water the purchase of the land and wayleaves required the formation of the reservoir and the laying of the pipes mentioned in the said agreement between the District Committee and the said Commissioners including also all expenses engineering legal and otherwise incident thereto and the interest which may have to be paid to bankers or others while the works are in course of construction.

Third The water shall be delivered from the twelve-inch pipe which is to be led from Redcraig to Castlandhill at a point in the neighbourhood of Inverkeithing to be mutually agreed upon which point shall be as near the burgh boundary as possible consistent with giving a fair share of the supply to all parts of the burgh.

Fourth The quantity of water to be delivered to the Corporation shall be accurately recorded by a meter or meters placed in a meter-house to be provided and maintained in good working order by the Corporation The District Committee shall have right of access to the meter-house at such times as they may desire for the purpose of checking the register showing the quantity of water delivered and they shall also have the right of inspecting any accounts and documents kept by the Corporation showing or tending to show the quantity of water delivered.

Fifth In the event of the above stipulated for supply of one-seventh part of eight hundred and eighty-eight thousand eight hundred and ninety gallons per day proving insufficient to meet the requirements of the Corporation for all purposes whether domestic or otherwise it shall be in the power of the Corporation to call upon the District Committee to furnish a further supply so long as the District Committee can spare the same at the

lowest rate charged by the District Committee for supplies other than domestic within the limits of supply as defined in the Order provided that in the event of the said rate at any time exceeding sixpence per thousand gallons the Corporation shall be entitled to receive a discount from the charge at the rate of ten per cent. so long as the rate continues as aforesaid and further providing that if the District Committee shall allege that they cannot give a supply of water to the extent required by the Corporation it shall be in the power of the Corporation to require the District Committee and the District Committee shall be bound to execute in conjunction with the said Commissioners the necessary works for the purpose of increasing the supply by increasing the capacity of the reservoir or by forming an additional reservoir or reservoirs The Corporation shall bear one-seventh share of two third parts of the costs thereby to be incurred and shall be entitled to receive an equivalent proportion of the additional supply The costs of such additional works shall be provided by additional loans to be obtained in the same manner as the original loans and the Corporation's share shall be repaid in the same manner as their share of the original loans.

Sixth The Corporation shall bear the cost of providing and maintaining all piping and works for the distribution of water within their own boundaries.

Seventh The District Committee shall have full charge of the works to be constructed under the powers of the Order and shall cause an account to be made up annually showing all outlays incurred in maintaining repairing and renewing the same and the Corporation shall repay to the District Committee one-seventh part of two-thirds of the whole as shown by said account.

Eighth The Corporation shall have power to nominate a representative to attend and take part in the proceedings of any committee entrusted by the District Committee with the construction or management of the works herein authorised and the said representative shall have access to all documents correspondence and plans relating to the carrying out of the foresaid works.

Ninth The District Committee shall undertake not to supply water within the limits of the burgh of Inverkeithing except under arrangement with the Corporation.

Tenth The sections of the Waterworks Clauses Act 1847 referring to the breaking up of streets for the purposes of laying pipes shall be held to apply to the District Committee's operations in laying and maintaining their main through the burgh as proposed in the Order and the penalties and expenses provided by said Act shall also apply to any breach by the District Committee of the provisions of said sections in connection with said operations The District Committee shall not interfere in any way with the Corporation's water or sewer pipes conduits service or branch pipes and fittings except under compliance with the provisions in said sections with reference to notice approval of plan superintendence and reinstatemen applied to the case of

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said pipes conduits and others The District Committee shall relieve the Corporation of all claims loss damage and expenses for which the Corporation may be held liable or which may at any time arise directly or indirectly through the District Committee's operations in connection with the wayleave or from the use or presence of pipes hatches or other fittings of the District Committee in or under the burgh roads or streets The pipes and all hatches and other fittings shall remain at the District Committee's risk and no claim shall arise against the Corporation for the repair or renewal of such pipes hatches or other fittings The District Committee's pipes shall be laid so as not to prevent or obstruct future connections with the Corporation's water or sewer pipes The District Committee shall pay to the Corporation any expenses which may at any time be reasonably incurred by the Corporation in connection with the superintendence of the works authorised within the burgh or otherwise in connection with the execution of such works.

Eleventh The Corporation agree to the clause which forms clause 29 of the Draft Order and which is described on the margin "Purchase of rights of burgh of Inverkeithing in certain waterworks" being inserted in the Order and the District Committee agree to purchase and the Corporation agree to sell as therein provided but the Corporation shall have the unimpeded right to use the works and pipes therein referred to until the new works are completed and the new supply is available.

Twelfth In the event of any difference of opinion arising as to the matters embodied in this agreement or the carrying out of the same such difference shall be referred to an arbiter to be mutually chosen by the parties and the decision of such arbiter shall be final and the due fulfilment of the same shall be binding on both parties.

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

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

In witness whereof these presents written upon this and the four preceding pages are signed at a meeting of the District Committee held in Dunfermline on the fifth day of April nineteen hundred and four by David Alexander manufacturer Dunfermline the chairman and Henry Mungall coalmaster Edinburgh a member of the District Committee and by John Ross solicitor Dunfermline the clerk to the District Committee for and on behalf of said District Committee and as specially authorised all in presence of these witnesses James Davidson clerk to Messieurs Ross and Connell solicitors Dunfermline and William Davison sanitary inspector for the Dunfermline District of Fifeshire And are signed by James Sim hotelkeeper Inverkeithing provost and John Robert Menzies town clerk of the Corporation on behalf of the Corporation at a meeting of the provost magistrates and councillors

held in the Townhouse Inverkeithing on the twelfth day of April nineteen hundred and four in presence of these witnesses John Livingston burgh officer Inverkeithing and Alexander Todd tailor's cutter Inverkeithing. A.D. 1904.

JAS. DAVIDSON Witness.
WILLIAM DAVISON Witness.
JOHN LIVINGSTON Witness.
ALEXANDER TODD Witness.

D. ALEXANDER District Ch.
HY. MUNGALL Member.
JOHN ROSS Clerk.
JAMES SIM Provost.
JOHN R. MENZIES Town Clerk.

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FOR

T. Digby Pigott, Esq., C.B., the King's Printer of Acts of Parliament.

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