CHAPTER ccxxxi.

An Act to confirm, with amendments, certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Aldershot and Farnborough Tramways, Bolton and Suburban Tramways, Gloucester Tramways, Moss Side Local Board Tramways, Newton Heath Local Board Tramways, Reading Tramways, Sunderland Tramways, Wavertree Local Board Tramways, West Derby Local Board Tramways, and Wolverhampton Tramways (Extension). A.D. 1878.

[16th August 1878.]

WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made several Provisional Orders, which have been amended by Parliament, and are, as so amended, set out in the schedule to this Act annexed:

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, as set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

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

Short title.

1. This Act may be cited as the Tramways Orders Confirmation (No. 1) Act, 1878.

Confirmation of Orders in schedule.

2. The several Orders set out in the schedule to this Act annexed shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full force and validity, and the dates of the same respectively shall be the date of the passing of this Act.

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SCHEDULE.

LIST OF ORDERS.

ALDERSHOT AND FARNBOROUGH TRAMWAYS.—Order authorising the construction of tramways in the neighbourhood and suburbs of the camp at Aldershot, in the counties of Southampton and Surrey.

BOLTON AND SUBURBAN TRAMWAYS.—Order authorising the mayor, aldermen, and burgesses of the borough of Bolton, and the Local Boards for the districts of Astley Bridge, Farnworth, and Kearsley, in the county of Lancaster, to construct tramways in the said borough and in the districts of the said Boards, and in adjoining places.

GLOUCESTER TRAMWAYS.—Order authorising the construction of tramways in the city of Gloucester.

MOSS SIDE LOCAL BOARD TRAMWAYS.—Order authorising the Local Board of Health for the district of Moss Side, in the county of Lancaster, to construct certain tramways in the district of the said Local Board.

NEWTON HEATH LOCAL BOARD TRAMWAYS.—Order authorising the Local Board for the district of Newton Heath, in the county of Lancaster, to construct tramways within that district.

READING TRAMWAYS.—Order authorising the construction of tramways in the town of Reading and its vicinity.

SUNDERLAND TRAMWAYS.—Order authorising the construction of tramways in the borough of Sunderland, in the county of Durham.

WAVERTREE LOCAL BOARD TRAMWAYS.—Order authorising the Local Board of Health for the district of Wavertree, in the county of Lancaster, to construct tramways in the said district.

WEST DERBY LOCAL BOARD TRAMWAYS.—Order authorising the Local Board of West Derby to lay down, construct, and maintain tramways within the district of West Derby, in the county of Lancaster.

WOLVERHAMPTON TRAMWAYS (EXTENSION).—Order authorising the construction of a tramway in the township of Bilston, in the parish of Wolverhampton, and also in the parish of Darlaston, all in the county of Stafford, and to amend the Wolverhampton Tramways Order, 1877.

Public Act, seventeenth and eighteenth Victoria, chapter ninety-one, intituled "An Act for the valuation of lands and heritages "in Scotland," and any Acts amending the same which may be in force for the time. A.D. 1878.

Limits of Act.

4. The limits of this Act shall comprise and include the burgh and also so much of the parishes of Forfar and Glamis as is beyond the burgh, and the limits for the compulsory supply of water by the Commissioners shall be the burgh only.

Act to be executed by Commissioners of Police.

5. This Act shall be carried into execution by the Commissioners, with the powers and indemnities and according to the provisions of the Police Acts, so far as not otherwise provided by or under the provisions of this Act, and those Acts shall, in relation to the Commissioners and the several objects and purposes of this Act, be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Police Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Police Acts are varied, altered, or otherwise provided for, by, or under the provisions of this Act.

Contract for supply of water not to disqualify Commissioner.

6. No person shall be disqualified from being, continuing, or acting as a Commissioner by reason of his being concerned in any contract entered into with the Commissioners for the supply of water or other articles of any kind, or of his being a mortgagee of the property of the Commissioners, but no Commissioner shall vote in respect of any contract in which he himself is concerned.

Payment of rates not to disqualify any judge.

7. No person liable under this Act in payment of rates or other consideration in respect of water supply shall on that account, or on account of being a Commissioner, be disqualified from acting as a justice of the peace or sheriff, or exercising any judicial function in the carrying out of this Act.

Commissioners may appoint clerk, treasurer, and collector.

8. The Commissioners may, if they think fit, appoint a suitable person or persons to the offices of clerk, treasurer, and collector for the purposes of this Act, or to any one or more of such offices, and from time to time remove such person or persons, and appoint others in their stead, or in the room of such of them as may die, resign, or discontinue their offices; and the provisions of the Police Acts in regard to the clerk, treasurer, and collector appointed or to be appointed for the purposes thereof shall be and are hereby made applicable to the clerk, treasurer, and collector, or any one or more of them, who may be appointed under the provisions and for the purposes of this Act.

Books and accounts to be kept.

9. The Commissioners shall for the purposes of this Act cause to be provided and kept true and regular accounts, and to be entered

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therein all sums of money received and paid by them for the purposes of this Act; and such accounts shall be kept separate and distinct from the other accounts of the Commissioners, and if a clerk be appointed for the purposes of this Act, such clerk shall keep the books and records of the Commissioners and their committees, so far as the same relate to the purposes of this Act, and such books or records or any copy or extract therefrom, authenticated by the signature of the clerk, shall be received as evidence in all courts whatsoever in any cause or matter concerning this Act, and shall be open to the inspection of any person interested therein without payment of any fee or reward.

Appointment of auditor.

10. In the month of January of the year one thousand eight hundred and seventy-nine, and of every year thereafter, the Commissioners shall make application to the sheriff for the appointment by him for the financial year or period then current of an auditor (being a person well skilled in accounts, and not being one of the Commissioners, or holding office under them,) to audit and docquet the accounts to be kept by the Commissioners for the purposes of this Act, and such auditor shall be allowed such reasonable remuneration for his time, trouble, and responsibility as may be agreed upon between him and the Commissioners, or as, in the case of difference, shall be fixed by the sheriff; and in case the office of such auditor shall, before such accounts have been audited by him, become vacant by death, or from any other cause, the Commissioners shall make application to the sheriff for the appointment by him of an auditor to supply such vacancy, and the whole books, accounts, vouchers, and documents of the Commissioners shall be laid before the auditor for the purposes of such audit.

Power to construct works.

11. Subject to the provisions of this Act, the Commissioners may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the works hereinafter described, with all necessary embankments, dams, weirs, channels, sluices, catch-water drains, culverts, cuts, aqueducts, outlets, tunnels, bridges, roads, tanks, cisterns, gauges, filtering apparatus, houses, buildings, and all other works and conveniences whatsoever connected therewith, and may enter upon, take, and use such of the lands, waters, and streams (except the waters hereinafter specially excepted) delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act are:

1. A reservoir (in this Act called the Den of Ogil Reservoir) to be situate in the parish of Tannadice, to be formed by two

embankments across the burn or stream flowing down the West Den or Den of Ogil (in this Act called the Den of Ogil stream), the one at the easterly end and the other at the westerly end of the said reservoir:

2. An aqueduct, conduit, or line of pipes, to commence in the stream known as the White Burn, and to terminate in the Den of Ogil Reservoir at or near the northerly end of the westerly embankment thereof:

3. An aqueduct, conduit, or line of pipes, to commence in the watercourse or tailrace from the water-wheel of the threshing-mill of the farm called Goynd, and to terminate in the Den of Ogil Reservoir at or near the northerly end of the easterly embankment thereof:

4. A road, to commence in the public road leading from Glen Ogil to Glen Queich, at a point in the said public road four hundred and sixty-six yards or thereabouts, measured in a south-westerly direction, from the south-west corner of the farmhouse on the said farm called Goynd, and to terminate in the said public road at a point seven hundred and eighty-three yards or thereabouts, measured in a south-westerly direction, from the south-west corner of the farmhouse on the said farm called Goynd:

5. An aqueduct, conduit, or line of pipes, to commence within the Den of Ogil Reservoir and to terminate in the Baggerton Reservoir, sixthly herein-after described:

6. A reservoir (in this Act called the Baggerton Reservoir), to be formed by an embankment commencing at a point five hundred and thirty-six yards or thereabouts, measured in a north-easterly direction, from the most north-easterly corner of the farm buildings or steading on the farm called Baggerton, and eight hundred and thirty-six yards or thereabouts, measured in a southerly direction, from the centre of the turnpike road leading from Forfar to Brechin, at a point opposite its junction with the public road leading from said turnpike road to Justinhaugh Bridge and Oathlaw:

7. A road, to commence in the public road leading in a northerly direction from the farm buildings or steading on the farm called West Carsebank to the turnpike road leading from Forfar to Brechin, and to terminate at the south-easterly corner of the Baggerton Reservoir:

8. An aqueduct, conduit, or line of pipes, to commence within the Baggerton Reservoir and to terminate at the junction of the public streets called North Street and East High Street, in the parish and royal burgh of Forfar.

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Power of deviation in constructing works.

12. In constructing the works by this Act authorised, it shall be lawful for the Commissioners to make lateral deviations from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon, and where the line of any work shown on the deposited plans passes along any road, and limits of lateral deviation are not marked thereon, the Commissioners may, in constructing the works, deviate laterally from the line thereof as laid down on those plans to the extent of the boundaries of the road, but not further in either case, except with the consent of the owner of the lands through or in which the deviation is made; and it shall be lawful for the Commissioners to make vertical deviations from the levels of the various works as shown on the deposited sections with reference to the datum line to any extent not exceeding three feet upwards and five feet downwards as regards reservoirs, and as regards other works five feet either upwards or downwards: Provided always, that if it be found necessary or expedient in the construction of either of the reservoirs by this Act authorised to alter the situation of any embankment, they may, within the limits of deviation shown on the deposited plans, in the construction thereof and of the works connected therewith, deviate vertically from the levels of such embankments, reservoirs, and works, provided that they shall not construct any embankment of the said reservoirs of a greater height above the general surface of the ground than that shown upon the deposited sections and three feet in addition, and if they shall deviate at all above the height so shown, they shall construct the embankments in each case of such additional thickness at the base as shall be equal to five feet for every foot of additional height; but nothing in this section shall be construed to exempt the Commissioners from any of the provisions of the Waterworks Clauses Act, 1863, with respect to the security of the reservoirs constructed by the undertakers.

26 & 27 Vict. c. 93.

Reservoirs to be fenced.

13. The Den of Ogil Reservoir and the Baggerton Reservoir shall be enclosed by proper and sufficient wire or other proper fences and gates, to be erected and maintained by the Commissioners.

As to construction of new road.

14. If the Commissioners shall construct the road fourthly before described, as shown on the deposited plans, in a solid and sufficient manner, and in connexion with such road shall, at their own expense, construct all necessary or proper side drains and culverts for carrying off the surface water, and shall, to the satisfaction of the surveyor for the time being to the statute labour road trustees of the Brechin district of the county of Forfar, properly fence off such road that portion of the foresaid public road leading from Glen Ogil to Glen Queich, situate between the points of commencement and

termination of the said road fourthly before described, shall, on the completion of the said last-mentioned road, in so far as not taken or appropriated for the same, cease to be or be used as a public road, and the site and soil thereof, in so far as not so taken and appropriated, shall be and are hereby absolutely vested in the proprietor of the lands on each side thereof and his successors in estate, freed and discharged from all public and other rights of way, and all other rights, interests, charges, and incumbrances then affecting the same.

Maintenance of new road.

15. The road, fourthly before described, when constructed as aforesaid, and the drains, culverts, and fences thereof, shall be maintained by and at the cost of the Commissioners for one year after the completion of the same, of which completion a certificate of two justices of the peace for the county of Forfar shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction); and on the expiration of the aforesaid period of one year such road shall vest in the same parties and for the like purposes as the aforesaid portion of the existing road by this Act authorised to be discontinued is vested, and shall become and be thenceforth a public road, and be maintainable as such accordingly.

Commissioners may enlarge or increase number of pipes.

16. The Commissioners may from time to time, subject to the provisions of this Act, extend, alter, replace, enlarge, and increase the works other than reservoirs, conduits, aqueducts, mains, and pipes authorised by this Act, and may from time to time extend, alter, replace, enlarge, and increase the number and size of the works, mains, and pipes from time to time in use for conveying and distributing water for the purposes of this Act: Provided always, that such extension, enlargement, or increase shall be executed only on lands or property belonging to the Commissioners, or that may be acquired by them by agreement for such purposes from the owners of adjoining lands.

Power to take water.

17. Subject to the provisions herein-after contained, it shall be lawful for the Commissioners to intercept, take, and divert into the reservoirs before described, or either of them, and in the said reservoirs, or either of them, to impound and store up the waters of the Den of Ogil stream, White Burn, and watercourse or tailrace from the water-wheel of the farm called Goynd, and tributaries and affluents thereof respectively, and also the waters of all such springs, streams, and watercourses as will be intercepted by the said reservoirs, and by the aqueducts, conduits, or lines of pipes secondly and thirdly herein-before described, except the waters of such springs, streams, and watercourses as flow in or through the

estate of Glen Queich, between the White Burn and the stream flowing into and through the Den of Ogil, which waters, but for this exception, would be intercepted by the said aqueduct, conduit, or line of pipes secondly herein-before described; and it shall be lawful for the Commissioners, by means of their aqueducts, reservoirs, and other works, to convey, appropriate, and use the said waters, except as aforesaid, for the purposes of this Act: Provided that it shall not be lawful for the Commissioners to intercept, take, or divert the waters of the said stream flowing into and through the Den of Ogil at any point north of the point where the said stream is shown on the deposited plans to be crossed by the said last-mentioned aqueduct, conduit, or line of pipes.

Compensation water, and provisions as to gauges.

18. As full compensation to the owners, lessees, and occupiers of lands, mills, manufactories, works, buildings, and others, and all other persons interested in the waters of the Den of Ogil stream, and other waters flowing into that stream, to be taken or appropriated by the Commissioners under the powers conferred by this Act, and to the streams and rivers into which they flow, the Commissioners shall, for the use and behoof of the said parties respectively, and of the said lands, mills, manufactories, works, buildings, and others, cause to be discharged continuously from the reservoir first before described, into the channel of the Den of Ogil stream two hundred thousand gallons of water per day during each day of every year; and with respect to the White Burn stream and other waters flowing into that stream, the Commissioners shall not be entitled to take any water until there shall be a quantity equal to three cubic feet per second flowing down such stream; but they shall be entitled to divert and appropriate any water in excess of such quantity; and for the purpose of ascertaining and measuring such quantities as aforesaid, suitable gauges shall be constructed and for ever afterwards maintained within two hundred yards of the easterly embankment of the said Den of Ogil Reservoir, and at the point of diversion of the White Burn stream; and if any dispute arise as to the fulfilment by the Commissioners of the obligations imposed upon them by this section, the same shall be determined by the sheriff, and the decree of the sheriff, after hearing the parties interested, and in such form as he shall deem expedient, shall be final and not subject to review in any way: Provided that the sheriff shall have power, if he see fit, before proceeding to pronounce the said decree, to appoint some competent person to report to him as to the facts out of which such dispute has arisen: Provided, as regards any waters or streams supplying any fields with water which may be intercepted and taken by the aqueducts secondly and thirdly herein-before described, or either of them, or which shall thereby be

deprived of water, that the Commissioners shall give a supply of water for such fields for the use of horses and cattle when there is a natural flow of water in the said waters or streams at the point of taking or interception, and shall make and maintain all necessary water troughs and other apparatus for that purpose.

Purchase of additional lands, &c.

19. The Commissioners may, in addition to the lands, waters, and streams authorised to be taken or acquired as aforesaid, purchase by agreement any land not exceeding five acres which may be deemed proper and expedient for the purposes of this Act: Provided always, that the Commissioners shall not on any such additional lands erect, or authorise or permit the erection of, any buildings other than buildings necessary for or connected with their waterworks.

Power to take easements, &c. by agreement. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106.

20. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Commissioners any easement or servitude, right or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, ground annuals, or feu duties, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements or servitudes, rights, and privileges as aforesaid respectively.

Reserving to landowners right of fishing, &c. in reservoir.

21. The owner of the lands on which the Den of Ogil Reservoir is to be constructed, and his heirs, successors, and assigns in the said lands, shall have and enjoy the exclusive right of fishing, shooting, and sporting in or over the said reservoir, and of keeping and using a boat on the said reservoir, and of taking ice therefrom, and shall also be entitled to construct and maintain a shed or boat-house at any proper place on or near to the bank or side of the said reservoir, without making any payment to the Commissioners for or in respect of the site thereof, but so that the exercise of such rights shall not injure the embankments, sluices, pipes, or other works, or foul or pollute the water: Provided always, that nothing herein contained shall prevent the Commissioners from using and appropriating the water of and in the said reservoir for the purposes of this Act, or from reducing the water in or emptying the said reservoir for the purpose of cleansing the same, or for the purpose of alterations or repairs.

Period for compulsory

22. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised

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after the expiration of three years from the passing of this Act, except as regards the aqueduct, conduit, or line of pipes second herein-before described, as to which such compulsory powers shall not be exercised after the expiration of seven years from the passing of this Act.

Period for completion of works.

23. If the works authorised by this Act, other than the aqueduct, conduit, or line of pipes second herein-before described, are not completed within seven years from the passing of this Act, and if the said aqueduct, conduit, or line of pipes is not completed within ten years from the passing of this Act, then on the expiration of these respective periods the powers by this Act granted by the Commissioners for executing any work not so completed, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed, and except also as to such pipes as may from time to time thereafter require to be laid, and such works as may require to be made for the purposes of this Act.

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

24. The Commissioners shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling, situate within the limits for compulsory supply, furnish to such person within such dwelling-house, by means of communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained at the cost of such person, a sufficient supply of water for domestic purposes, including a supply for any coach-house and stable used along with such house not being for carriages or horses kept for hire, and also including a supply for any private watercloset or closets, and fixed bath or baths in such dwelling-house: Provided always, that no person shall be entitled to require the Commissioners to furnish to him a supply of water unless some pipe of the Commissioners shall have been laid within one hundred feet of the outer wall, fence, or boundary of the subjects or premises in respect of which such supply is demanded, or in the case of tenements situate in a private close or place unless some pipe of the Commissioners shall have been laid within one hundred feet of the entrance to such close or place at the nearest part thereof, or unless the Commissioners shall have become bound, by virtue of a requisition and agreement made and executed in the manner and to the extent required by this Act, to cause pipes to be laid down within the said distance of one hundred feet of such subjects or premises, or such entrance as aforesaid.

Owners to provide and maintain ser-

25. For the purpose of providing for the better distribution of the water supply among the inhabitants within the limits for com-

pulsory supply, it shall be lawful for the Commissioners to require

the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water, in any street within the said limits in which the pipes of the Commissioners are laid, to take a supply of water for such house or tenement by connecting a service pipe with the main pipe of the Commissioners in any street or road, and to provide, lay, and maintain in good and sufficient repair such service pipes, stand pipes, or taps, cisterns, and other means and apparatus, and in such positions as may be necessary for that purpose; and in the event of refusal or delay on the part of such owner to comply with such requisition, it shall be lawful for the Commissioners to enter such house or tenement and premises connected therewith, and to provide, lay, and maintain such service pipes, stand pipes, or taps, cisterns, and other means and apparatus, and in such positions as shall appear to them to be necessary for the purpose aforesaid, and to recover the expense thereof from such owner in the same manner as rates or penalties are recoverable under this Act: Provided always, that in the case of houses not exceeding three pounds of yearly rent or value, such owner shall not be required to introduce water into each house, but only such means of supply for each tenement of houses as the Commissioners may deem necessary: Provided also, that in case of any question or difference arising between the Commissioners and such owner with respect to the necessity for such means of supply being provided for any such house or tenement, or with respect to the number or position of service pipes, stand pipes, or taps, cisterns, or other means and apparatus necessary for the purpose aforesaid, the same shall be determined and fixed by the sheriff on summary application by either of the parties, and the decision of the sheriff shall be final, and not subject to appeal or review in any court, or by any process whatever.

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

26. Except as herein-after excepted, the Commissioners shall cause pipes to be laid down, and water for domestic purposes to be brought to all places within the limits of this Act beyond the limits for compulsory supply, whenever they shall be required by so many owners or occupiers of houses in such part of the district beyond the limits for compulsory supply, as that the aggregate amount of water rates payable by them annually, at such rates as may be fixed by the Commissioners as herein-after provided, shall not be less than one-tenth part of the expense of providing and laying down such pipes: Provided always, that no such requisition shall be binding on the Commissioners unless such owners or occupiers shall severally execute an agreement binding themselves to take such supply of water for ten successive years at least: Provided also, that the water to be supplied by the Commissioners under the provisions of this

section need not be laid on constantly or under pressure; and that where any houses have been or may be erected on high levels the Commissioners shall not be bound to supply water to such houses at a greater height than can be done by gravitation from the Baggerton Reservoir: Provided also, that it shall be lawful for the Commissioners to agree with any owner or occupier who is not entitled to demand a supply of water for such a supply for domestic purposes to be made at any place within the limits of this Act.

Commissioners may supply water for other than domestic purposes.

27. The Commissioners may furnish to any person within the limits of this Act a supply of water for steam-engines or railway purposes, or for warming or ventilating any dwelling-house or other premises, or for working any machine or apparatus, or for cattle, or for horses or washing carriages when such horses or carriages are kept for hire or are the property of a dealer, or for gardens, fountains, or ornamental purposes, or for any trade, manufacture, or business, whether carried on in any dwelling-house or in other premises, or for hotels or taverns, or poor-houses or hospitals, or asylums or prisons, or other public buildings, or for any purposes not domestic, such respective supplies being so furnished at such rates, upon such terms and conditions, and by measure or otherwise, as shall be agreed upon between the Commissioners and the person desiring the same: Provided always, that as far as possible the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply: Provided also, that the supply for domestic purposes by this Act required shall be and continue to be sufficiently provided before the Commissioners supply water for any other purpose.

Supply of water to adjoining landowners.

28. The Commissioners may supply water to all places within four furlongs of the works hereby authorised to be made to landowners, lessees, or occupiers requiring the same, on such terms and conditions as may be agreed on.

Commissioners to supply water for cleansing sewers, &c.

29. The Commissioners shall be entitled to supply water, free of charge, for the purpose of flushing and cleansing the drains and sewers, public waterclosets and urinals, watering the streets, and extinguishing fires within the limits of compulsory supply, and for all other purposes specified in the Police Acts for which the Commissioners may require a supply of water.

Water to shops, &c. for drinking.

30. The owner or occupier of any shop, mill, manufactory, or other business premises within the limits for compulsory supply shall be entitled, free of charge, to a supply of water in or near the same for drinking purposes for persons employed by him, subject always to such regulations as the Commissioners may from time to time adopt in regard to the quantity or misuse of the supply.

Commissioners may contract for supply of water.

31. The Commissioners may from time to time enter into contracts with any public or local bodies, person or persons, for the supply of water by the Commissioners, either within or beyond the limits of supply, to or for such public or local bodies, person or persons respectively, in bulk or otherwise, on such terms and conditions as may be agreed upon.

Cisterns, &c. to be constructed to prevent waste and impurity.

32. Every pipe, valve, or cock, and every cistern or other receptacle for water, and every watercloset, soil-pan, and private or public bath or well or fountain, or place which shall be supplied with water by the Commissioners, or which they shall be called on to supply with water, shall be constructed and used so as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air, or other noxious or impure matter, into the mains or pipes of the Commissioners, or into any pipes connected or communicating therewith, and, notwithstanding anything in the Waterworks Clauses Act, 1847, or in this Act contained, the Commissioners shall not be bound to supply water into any pipe, cistern, or other receptacle, watercloset, soil-pan, or private or public bath or well or fountain, or place which shall not be so constructed and used.

10 & 11 Vict. c. 17.

Pipes, &c. to be kept in repair.

33. If any pipe, valve, cock, bath, soil-pan, cistern, or any other apparatus used for conveying water supplied by the Commissioners to the houses of the inhabitants, or to manufactories or other places, or for storing it therein, shall be out of order, the owner or other person using any such apparatus not belonging to the Commissioners shall be bound to repair and make good the same on receiving a written or printed requisition signed by the manager or other authorised officer or servant of the Commissioners (which may be left at the premises supplied with water) so to do; and if such owner or other person fail to make the requisite repairs within six days after such requisition, it shall be in the power of the Commissioners to cut off the supply, or to cause all such apparatus to be repaired, renewed, and made good and watertight at the sight of their manager or other person duly authorised, and the Commissioners shall be entitled to recover from the owner or other person so failing the cost of such repair, alteration, or renewal, together with the penalty contained in the Waterworks Clauses Acts, 1847 and 1863, for wilful waste of water, or for suffering such apparatus to be out of repair.

10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

Apparatus to be approved by Commissioners.

34. All the apparatus used or to be used for conveying and supplying water to the houses of the inhabitants and manufactories, or other premises supplied or to be supplied with water, under the provisions of this Act, shall be subject to the approval of the manager or other person appointed by the Commissioners.

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Penalty for interference with Commissioners valves, &c.

35. Every person who shall wilfully, carelessly, or without due authority from the Commissioners, in any way interfere with any valve, pipe, lock, cock, or other apparatus or works of the Commissioners, or with any meter used for registering the quantity of water supplied by the Commissioners, to the injury of the Commissioners, shall, without prejudice to any other right or remedy competent to the Commissioners for the punishment of such offender, be liable to a penalty for every such offence not exceeding five pounds.

Byelaws with respect to supply of water.

36. It shall be lawful for the Commissioners to make byelaws for regulating all or any matters and things whatsoever connected with the supply of water, and for the prevention of waste, fouling, misuse, or undue consumption of water, and among other things may prescribe the size, nature, make, strength, and arrangement of the pipes, cocks, cisterns, and other apparatus used for the purposes of the supply, and hours for inspection thereof by the officers or servants of the Commissioners, and to impose such penalties for breaches of such byelaws not exceeding five pounds for each offence, as may be considered expedient, and from time to time as they shall think fit to repeal, alter, or re-enact any such byelaws: Provided, that such byelaws shall not be repugnant to the law of Scotland, and shall have no effect until approved of by the sheriff, or beyond the limits for compulsory supply.

Commissioners to estimate annual sums required.

37. The Commissioners shall be bound, and they are hereby authorised and required, once in every year to estimate and fix the amount of money necessary to be levied for the purpose of defraying the costs, charges, and expenses of supplying water for and during the year then current, and the interest of any money borrowed under the provisions of this Act, and the payment to the sinking fund, together with the expenses of maintaining and managing the works, and obtaining and providing and distributing supplies of water within the limits of this Act, and such salaries, wages, and other expenses of any managers, treasurers, engineers, surveyors, clerks, collectors, or other officers or servants employed by them, and such portion of the expense of extending the mains and pipes from time to time as the Commissioners shall think equitable and fair to charge to such account, and all other charges and expenses chargeable against revenue.

Domestic water rate to be levied.

38. In order to raise such a sum of money as, along with the public water rate after mentioned and other revenue of the Commissioners, shall be sufficient for the purposes aforesaid, it shall be lawful for the Commissioners, and they are hereby authorised and required once in every year to assess and levy a rate, to be called

"The Domestic Water Rate," upon and from the occupiers of all dwelling-houses, and of such parts of all shops and buildings as may be used as dwelling-houses within the limits for compulsory supply, according to the real rent or full annual value of such dwelling-houses, and of such parts of shops and buildings used as dwelling-houses, and of any offices, gardens, or land belonging thereto or occupied therewith respectively, and also upon and from the occupiers of all other lands and heritages within the limits for compulsory supply, according to one eighth of the real rent or full annual value thereof: Provided always, as regards all persons who shall be the occupiers of any lands or heritages (other than tenements situate in a private close or place), that they shall not be liable to be assessed in respect thereof for the said domestic water rate after the date when the water supply hereby provided is introduced within the limits for compulsory supply, if and so long as some pipe of the Commissioners shall not be laid down within one hundred feet of the outer wall, fence, or boundary of the same: Provided further, as regards the occupiers of tenements situate in a private close or place, that they shall not be liable to be assessed in respect of such tenements for the said rate after the said date, if and so long as some pipe of the Commissioners shall not be laid down within one hundred feet of the entrance to such close or place at the nearest part thereof: Provided also, that agricultural buildings and lands not supplied with water under the provisions of this Act, and all lines of railway, including railway sidings, shall be exempt from payment of the said rate.

Power to rate the owners of houses in certain cases.

39. The owner as well as the occupier shall be liable for the payment of the domestic water rate for and in respect of every dwelling-house or part of a house used as a dwelling-house, or other premises, the annual value of which shall not amount to the sum of five pounds, and also for and in respect of every dwelling-house or part of a house used as a dwelling-house or other premises which shall be let for a term of occupation less than twelve months; and the powers and provisions in this Act contained for the recovery of the domestic water rate from occupiers shall be construed to apply also to the owners of such houses or premises, and the person receiving the rent of any such house or premises as aforesaid from the occupier thereof on his own account, or as agent or factor for any person interested therein, shall for the purposes of this section be deemed the owner: Provided that where any owner pays any domestic water rate under the provisions of this section, he shall be entitled to recover the same from the occupier, if only one, or from the occupiers if more than one, in the proportions for which they are respectively liable.

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Public water rate to be levied.

40. It shall be lawful for the Commissioners, and they are hereby authorised and required, once in every year to assess and levy upon and from the owners of all lands and heritages within the limits for compulsory supply a rate, to be called "The Public Water Rate," on the real rent or full annual value of all such lands and heritages of the amounts following, viz., when the domestic water rate authorised by this Act does not exceed one shilling in the pound of rental or annual value, one penny; exceeds one shilling but does not exceed one shilling and threepence, twopence; exceeds one shilling and threepence but does not exceed one shilling and sixpence, threepence; exceeds one shilling and sixpence but does not exceed one shilling and ninepence, threepence halfpenny; exceeds one shilling and ninepence, fourpence in the pound of such real rent or full annual value, and such public water rate may be levied by the Commissioners from the occupiers of such property and premises, and any occupier so paying the same shall be entitled to deduct from his rent the rate so paid by him: Provided always, that all lines of railway constructed under the powers of any Act of Parliament for public conveyance (excepting the stations, depôts, and buildings, which shall be assessable to the same extent as other land and premises within the limits of compulsory supply) shall at all times be assessed only for the public water rate on the nearest aggregate sum of pounds sterling to one fourth of the full annual value thereof.

Rates to be regulated so as not to exceed expenses.

41. If in any year the revenue of the Commissioners shall be more than sufficient for all the purposes to which it is applicable, the Commissioners shall and they are hereby required to carry the surplus to the credit of the account for the following year in reduction of the estimate of money required for such year; and when there is a deficiency in one year, it shall be provided for in the estimate, and by assessment, in the next year; and the Commissioners shall, as nearly as possible, so regulate the domestic water rate that it may one year with another produce the amount of money required: Provided always, that the Commissioners shall not be bound under this Act to impose any rate other than a rate consisting of an integral number of pence in the pound.

Assessment of rates.

42. The Commissioners may assess "the domestic water rate" and "the public water rate" prospectively, in order to raise money to pay interest on borrowed money and charges and expenses to be incurred thereafter, or retrospectively, in order to raise money to pay interest on borrowed money and charges and expenses already incurred; and such assessments may be made, levied, and recovered, notwithstanding that the works authorised by this Act may not at

the time have been made, or the supply of water under this Act been given within the burgh. A.D. 1878.

Mode of ascertaining rental of property to be assessed.

43. The Commissioners may estimate and fix the real rent or full annual value of the lands, premises, and property liable to "the domestic water rate" and "the public water rate" respectively by the valuation made under the provisions of the Public Act, seventeenth and eighteenth Victoria, chapter ninety-one, for the valuation of lands and heritages in Scotland, or of any Act for amending that Act: Provided always, that where the said valuation does not afford the means for assessing the said rates, or either of them, in terms of this Act, the same shall be assessed by the Commissioners in such manner as shall in their opinion be just.

Rates to be levied in the same manner as police assessment.

44. The domestic water rate and the public water rate authorised by this Act may, subject to the provisions of this Act, be imposed and levied by the Commissioners in the same manner as the annual assessment for general purposes may be imposed and levied within the burgh under the provisions of the Police Acts, and that along with or separately from such assessment, and all the powers, enactments, and provisions contained in the Police Acts with respect to the imposing, levying, payment, and recovery of the assessments thereby authorised to be levied on and from the occupiers or the owners of lands and heritages, and with respect to the exceptions and exemptions from such assessments, shall, subject to the provisions of this Act, be and are hereby made applicable to the imposing, levying, payment, and recovery of the rates by this Act authorised to be raised, and the exceptions and exemptions therefrom, in the same manner as if the said rates had been authorised to be levied under the authority of the Police Acts.

Rates to be levied for supply for domestic purposes beyond limits for compulsory supply.

45. It shall be lawful for the Commissioners to charge and levy for and in respect of the supply of water for domestic purposes to any person within the limits of this Act, beyond the limits of compulsory supply, a rate not exceeding the amount of the domestic water rate which shall be levied at the time under the provisions of this Act, with twenty per cent. of the amount of the said rate in addition thereto.

Application of rates.

46. The rates and charges levied under the authority of this Act, and the other income of the Commissioners under this Act, shall be applied in manner following; that is to say,

First. In defraying the expenses of the management and maintenance of the undertaking, and the annual costs, charges, and expenses of providing and supplying water, and in payment of any feu duties or ground annuals and other annual

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payments exigible in respect of any lands, streams, or property forming part of the undertaking:

Second. In payment of the interest of money borrowed under the authority of this Act:

Third. In payment of the sum by this Act directed to be set apart as a sinking fund:

Lastly. In payment of such portion of the cost of enlarging or increasing and renewing the number of mains and pipes, and of extending the works, mains, and pipes from time to time as the Commissioners shall think it reasonable to charge against the revenue for the year, and of any other necessary annual expenditure.

Power to borrow on mortgage.

47. It shall be lawful for the Commissioners, under the authority of this Act, in addition to any moneys they have borrowed or are authorised to borrow under the Police Acts or any other Act, to borrow from time to time on mortgage at interest all such sums as they think requisite for the purposes of this Act, not exceeding in the whole fifty thousand pounds, on the security of the rates and charges leviable by them under the provisions of this Act, and to mortgage the same accordingly; and if, after having borrowed the said sums, or any part thereof, the Commissioners pay off the same otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time: Provided that the provisions with respect to the borrowing of money in the Police Acts shall not be applicable to the borrowing of money under this Act, and that it shall not be lawful for the Commissioners to borrow money for the purposes of the Police Acts on the security of the rates and charges leviable by them under this Act.

Forms of mortgage and transfer.

48. Every mortgage to be granted by the Commissioners, and every assignation or transfer of such mortgage, shall be by deed duly stamped, in which the consideration shall be truly stated, and may be respectively in the forms contained in Schedules A. and C. to this Act annexed, or to the like effect.

Mortgages may be accompanied with interest warrants.

49. It shall be lawful for the Commissioners to issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form of Schedule B. to this Act annexed, or to the like effect, signed by the treasurer, for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgage is intended to subsist, and the delivery to the Commissioners or their treasurer, or to any person on their behalf, of any such interest warrant (duly stamped as a receipt) shall be a

valid and sufficient discharge to the Commissioners for the interest in respect of which the same was issued.

Commissioners may borrow on credit of a cash account.

50. It shall be lawful for the Commissioners to accept and take from any bank or banking company credit on a cash account, to be opened and kept with such bank or banking company in name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sums which the Commissioners are herein-before authorised to borrow, or any part thereof, and to make and grant mortgages of the several rates and charges leviable by them under this Act, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always, that the whole principal sums due and owing by the Commissioners on such cash account, and for money borrowed by them on mortgage as aforesaid, shall not when taken together exceed the sums by this Act authorised to be borrowed.

Manner in which mortgages and orders on bank account to be signed and executed.

51. Every mortgage to be granted by the Commissioners may be partly in writing and partly printed, and shall be signed by at least two of the Commissioners and the treasurer; and all drafts or orders on the cash account before mentioned shall be signed by the treasurer and countersigned by the clerk to the Commissioners, and no commissioner, clerk, or treasurer shall, by his subscription to any such mortgage, draft, or order, be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or of any sums whatsoever in respect thereof.

Arrears may be enforced by appointment of *factor*.

52. In the event of interest of any amount or of any principal moneys to the amount of three thousand pounds due on any mortgage or mortgages of the Commissioners not being paid within two months after the same shall have become due, and after twenty-one days previous demand thereof in writing to the clerk to the Commissioners, containing notice of the intention to make the application after mentioned, and which twenty-one days may form part of the said two months, it shall be lawful for the holder or holders of such mortgage or mortgages to render his or their security effectual by the appointment of a judicial factor, and the application for such appointment shall be made by summary petition to the Court of Session, or in the time of vacation to the Lord Ordinary on the Bills, who are hereby respectively authorised and required, on such application being made, to appoint some person as judicial factor to the effect and with the powers herein-after mentioned, unless previously to such application being advised, the sums due with interest and expenses shall have been paid, or unless

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the said Court or Lord Ordinary, as the case may be, shall be satisfied that consignation thereof should, under the circumstances, be accepted in lieu of payment, and such consignation be made accordingly; and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of factor.

53. The judicial factor so appointed, on finding security in common form, shall exercise all the powers conferred by this Act upon the Commissioners for and in relation to fixing, imposing, levying, and recovering the several rates and charges by this Act authorised to be made and levied, and managing and maintaining the undertaking of the Commissioners; and the Commissioners shall deliver to him all rate books, and other books and documents necessary for that purpose; and after defraying the expense of such application, management, and maintenance, the said judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment out of the rates and revenues, and such judicial factory shall continue not only until all arrears of mortgages due at the date of the appointment of such judicial factor, and all interest due thereon, and any interest which shall have become due during his continuance in office, with expenses, including the expenses of the application for such appointment and of carrying the purposes thereof into execution, and for obtaining the judicial factor's discharge, shall have been paid, but also until any half year's interest which, although not due, may become current during his continuance in office, and a sufficient sum to meet expenses shall have been paid or consigned in one of the banks in Scotland incorporated by or under Act of Parliament or Royal Charter; and upon payment and consignation as aforesaid it shall be lawful for the Commissioners to apply to the Court of Session or Lord Ordinary as aforesaid for the recall of the appointment of the judicial factor, who may recall such appointment accordingly.

Discharge of mortgages.

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

Application of money borrowed.

55. The several sums borrowed by the Commissioners on mortgage under the authority of this Act shall be applied to the purposes

of this Act, and to no other purpose whatsoever; with the exception of the cost of enlarging or increasing the number of mains and pipes and of extending mains and pipes, the several sums borrowed by the Commissioners as aforesaid shall not be applied to any of the purposes to which the rates and charges by this Act authorised to be levied are herein-before specially made applicable. Provided that,

Application of penalties.

56. Every penalty exigible under this Act, or by any byelaw made in pursuance of this Act, except where the Commissioners shall be the parties by whom the penalty has to be paid, shall be payable to the Commissioners, and shall, when recovered, be applied by them to the purposes of this Act.

Sinking fund.

57. It shall be lawful for the Commissioners, and they are hereby required, after the expiry of five years from the passing of this Act, to set apart annually as a sinking fund the following sums; that is to say, during each of ten years from the said last-mentioned date, a sum of not less than one pound for every one hundred pounds of the money borrowed; and after the expiration of such ten years a sum of not less than one pound ten shillings yearly for every one hundred pounds of the money borrowed; and such sinking fund shall be from time to time applicable to the redemption of mortgages and to no other purposes whatever; and shall be lodged in any of the banks in Scotland incorporated by or under Act of Parliament or Royal Charter, or invested in Government securities, or lent out at interest in the name and at the discretion of the Commissioners, until the same be applied for the purposes before specified: Provided always, that nothing in this section contained shall operate to prevent the Commissioners from obliging themselves to repay any principal moneys that may be borrowed by them under the authority of this Act, in periodical payments, within a period not exceeding fifty years.

Annual return to sheriff clerk with respect to sinking fund.

58. The clerk to the Commissioners shall, within two months after the expiration of each year during which any sum is required to be set apart as a sinking fund under this Act, transmit to the sheriff clerk of the county of Forfar, at his office in Forfar, a return verified by statutory declaration, showing the amount which has been set apart for the purpose of such sinking fund during the year preceding the making of such return, and the name or names of the bank or banks in which the same or part thereof has been lodged, and the description of the securities upon which the same or part thereof has been invested, and the name or names of the person or persons to whom the same or part thereof has been lent, and also showing the purposes to which any portion of the moneys

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lodged in bank, or invested or lent out as aforesaid for the sinking fund, has been applied during the same period, and the total amount remaining in bank, or invested or lent out as aforesaid, at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the sheriff, by such return or otherwise, that the Commissioners have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than the purpose authorised by this Act, the sheriff may by order direct that a sum not exceeding double the amount, in respect of which such default shall have been made, shall be set apart and lodged in bank, or invested or lent out at interest as part of the sinking fund, and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland, on a summary application presented for that purpose.

Expenses of Act.

59. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the moneys to be raised under the authority of this Act.

SCHEDULES referred to in the foregoing Act. A.D. 1878.

SCHEDULE A.

Form of Mortgage.

Forfar Water.

Mortgage No. £

By virtue of the Forfar Water Act, 1878, we, the Commissioners of Police of the burgh of Forfar, as Commissioners under the said Act, in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer to the said Commissioners for the purposes of the said Act, do hereby grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees [*or, as the case may be*], such proportion of the several rates and charges to be levied by the said Commissioners under the authority of the said Act as the said sum of [*specify amount*] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and charges, to hold to the said mortgagee and his foresaids until the said principal sum and whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or shall thereafter in virtue hereof remain as a loan to the said Commissioners until the expiration of such further term of years, and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon and signed by the said mortgagee or his foresaids, and by the treasurer to the said Commissioners, and which minute or minutes are hereby declared and shall be held to be valid and binding, though they may be neither holograph of the said mortgagee or his foresaids or of the said treasurer, nor tested; and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of [*specify rate*] per centum per annum) the said Commissioners shall pay the several sums contained in the [*state number*] interest warrants bearing the number and date hereof and delivered herewith, and that at the several times mentioned in such warrants upon delivery of the same respectively, and such delivery shall be a sufficient receipt and discharge to the said Commissioners for the contents of such warrants declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the said Commissioners shall not be bound to recognise or register, any partial assignation of these presents or of the sums of money, principal or interest, herein contained, and that the said Commissioners shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, release, assignation, or minute of postponement or renewal thereof. In witness whereof [*testing clause according to the law of Scotland*].

Signed by two of the Commissioners and the treasurer.

SCHEDULE B.

Form of Interest Warrant.

Forfar Water.

Mortgage No. Dated 18 .

Interest warrant

For	pounds	shillings and	pence	£	:	:
	Less income tax	- - - - -			:	:
				£	:	:

Payable on 18 ,

at the

Treasurer.

SCHEDULE C.

Form of Transfer of Mortgage.

Forfar Water.

I, *A.B.*, of , in consideration of the sum of paid to me by *C.D.*, of , do hereby transfer to the said *C.D.*, his executors, administrators, and assignees, a certain mortgage, number , granted by the Commissioners of Police of the burgh of Forfar, as Commissioners under the Forfar Water Act, 1878, bearing date the day of , in favour of *E.F.*, for securing the sum of and interest [*or, if such transfer be by indorsement,* the within security], and all my right, estate, and interest in and to the rates, charges, or other moneys thereby assigned. In witness whereof [*testing clause according to the law of Scotland*].

SCHEDULE D.

Form of Discharge.

Forfar Water.

Received from the treasurer to the Commissioners of Police of the burgh of Forfar, as Commissioners under the Forfar Water Act, 1878, the sum of , being the principal sum contained in the within mortgage (all interest due thereon having been previously paid), and the said mortgage is now delivered up as paid.

Dated this day of one thousand eight hundred and .

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