ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxxxix.

An Act for the better supplying with Water the Parliamentary Burghs of *Kirkcaldy* and *Dysart*, and Suburbs and Places adjacent; and for other Purposes. [15th *July* 1867.]

WHEREAS by the Act (Local) of the Fifty-first Year of the Reign of His Majesty King *George* the Third, Chapter Thirty-five, intituled *An Act for widening, paving, improving, and keeping in repair the Streets, Lanes, and other Passages in the Royal Burgh of* Kirkcaldy *in the County of* Fife, *for the better supplying the Inhabitants thereof with Water, and for other Purposes of Utility to the said Burgh,* Trustees were appointed for effecting the Ends and Purposes of the said Act and carrying the same into execution, and the Trustees proceeded to put the said Act into execution, and Waterworks were constructed and maintained: And whereas the present Supply of Water is insufficient for the Requirements of the Royal Burgh of *Kirkcaldy*, and in the other Portions of the Parliamentary Burgh of *Kirkcaldy* there is no adequate Supply of Water: And whereas the Parliamentary Burgh of *Dysart* is immediately adjacent to the Parliamentary Burgh of *Kirkcaldy*, and is without an adequate Supply of Water: And whereas, having regard to the Wants and Conveniences of the increasing

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Population, Trade, and Manufactures of the said Parliamentary Burghs and Suburbs and Places adjacent, it is expedient that an ample Supply of Water should be provided for the said Burghs and Suburbs and Places adjacent, and that such Supply should be effected by and placed under the Control, Regulation, and Management of Commissioners for carrying this Act into execution, and that the Waterworks and other Property and Rights and Privileges vested in or belonging to the Trustees under the said recited Act or their Predecessors, in so far as regards the Supply of Water, should be vested in said Commissioners: And whereas such several and other relative Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Kirkcaldy and Dysart* Waterworks Act, 1867."

8 & 9 Vict. c. 19. 10 & 11 Vict. cc. 16. & 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 93. incorporated.

2. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Commissioners Clauses Act, 1847," (with the Exception of the Clauses and Provisions with respect to the following Matters, that is to say, with respect to the Qualification of Commissioners, with respect to the Election and Rotation of the Commissioners where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, with respect to the Accounts to be kept by the Commissioners, and also with the Exception of Clauses 84, 86, and 87,) "The Waterworks Clauses Act, 1847," (except the Provisions with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit,) and "The Waterworks Clauses Act, 1863," are, except in so far as varied or modified by this Act, incorporated with and form Part of this Act,

Interpretation Clause.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partly incorporated herewith shall have the same respective Meanings, unless otherwise provided, or there be something in the Subject or Context repugnant to such Construction:

The Word "Sheriff" shall mean the Sheriff of the County of *Fife*, or any One of his Substitutes:

The Expression "the Undertaking" when used in this Act shall comprehend not only the Works by this Act authorized to be constructed, but also the Property and Works of the Trustees under the recited Act, or their Predecessors in Office, by this

Act

Act vested in the Commissioners, and also such other Property and Works as may be acquired by the Commissioners under the Provisions of this Act.

Number of Commissioners.

4. The Number of Commissioners for the Purposes of this Act shall be Twenty-six.

Incorporating Commissioners.

5. The Commissioners shall be a Body Corporate, under the Name and Style of "the Waterworks Commissioners of *Kirkcaldy* and *Dysart*," with perpetual Succession and a Common Seal, and shall have Power to sue and be sued, and to purchase, take, hold, and dispose of Lands and other Property for the Purposes of this Act, and have all the other Powers and Privileges of a Body Corporate.

First Commissioners.

6. The Provost, Bailies, Treasurer, and Dean of Guild of the Royal Burgh of *Kirkcaldy* for the Time being, the Provost and Bailies of the Royal Burgh of *Dysart* for the Time being, *Thomas Meldrum Hendry*, *John Main*, *Robert Heggie*, *Robert Douglas* Engineer, *John Findlater*, *John Key*, *Robert Lockhart*, *David Stenhouse*, *Robert Nairn*, *Thomas Kay*, *Thomas Speedie* Manufacturer, *James Galloway* of *Gallatown*, *David Grinton*, *Alexander Swan*, *Robert Herriot*, *Charles Ramsay*, *John Thomson Stocks*, and *John Neil M'Leod* shall be and they are hereby appointed the First Commissioners for putting this Act into execution.

Future Commissioners.

7. The future Commissioners for the Purposes of this Act shall be the Provost, Bailies, Treasurer, and Dean of Guild of the Royal Burgh of *Kirkcaldy* for the Time being, the Provost and Bailies of the Royal Burgh of *Dysart* for the Time being, and Eighteen other Persons rated for "the domestic Water Rate" and "the public Water Rate," or either of them, as herein-after mentioned, elected in the Manner herein-after provided.

Rotation of elective Commissioners.

8. Upon the Second *Tuesday* of *November* next ensuing after "the domestic Water Rate" and "the public Water Rate" herein-after mentioned shall have been first made and assessed under the Provisions of this Act, and upon the Second *Tuesday* in the Month of *November* in each succeeding Year, Six of the Commissioners other than the Provost, Bailies, Treasurer, and Dean of Guild of the Royal Burgh of *Kirkcaldy*, and other than the Provost and Bailies of the Royal Burgh of *Dysart*, shall go out of Office by Rotation; and the First Commissioners hereby appointed shall at their First Meeting after the passing of this Act determine the Rotation by which such of their Number as are not Commissioners *ex officio* shall go out of Office; and no Commissioner to be elected by the Ratepayers in manner herein-after provided shall remain in Office longer than Three Years without being re-elected.

9. Every

Commissioners going out of Office by Rotation may be re-elected.

9. Every Commissioner going out of Office by Rotation may be re-elected, and after such Re-election he shall, with reference to going out of Office by Rotation, be considered as a new Commissioner.

Persons qualified to be elective Commissioners.

10. Every Person rated under this Act for "the domestic Water Rate" and "the public Water Rate" herein-after mentioned, or either of them, in respect of any House or other Premises of the yearly Rent or Value of Eight Pounds at the least, and who shall have paid all Rates due and payable by him under this Act at or before the Term of *Whitsunday* preceding his Election, shall be qualified to be elected a Commissioner by the Ratepayers under this Act; Provided always, that if Two or more Persons be jointly rated in respect of any Property, each of such Persons shall be eligible to be chosen a Commissioner, provided the Property in respect of which such Persons are rated be of a rateable yearly Value which, when divided by the Number of Persons so rated, will give to each a sufficient rateable yearly Value according to the Provisions of this Act; provided also, that the same Property shall not at the same Time give a Qualification as Commissioner to one Person as the Owner and to another as the Occupier thereof; provided farther, that if any Person elected by the Ratepayers shall afterwards become a Commissioner *ex officio*, or shall cease to possess the Qualification herein-before provided, he shall cease to be an elective Commissioner.

Election of Commissioners by Ratepayers.

11. The Ratepayers qualified as herein-after mentioned shall upon the Second *Tuesday* in the Month of *November* next ensuing after "the domestic Water Rate" and "the public Water Rate" herein-after mentioned shall have been first made and assessed under the Provisions of this Act, and upon the Second *Tuesday* in the Month of *November* in each succeeding Year, and on such Notice and at such Place or Places and between such Hours as the Commissioners may from Time to Time appoint, elect Six Persons to be Commissioners under this Act in place of the Commissioners who shall at each such Date go out of Office by Rotation under the Provisions of this Act.

Division of Districts into Wards for Purposes of Election.

12. For the Purpose of providing for the Election of elective Commissioners in the Place of the Commissioners who shall go out of Office by Rotation, the District within the Limits for compulsory Supply herein-after mentioned shall be divided into Three Wards; *videlicet*, the First Ward shall embrace the Royal Burgh of *Kirkcaldy* and such Part of the Parish of *Kirkcaldy* as is situated within the said Limits, the Second Ward shall embrace such Parts of the Parishes of *Abbotshall* and *Kinghorn* as are situated within the said Limits, and the Third Ward shall embrace the Royal Burgh of *Dysart* and such Part of the Parish of *Dysart* as is situated within the said Limits.

13. The

Number of Commissioners for each Ward.

13. The Commissioners to be elected in the Place of the Commissioners who shall go out of Office by Rotation shall be elected by the said Wards as follows; *viz.*, Two by the First Ward, Two by the Second Ward, and Two by the Third Ward.

Qualification of Ratepayers to elect Commissioners, and Scale of Voting.

14. Every Person rated under this Act for "the domestic Water Rate" and "the public Water Rate" herein-after mentioned, or either of them, in respect of any House or other Premises of the yearly Rent or Value of Eight Pounds at the least, and who shall have paid all Rates due and payable by him under this Act at or before the Term of *Whitsunday* preceding the Election, shall be qualified to vote in the Election of Commissioners to be elected by the Ratepayers under this Act, and every such Person shall have respectively the same Number and Proportion of Votes according to the Scale following; (that is to say,) if the House or other Premises in respect of which he is entitled to vote be of a rateable Value of Eight Pounds and less than Ten Pounds he shall have One Vote, if such rateable Value amount to Ten Pounds and be less than Twenty Pounds he shall have Two Votes, if it amount to Twenty Pounds and be less than Forty Pounds he shall have Three Votes, if it amount to Forty Pounds and be less than Sixty Pounds he shall have Four Votes, if it amount to Sixty Pounds and be less than Eighty Pounds he shall have Five Votes, if it amount to Eighty Pounds and be less than One hundred Pounds he shall have Six Votes, and if it amount to or exceed One hundred Pounds he shall have Eight Votes; and the Commissioner presiding at each Election shall be the Judge of the Qualification to vote, and of the Number and Proportion of Votes of every such Person, and his Decision thereon shall be final.

Electors to vote in Wards where their Property Qualification is situate, but not to vote for more than One Ward.

15. Every Person entitled to vote in the Election of Commissioners shall vote for Commissioners for that Ward only wherein the Property or Part thereof in respect of which his Name appears in the Rate Book is situate, and if any Person be rated in respect of Property situate in more than One Ward he may vote for Commissioners for any One of such Wards, but having so voted he shall not afterwards at the same Election vote for a Commissioner for any other Ward, and any Vote so afterwards given by him shall be void.

Presiding Officers at Elections.

16. The Commissioners shall from Time to Time appoint for each of the Wards one of their own Number to be the presiding Officer at the Election for such Ward, and such presiding Officer shall declare the Name of the Person or Persons elected, and his Declaration and Decision thereon shall be final; and in case of an Equality in the Number of Votes for any Two or more such Persons, the presiding

Officer shall, if necessary to prevent an Excess in the Number of Commissioners, decide by Lot which of such Persons shall be elected.

Manner of proceeding if any Person is elected a Commissioner in more than One Ward.

17. If any Person be elected a Commissioner in more than One Ward, he shall within Three Days after Notice thereof choose, or in default thereof the Commissioners at their next Meeting shall declare, for which One of the Wards such Commissioner shall serve, and he shall thereupon be held to be elected in that Ward only which he shall so choose, or which the Commissioners shall so declare, and shall be held to decline to be a Commissioner for any other Ward.

Declaration to be made by Commissioners before acting.

18. No Person to be elected by the Ratepayers under this Act shall be capable of acting as a Commissioner, except in administering the Declaration herein-after mentioned, until he shall have made and signed before One of the Commissioners a Declaration to the Effect following:

'I *A.B.* do solemnly declare that I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of "The Kirkcaldy and Dysart Waterworks Act, 1867," and also that I [*here set forth a Statement of the Possession of the Qualification required*].'

Party making false Declaration guilty of Perjury.

19. Any Person who shall falsely or corruptly make and subscribe the Declaration aforesaid, knowing the same to be untrue in any material Particular, shall be deemed guilty of Perjury.

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

20. If any Commissioner to be elected by the Ratepayers under this Act shall intimate to the Clerk in Writing that he refuses to accept of the Office of Commissioner, or if any such Commissioner shall for the Period of Six Months at any One Time neglect to attend or abstain from attending the Meetings of the Commissioners (such Commissioner not being prevented by reasonable Cause, to be allowed by the Commissioners at any of their Meetings), or shall intimate to the Clerk in Writing that he resigns his Office of Commissioner, every such Intimation or Non-attendance shall be taken and held to be a Refusal to act, and he shall cease to be a Commissioner after such is minuted by the Commissioners.

Election of Commissioner for Party declining or ceasing to be one.

21. If any Commissioner not a Commissioner *ex officio* shall decline to accept, or shall die, resign, or cease to be a Commissioner from any other Cause than going out of Office by Rotation, or if any such Commissioner shall become a Commissioner *ex officio*, the remaining Commissioners, if they think fit, may at any Meeting of

of the Commissioners after the happening of such Declinature or Vacancy elect another Commissioner in his Place, and any Commissioner so elected shall continue in Office for such Time only as the Person in whose Place he is elected would have been entitled to continue in Office.

Penalty on Party acting as Commissioner being incapacitated, &c.

22. Every Person to be elected by the Ratepayers under this Act who shall act as a Commissioner, being incapacitated or not duly qualified to act, or before he has made and signed such Declaration as aforesaid, or after having become disqualified, or after ceasing to be a Commissioner, shall for every such Offence be liable to a Penalty of Fifty Pounds.

Commissioner not incapable of acting as a Justice.

23. A Person shall not be incapable of acting as a Justice of the Peace in the Execution of this Act or the Acts wholly or partly incorporated herewith, with reference to the imposing or levying of any Penalty thereunder, by reason of his being a Commissioner.

Quorum and Chairman of Meetings of Commissioners.

24. At all Meetings of the Commissioners Five shall be a Quorum, and at every Meeting the Provost of the Royal Burgh of *Kirkcaldy* for the Time being, and in his Absence the Provost of the Royal Burgh of *Dysart* for the Time being, shall be Chairman; and if at any Meeting of the Commissioners neither of the Provosts be present, One of the Commissioners present shall be elected Chairman of such Meeting by the Majority of the Votes of the Commissioners present at such Meeting, or by Lot among such Commissioners in the event of their Votes being equal.

Place for Meetings of Commissioners, and how Special Meetings convened.

25. The Commissioners shall hold their Meetings within their ordinary Place of Business, or within the Town Hall or Council Chambers of *Kirkcaldy*, or at or within such Place as they may from Time to Time appoint, and any Three Commissioners may require a Special Meeting of the Commissioners to be held.

Extracts from Minute Books to be Evidence.

26. A Copy of or Extract from the Minutes or Minute Book of the Commissioners, authenticated by the Signature of the Clerk, shall be received as Evidence in all legal or other Proceedings in the same Way and to the same Effect as the original Minutes or Minute Book themselves.

Waterworks of Kirkcaldy Burgh Trustees vested in Commissioners.

27. On and after the Date when Water shall be introduced within the Limits for compulsory Supply herein-after mentioned by means of the Reservoirs and other Works herein-after authorized to be made, all Rights to Water and to collect and convey Water, and all Springs, Streams, Reservoirs, Dams, Ponds, Filters, Cuts, Aqueducts, Leads, Pipes, Cocks, Wells, Cisterns, Fountains, Machinery, and Lands

Lands and Buildings, and other Works of every Description for collecting, storing, filtering, and supplying Water, and all Rights and Privileges of whatever kind in relation thereto, vested in or belonging to the Trustees acting under the herein-before recited Act, or their Predecessors in Office, in any Manner of way, shall vest in and be the Property of the Commissioners, and, subject to the Provisions of this Act, shall form Part of the Undertaking of the Commissioners, and may be held, used, and disposed of by them for the Purposes of this Act; and the Provisions of this Act and the Acts incorporated herewith shall be applicable to the said Waterworks and others in the same Manner and to the same Effect as if the said Waterworks and others had been authorized by this Act.

Conveyances, &c. granted to Trustees to remain in force.

28. On and after the Date foresaid all Feu Contracts, Feu Charters, Leases, Dispositions, Conveyances, Bonds, Securities, Contracts, Agreements, and Obligations granted, made, or entered into in favour of or with the said Trustees or their Predecessors, in so far as regards the Supply of Water, and all Decrees, shall remain in full Force and Effect, and shall be available to the Commissioners in the same Manner as the same were or might have been available to the said Trustees or their Predecessors before the said Date.

Commissioners to make Trustees Compensation.

29. The Commissioners shall make such Compensation to the said Trustees for their Rights, Privileges, and Property as aforesaid as may be agreed on between them, or as, in case of Difference, may be fixed and determined in the Manner prescribed by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, regard being had to the whole Circumstances of the Case; and such Compensation shall be applied by the Trustees in or towards Payment of all Sums of Money that may have been borrowed by them under the Provisions of the recited Act, and of any Debts due by them in respect of the Water Supply.

Debts and Liabilities of Trustees as regards Waterworks made Burdens on Commissioners.

30. On and after the Date foresaid all Mortgages, Bonds, Securities for Money, Conveyances, Contracts, Agreements, and Obligations granted, made, or entered into previous to said Date by the said Trustees or their Predecessors in favour of or with any Person or Persons whomsoever in so far as regards the Supply of Water, and all Liabilities arising out of the same, or the Provisions in the said recited Act relating to the Supply of Water, and all Debts owing by the said Trustees at said Date in so far as relates to the Supply of Water, shall, subject to the Provisions for Relief herein-after contained, be enforceable against and recoverable from the Commissioners by such Person or Persons, and shall be chargeable and charged upon the Property vested in the Commissioners in virtue of this Act, and the

the several Rates to be levied by them under the Provisions hereof, and shall remain in full Force and Effect, and be and continue valid in Law and available in all Courts of Law and Equity, until the same be fully satisfied, performed, and discharged: Provided always, that nothing herein contained shall prejudice or affect any other Security which any Mortgagee or Creditor may hold for Payment of their respective Debts or the Liability of the said Trustees therefor.

Actions not to abate.

31. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced on or before the Date foresaid by or against the said Trustees or their Predecessors in so far as regards the Supply of Water shall abate or be discontinued or be prejudicially affected by such Transference to the Commissioners, but all such Actions, Suits, Prosecutions, and other Proceedings shall continue and take effect in such and the like Manner as the same would have continued and taken effect as if such Transference had not been made; and all Penalties by reason of any Offence against the Provisions of the recited Act on or before the Date foresaid may be sued for by the Trustees, and all Offences which may have been committed on or before said Date against the Provisions of the said recited Act in so far as regards the Supply of Water may be prosecuted by the Trustees, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted if such Transference had not been made.

Proceedings under recited Act saved.

32. On the Property and Works connected with the Supply of Water becoming vested in the Commissioners under the Provisions of this Act, everything before that Time done or suffered in relation thereto under the recited Act shall be as valid as if such Transfer had not been made, and such Transfer shall accordingly be subject and without Prejudice to anything so done or suffered, and to all Rights, Liabilities, Claims, and Demands which, if the said Transfer had not been made, would be incident to or consequent on any and every thing so done or suffered under the said Act; and with respect to all such Rights, Liabilities, Claims, and Demands, the Commissioners shall to all Intents and Purposes represent the said Trustees: Provided always, that the Generality of the Provisions contained in this Enactment shall not be confined or restricted by any special Provision contained in this Act.

Commissioners to have Relief against Trustees.

33. The Commissioners shall have Relief against the said Trustees for and in respect of all Mortgages, Bonds, Securities, and Obligations for Money granted, made, or entered into by the said Trustees or their Predecessors, and of all Debts and Sums of Money they may pay or be liable for under the foregoing Provisions, and of Interest thereon from the Time of Disbursement, and of all Obligations and Liabilities of every kind they may fulfil and discharge or be called

on to fulfil or discharge, and of all Costs and Charges, Loss, or Damage they may pay, incur, or sustain under or in respect of the Provisions herein-before contained, and the said Trustees shall relieve the Commissioners of the same accordingly: Provided always, that all annual or other periodical Payments or Burdens that may be payable for or leviable from the Works and Property vested in the Commissioners under the Provisions of this Act for the Time from and after the Date when, under the Provisions of this Act, the said Works and Property shall vest in the Commissioners, shall be paid by them, and that they shall have no Relief therefor from the said Trustees.

Recited Act partially repealed.

34. On the foresaid Date the Provisions contained in the said recited Act, in so far as regards the Supply of Water, and all the Powers thereby conferred on the Trustees under the same in relation to said Supply, shall be and the same are hereby repealed, subject to the Provisions of this Act: Provided always, that, except to the Extent foresaid, the said recited Act shall remain in full Force and Effect in the same Manner and to the same Extent as if this Act had not been passed: Provided also, that the said Trustees may continue to exercise the Powers conferred on them by the said recited Act of raising and levying the same Rate or Assessment as now raised and levied, but so as such Rate or Assessment shall not exceed One Shilling Sterling in the Pound *per Annum* for the other or remaining Purposes of the said recited Act.

Power to make Works according to deposited Plans.

35. Whereas Plans and Sections describing the Lines, Situations, and Levels of the Works to be constructed under the Authority of this Act, and of the Acts wholly or partly incorporated herewith, and the Lands, Waters, and Streams proposed to be taken for the Purposes thereof, with a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, Waters, and Streams, have been deposited with the Principal Sheriff Clerk at *Cupar* of the County of *Fife*: Therefore, subject to the Provisions of this Act, the Commissioners may make and maintain in the Lines and Situations and according to the Levels shown on the said deposited Plans and Sections the Works herein-after described, with all necessary Embankments, Dams, Weirs, Sluices, Catchwater Drains, Culverts, Cuts, Tunnels, Bridges, Roads of Access, Gauges, Houses, Buildings, and all other Works and Conveniences whatsoever in connexion therewith, and may enter upon, take, and use such of the Lands, Waters, and Streams delineated on the said Plans and described in the said Book of Reference as may be required for that Purpose.

36. The

Description of Works.

36. The Works herein-before referred to and authorized by this Act are,—

First, an Aqueduct, Conduit, or Cut (partly covered and partly open) commencing in the Parish of *Falkland* in a Stream or Watercourse on the Northern Side of the Stream or Burn called *Lothrie Burn*, of which it is a Tributary or Affluent, at a Point Fifty-six Yards or thereby Southward from the Farmsteading of *Little Ballo*, and terminating in the Parish of *Leslie* by a Junction with the intended *Drumain* Reservoir, herein-after secondly described, at a Point Six hundred and fifty Yards or thereby in a Northerly Direction from the Farmsteading of *Holl*, which intended Aqueduct, Conduit, or Cut will be situate in or pass from, in, through, or into the said Parishes of *Falkland* and *Leslie* and County of *Fife*:

Secondly, a Reservoir (herein-after called *Drumain* Reservoir) situate on a Stream or Watercourse on the West Side of the said Stream or Burn called *Lothrie Burn*, of which it is a Tributary or Affluent, and on Portions of the Lands of *Drumain* and *Holl*, the Western End of which intended Reservoir will be Five hundred and thirty Yards or thereby in a North-westerly Direction from *Holl* Farmsteading, and the Eastern End Six hundred and twenty Yards or thereby in a Northerly Direction from the same Steading; as also a Spillwater, Cut, or Byewash commencing in the said last-mentioned Tributary or Affluent of *Lothrie Burn* at a Point Five hundred and sixty Yards or thereby in a North-westerly Direction from *Holl* Farmsteading, and terminating by a Junction with *Lothrie Burn* at a Point Five hundred and sixty Yards or thereby in a Northerly Direction from the same Steading; and also an Aqueduct, Conduit, or Cut commencing by a Junction with the said intended *Drumain* Reservoir at a Point Four hundred and sixty-three Yards or thereby in a Northerly Direction from *Holl* Farmsteading, and terminating at a Point Three hundred and eighty Yards or thereby in a Northerly Direction from the same Steading; together with Tanks or Cisterns and Filtering Apparatus on the said Lands of *Holl* at or near the last-mentioned Point in connexion with and at the Termination of the said last-mentioned Aqueduct, Conduit, or Cut; which intended Reservoir, Spillwater, Cut, or Byewash, Aqueduct, Conduit, or Cut, and Tanks or Cisterns and Filtering Apparatus, will be wholly situate in the Parish of *Leslie* and County of *Fife*:

Thirdly, a Reservoir (herein-after called *Ballo* Reservoir) situate on the said Stream or Burn called *Lothrie Burn*, and on Portions of the Lands of *Easter Ballo*, *Little Ballo*, *Wester Glasslie*, *Drumain*, and *Little Balgothrie*, the Northern End of which intended Reservoir will be One hundred and thirty Yards or thereby in a South-

South-easterly Direction from *Little Ballo* Farmsteading, and the Southern End of which will be Three hundred Yards or thereby in a Westerly Direction from *Little Balgothrie* Farmsteading, which intended Reservoir will be situate in the Parishes of *Leslie* and *Falkland* and County of *Fife*:

Fourthly, an Aqueduct, Conduit, or Cut commencing by a Junction with the said intended *Ballo* Reservoir at a Point Five hundred and twenty Yards or thereby Westward from *Little Balgothrie* Farmsteading, and terminating by a Junction with the Aqueduct, Conduit, or Cut herein-before first described at a Point Six hundred and sixty Yards or thereby in a Northerly Direction from *Holl* Farmsteading; and also a Spillwater, Cut, or Byewash commencing by a Junction with the intended *Ballo* Reservoir at a Point One hundred Yards or thereby in a South-westerly Direction from the Bridge on *Drumain* Farm called the *Star Wheel Bridge*, and terminating by a Junction with *Lothrie Burn* at a Point One hundred and fifty Yards or thereby in a Southerly Direction from the said Bridge; which Aqueduct, Conduit, or Cut, and Spillwater, Cut, or Byewash, will be wholly situate in the Parish of *Leslie* and County of *Fife*:

Fifthly, a Main Pipe commencing in the Parish of *Leslie* by a Junction with the intended Tanks or Cisterns herein-before secondly described at a Point Two hundred and ninety-three Yards or thereby in a North-westerly Direction from *Holl* Farmsteading, and terminating in the Parish of *Dysart* by a Junction with an intended distributing Reservoir herein-after sixthly described at a Point Fifty-three Yards or thereby Eastward from *Carberry* Farmsteading, which Main Pipe will be situate in or pass from, in, through, or into the Parishes of *Leslie*, *Kinglassie*, and *Dysart*, in the County of *Fife*, or some of them; and also a Diversion of *Lothrie Burn* commencing at a Point Twenty-five Yards or thereby Eastward from the Point where the Road or Drove Road leading from *Strathendry Avenue* to *Little Balgothrie* is intersected by *Lothrie Burn*, and terminating at a Point Ninety Yards or thereby in a South-easterly Direction from the said Point of Intersection, which Diversion will be situate wholly in the Parish of *Leslie* and County of *Fife*:

Sixthly, a distributing Reservoir situate on the Farm of *Carberry*, the Western End of which will be Fifty-three Yards or thereby in an Easterly Direction from *Carberry* Farmsteading, and the Eastern End of which will be One hundred and ninety Yards or thereby in an Easterly Direction from the same Farmsteading, which distributing Reservoir will be wholly situate in the Parish of *Dysart* and County of *Fife*:

Seventhly, a Main Pipe commencing by a Junction with the West End of the said intended distributing Reservoir herein-before sixthly

sixthly described, and terminating in the Turnpike Road leading from *Kirkcaldy* to *Cupar-Fife* at a Point Thirty Yards or thereby Northward from the Centre of the Turnpike Road Bridge which crosses the *North British* Railway at or near the *Sinclairtown* Station of said Railway by a Junction with intended Branch distributing Pipes for supplying Water to the Parliamentary Burghs of *Kirkcaldy* and *Dysart* and Suburbs and Places adjacent, the Harbours of *Kirkcaldy* and *Dysart*, and Shipping frequenting the same, which Main Pipe will be wholly situate in the Parish of *Dysart* and County of *Fife*.

Power of Deviation in constructing Works.

37. In constructing the Works by this Act authorized it shall be lawful for the Commissioners to make lateral Deviations from the Line of such Works to the Extent delineated on the said Plans, and to make vertical Deviations from the Levels of the various Works as shown on the said Sections to any Extent not exceeding Five Feet, and in the Case of Reservoirs to any Extent not exceeding Three Feet.

Power to take Waters of Lothrie Burn and its Tributaries and Affluents.

38. It shall be lawful for the Commissioners to take, collect, and divert into the said intended *Ballo* Reservoir and *Drumain* Reservoir, both or One of them, and in said Reservoirs, both or One of them, to impound and store up, the Waters of the said Stream called *Lothrie Burn*, and Tributaries and Affluents of the same, and by means of their Aqueducts, Reservoirs, and other Works to convey, appropriate, and use the said Waters for the Purposes of this Act.

Compensation Water in Lothrie Burn, and Provisions for Gauges.

39. As Compensation to the Owners and Occupiers of Lands, Mills, and Manufactories, and all other Persons interested in the Waters of the *Lothrie Burn* and its Tributaries and Affluents, and the Streams into which they flow, the Commissioners shall cause to be discharged from the foresaid *Ballo* Reservoir into the Channel of the *Lothrie Burn*, for the Use and Behoof of the said Parties continuously, Seven hundred and fifty Gallons of Water *per* Minute during each of the Twenty-four Hours of every Day of every Year; and the Commissioners shall erect and construct and for ever maintain proper and sufficient measuring Gauges over or through which the said Quantity of Water from the said Reservoir for the Supply of the said *Lothrie Burn* shall flow or be discharged, and shall make and maintain such other Works as shall be necessary for the Regulation of the said Supply of Water to the said Stream; and if any Dispute arise as to the Fulfilment by the Commissioners of the Obligation imposed upon them by this Section the same shall be determined by the Sheriff, and the Decree of the said 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.

Construction and Inspection of Reservoirs.

40. The Commissioners shall be bound to construct the said Reservoirs and all the Works connected therewith in a solid, substantial, secure, and workmanlike Manner, and the Right Honourable *Henrietta Anderson Morshead* Countess of *Rothes*, and her Heirs and Successors, shall be entitled at all reasonable Times, by themselves or other proper Persons employed by them, to inspect the Embankments, Outlets, Sluices, and all other Works of and connected with the said Reservoirs, both during the Construction and after the Completion thereof, and the said Countess of *Rothes*, and her Heirs and Successors, shall be entitled to have the said Works inspected from Time to Time during the Construction thereof, and also at the Completion thereof, by a competent Civil Engineer to be mutually agreed upon between her or them and the Commissioners, or, failing such Agreement, to be appointed by the Sheriff of the County of *Fife* on Application of either Party, to ascertain that the Works authorized by this Act are being and have been so executed as to secure Safety, and the Commissioners shall be bound to execute the Works in such Manner as such Engineer shall direct so as to secure Safety as aforesaid, and to provide Waste Weirs Fifty Feet wide for the said *Ballo* Reservoir, and Twelve Feet wide for the said *Drumain* Reservoir; and all the reasonable Expenses attending such Inspection or in reference thereto incurred by the said Countess of *Rothes*, or her Heirs or Successors, shall be paid by the Commissioners.

Person in charge to reside near Reservoirs.

41. The Commissioners shall place and keep a proper Person or Persons in charge of the said Reservoirs, who shall reside near the said Reservoirs.

Water not to be taken for Supply till Reservoir completed and filled.

42. The Commissioners shall not take or convey any Water from the *Lothrie Burn* or the Tributaries thereof for the Supply of *Kirkcaldy* and *Dysart* until the *Ballo* Reservoir is completed and filled with Water, unless with the Consent in Writing of the said Countess of *Rothes*, or her Heirs or Successors, first had and obtained.

Payment of Damages to the Countess of Rothes

43. The Commissioners shall be bound to make good to the said Countess of *Rothes* and her Heirs and Successors from Time to Time all Damages which may be occasioned to her or them by reason or in consequence of any bursting or Flood or Escape of Water from any Reservoir, Aqueduct, or Pipe, or other Work connected therewith, which may be constructed or laid by the Commissioners, and the Right to claim Payment of such Damages and Expenses shall

not

not be lessened by the Powers conferred by this Act as regards Inspection and seeing to the Sufficiency of the Works, either during the Construction or at the Completion thereof, or by anything that shall have been done under or in consequence of these Powers.

Increased or additional Pipe may be laid on the Estate of the Countess of Rothes.

44. The Commissioners may lay in and through the said Estate of the said Countess of *Rothes* a Main Pipe of increased Size, or One additional Main Pipe, for conveying the Water of the Reservoirs authorized by this Act to be taken and stored, on Payment of Surface Damages for such Operation, together with the whole reasonable Expenses therewith connected, but the Commissioners shall have no Power to increase their Reservoirs or add to the Number thereof, or raise the Embankments of the Reservoirs, or in any way bring through the Lands of the said Countess of *Rothes* other or more Water than that supplied by their Works to be constructed under this Act, without an Agreement in Writing between them and the said Countess, or her Heirs and Successors, or new statutory Powers.

Inspection of Gauge for Compensation Water.

45. The Gauge for measuring the Compensation Water shall be under the Care of the Person employed by the Commissioners to take charge of the Reservoirs, and the said Countess of *Rothes* and her Heirs and Successors, and her and their Agents, shall at all Times by Night or Day have Access to such Gauge, and shall have Power to examine and inspect the same, and shall receive all requisite and proper Facilities, including the Assistance of such Person in charge, for examining such Gauge and testing the Efficiency thereof, and that without any Expense to the Party examining.

As to Discharge of Compensation Water.

46. If at any Time the Commissioners shall not cause to be discharged from the said *Ballo* Reservoir into the Channel of the *Lothrie Burn* as Compensation Water the full Quantity of Seven hundred and fifty Gallons *per* Minute herein-before specified, they shall be bound and obliged immediately on the Requirement of the Countess of *Rothes*, or of her Heirs or Successors, or of her or their Agent, to prevent any Water from passing into the *Drumain* Reservoir or into the Pipes or other Works for Transmission to *Kirkcaldy* and *Dysart* unless and until the said prescribed Discharge of Compensation Water is restored.

Supply of Water to Leslie House.

47. The Commissioners shall give at and from their Main Pipe to the Mansion House and Offices of *Leslie* and *Leslie Mains* belonging to the said Countess of *Rothes*, by means of a Service Pipe to be furnished, laid, and maintained at the Expense of the said Countess of *Rothes*, or her Heirs and Successors, a Supply of Water for the Owners and Occupiers thereof of Five hundred Gallons *per* Day, and that gratuitously and free of any Rent or Charge whatsoever, in all

Time

Time coming; and the said Supply of Water may be taken and used by the said Owners and Occupiers in such Way or Manner as they think proper; and the Supply Pipe shall be taken off the Main Pipe at such Point as efficiently to supply the highest Parts of *Leslie* House and Offices.

Supply of Water on the Estate of the Countess of Rothes.

48. The Commissioners shall supply Water to the said Countess of *Rothes* and her Heirs and Successors, and to her or their Tenants and Feuars, from such Points of their Main Pipe as the said Countess of *Rothes*, or her Heirs and Successors, may from Time to Time require, to any Houses or Places within Six Furlongs of the Main Pipe, and that both for domestic and for other Purposes, on the same Terms and Conditions, and subject to the same Provisions in all respects, and for the same Rates of Payment, as shall for the Time and from Time to Time be ordinarily imposed and received by the Commissioners for the like Supply and for similar Purposes to Persons within the Limits of this Act, but beyond the Limits of compulsory Supply as herein defined.

Settlement of Claims of the Countess of Rothes for Compensation and Damages.

49. All Claims of Compensation for Land taken or used and for laying Pipes or constructing Works within or upon the Estate of the said Countess of *Rothes*, and all Claims of her or her Heirs or Successors for Compensation or Damages through Flood or Escape of Water, or flooding or bursting of any of the Reservoirs authorized by this Act, or Works connected therewith, or for altering, enlarging, or increasing the Number of Pipes, or inspecting and repairing Pipes to be laid by the Commissioners, which shall from Time to Time be made by the said Countess of *Rothes*, or her Heirs and Successors, against the Commissioners, and all Questions which may arise in relation thereto, shall be settled by Arbitration in manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845."

For the Protection of the Owners of Lands on which Reservoirs are constructed.

50. The respective Owners of the Lands on which the Reservoirs by this Act authorized are to be constructed, and their Heirs, Successors, and Assigns in the said Lands respectively, shall be entitled to employ at the Expense of the Commissioners such skilled Person or Persons as they may name for the Purpose of securing that the Reservoirs, Gauges, Sluices, Spillwaters, Pipes, Embankments, and others connected with the said Undertaking are properly constructed, and such Owners and their Successors in the said Lands shall have and enjoy the exclusive Right of fishing, shooting, sporting, curling, and skating in or over the said Reservoirs, so far as the same are to be constructed on the Lands of such Owners respectively, and also of keeping and using Boats on the said Reservoirs, but so that the Exercise of such Rights shall not injure the Embankments, Pipes, Sluices, or other Works; and it shall not be lawful for the Commissioners

sioners or any of their Servants, or any Person acting under their Authority by virtue of this Act or otherwise, or any other Person, to enter upon any Part of the Estates of the said Owners for any Purpose, or to exercise any such Rights and Privileges of fishing, shooting, sporting, curling, or skating, or keeping or using Boats, on the said Reservoirs as aforesaid, save and except that the Commissioners or their Engineer, or Persons under their or his Control, may enter upon the said Lands, and may keep and use a Boat while examining and repairing the Works of the Commissioners, but not otherwise, due Compensation being always paid for any Injury done thereby to the Property of the said Owners.

Powers for compulsory Purchase of Land limited.

51. The Powers of the Commissioners for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Works to be completed in Five Years.

52. The Works hereby authorized to be constructed shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers of this Act and the Acts wholly or partly incorporated herewith granted to the Commissioners for executing such Works shall cease to be exercised, except as to so much of the said Works as shall then be 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.

Purchase of additional Lands, &c.

53. It shall be lawful for the Commissioners, in addition to the Lands, Waters, and Streams authorized to be taken or acquired as aforesaid, to purchase by Agreement any Land, not exceeding in Quantity Five Acres, which shall be deemed proper and expedient for the Purposes of this Act, or any of them, and also any such Right (not being a Right of Water, except as after mentioned) in, upon, under, or over Lands as they may think requisite for the Purposes of this Act, and also any Wells or Springs of Water situate at a higher Elevation than the said *Ballo* Reservoir, the Waters of which presently flow into the *Lothrie Burn* at some Point or Points above said Reservoir; and all Persons having Power under "The Lands Clauses Consolidation (*Scotland*) Act, 1845," to sell and convey any Land to the Commissioners shall also have Power to sell and convey to the Commissioners any such Rights in, upon, under, or over such Lands and such Wells or Springs; and the Provisions of the last-mentioned Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to the Purchase of Land by Agreement, and to Feu Duties or Ground

Annuals, shall extend to such Rights, Wells, and Springs, and to Feu Duties or Ground Annuals for the same.

Commissioners to purchase the Waterworks constructed by James Townsend Oswald.

54. And whereas certain Waterworks have been constructed by *James Townsend Oswald*, of *Dunnikier* at and near *Kirkcaldy*, for the Purpose of supplying Water to the Feuars on his Estate and other Inhabitants of the Town of *Kirkcaldy* and Suburbs thereof, which Waterworks are shown and described on the said deposited Plans and Book of Reference: And whereas the said *James Townsend Oswald* has agreed to sell the said Waterworks, and all Rights, Powers, and Privileges in connexion therewith, to the Commissioners for the Sum of One thousand five hundred Pounds, and it is expedient that the Commissioners should be authorized and required to purchase the same: Be it enacted as follows; first, the said *James Townsend Oswald*, or his Heirs or Successors, shall sell and convey to the Commissioners the said Waterworks, including the Reservoirs, Filter House, Conduits, Spillwaters, Main and Distributing Pipes, Machinery and Buildings, and other Works, Streams, Springs, and Water Rights, and all Rights, Obligations, Water Rents, Powers, and Privileges of whatever kind in connexion therewith or pertaining to the said *James Townsend Oswald* in relation thereto, or in respect of the Supply of Water thereby; and the Commissioners shall purchase the said Waterworks and others aforesaid, and shall free and relieve the said *James Townsend Oswald*, and his Heirs and Successors, of and from the Obligations as to Water Supply contained in the Feu Charters or Feu Dispositions granted by the said *James Townsend Oswald* in favour of *James Landale*, *Robert Douglas*, and *Louis Chiffelle*, and in a Lease entered into between him and the Trustees under the recited Act dated the Thirtieth Day of *June* and Fifteenth Day of *July* One thousand eight hundred and fifty-four; second, the Sum of One thousand five hundred Pounds, being the agreed on Price of the said Waterworks, shall be paid by the Commissioners to the said *James Townsend Oswald*, or his Heirs or Successors, on the Eleventh Day of *November* One thousand eight hundred and sixty-eight, upon Delivery by the said *James Townsend Oswald*, or his Heirs or Successors, of a valid and effectual Conveyance, duly stamped, and in which the Consideration is truly stated, in favour of the Commissioners and their Successors and Assignees of the said Waterworks and others; and in the event of Failure on the Part of the Commissioners to pay the said Price as before provided, the same shall bear Interest at the Rate of Five Pounds *per Centum per Annum* from the said Eleventh Day of *November* One thousand eight hundred and sixty-eight until paid; third, the Commissioners shall enter into possession of the said Waterworks and others on the said Eleventh Day of *November* One thousand eight hundred and sixty-eight, and shall from and after that Date be

subject

subject and liable to the Expense of maintaining the said Waterworks and to the foresaid Obligations in the said Feu Charters or Feu Dispositions and Lease; fourth, on Payment of the said Price and Interest thereon (if any), and on such Conveyance as aforesaid of the said Waterworks and others being granted and delivered by the said *James Townsend Oswald*, or his Heirs or Successors, to the Commissioners, the said Waterworks and others shall, subject to the Provisions of this Act and to the foresaid Obligations in the said Feu Charters or Feu Dispositions and Lease, form Part of the Undertaking of the Commissioners, and may be held, used, and disposed of by them for the Purposes of this Act, and the Provisions of this Act and the Acts incorporated herewith shall be applicable to the said Waterworks and others in the same Manner and to the same Effect as if the said Waterworks and others had been authorized by this Act; fifth, the said *James Townsend Oswald*, and his Heirs and Successors, shall have the sole Right of fishing in the Two Reservoirs constructed on his Lands of *Easter Bogie*; sixth, the said *James Townsend Oswald*, and his Heirs and Successors, shall be entitled to work and carry away any Minerals and other Substances in and under the Lands belonging to him through which the said Water Pipes pass, or on which the Distributing Reservoir is situated, on Payment of any Damage which may be thereby caused to the said Pipes or Distributing Reservoir; and any Questions or Differences as to such working or carrying away, or as to any Damage thereby caused to the said Pipes or Distributing Reservoir, shall be determined by Arbiters mutually chosen by the Commissioners and the said *James Townsend Oswald*, or his Heirs or Successors, or by an Oversman to be named by such Arbiters in case of Difference.

Commissioners may enlarge or increase Number of Pipes.

55. The Commissioners may from Time to Time, subject to the Provisions of this Act, enlarge or increase the Number of the Pipes for conveying Water from their Reservoirs, and may also from Time to Time extend the Works, Mains, and Pipes vested in or to be acquired by them under the Provisions of this Act, or any additional Mains and Pipes that may hereafter be constructed and laid by the Commissioners, whenever it shall be necessary for the Purpose of supplying Water under the Provisions of this Act: Provided always, that such Enlargement, Increase, or Extension 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.

Waterworks not required may be disposed of.

56. It shall be lawful for the Commissioners and they are hereby authorized publicly or privately to sell and dispose of the existing Works to be vested in or acquired by them under this Act, or any Part

Part or Parts thereof, and all Rights and Privileges in connexion therewith, or otherwise to take up and remove from Time to Time such of the Reservoirs, Conduits, Pipes, and other Parts of the said Works as may not be required, and publicly or privately to sell and dispose thereof and of such Lands and Property and such Materials and other Things as shall be found unnecessary for the Purposes of this Act, and the Commissioners may apply the Price thereof in Payment of the Works authorized by this Act, or in Extinction of any of the Debts or Obligations of the Commissioners under this Act.

Limits of Act.

57. The Limits of this Act shall comprise and include the Parliamentary Burghs of *Kirkcaldy* and *Dysart*, and Suburbs and Places adjacent thereto within Six Furlongs beyond the Boundaries of said Burghs, as said Boundaries are defined in the Act of the Second and Third *William* the Fourth after mentioned, and also all Places within Six Furlongs on every Side of the Works hereby authorized to be made and maintained; and the Limits described in this Section shall be termed "the Limits of this Act."

Limits for compulsory Supply.

58. The Limits of this Act for the compulsory Supply of Water by the Commissioners shall comprise and include the Parliamentary Burghs of *Kirkcaldy* and *Dysart* within the Limits and Boundaries thereof, as the same are defined and described in an Act passed in the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland, or as the same may from Time to Time be defined and described in any Amendment of the said Act; and the Limits described in this Section shall be termed "the Limits for compulsory Supply."

2 & 3 W. 4. c. 65.

Supply of Water for domestic Use within Limits for compulsory Supply.

59. The Commissioners shall cause Pipes to be laid and Water to be brought throughout all the Streets within the Limits for compulsory Supply, and 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 said Limits, 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 of Water for any private Water Closet or Closets and fixed Bath or Baths in such Dwelling House.

Owners to provide and maintain Service Pipes, &c.

60. For the Purpose of providing for the better Distribution of the Water Supply among the Inhabitants within the Limits for compulsory Supply, it shall be lawful for the Commissioners to require the Owner of any Dwelling House, or Tenement of Dwelling Houses, not

not properly supplied with Water in any Street within 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 Five 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 whatsoever.

Supply of Water for domestic Purposes beyond Limits for compulsory Supply.

61. It shall be lawful for the Commissioners and they are hereby required to 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 whereunto they shall be required by so many Owners or Occupiers of Dwelling 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 the Rate after mentioned 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 where without such Requisition or Agreement the Commissioners shall have laid Mains or other Pipes in Streets or Places beyond the Limits for compulsory Supply, they shall, at the Request of the Owner or

Occupier of any House or Part of a House occupied as a separate Dwelling in such Street or Place situated within Ten Yards of any such Mains or Pipes, 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 at the said Rate after mentioned; provided farther, that the Water to be supplied by the Commissioners under the Provisions of this Section need not be constantly laid on under Pressure.

Commissioners may supply Water for other than domestic Purposes.

62. The Commissioners may furnish to any Person within the Limits of this Act a Supply of Water for Boilers, Steam Engines, and other Machinery, or for 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, where such Horses or Carriages are kept for Sale or Hire, or by a Common Carrier, or for any Trade, Manufacture, or Business, whether carried on in any Dwelling House or in other Premises, or for watering Gardens, or for any ornamental Purpose, or for any other Purpose not domestic, such respective Supplies being so furnished at such Charges and upon such Terms and Conditions as shall be agreed upon between the Commissioners and the Person desiring the same: Provided always, that as far as possible the Charge 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 sufficiently provided before the Commissioners supply Water for any Purpose other than said domestic Purposes.

Pipes and Cisterns to be constructed to prevent Waste and Impurity.

63. Every Pipe, Valve, or Cock, and every Cistern or other Receptacle for Water, and every Closet, Soil-pan, and private Bath, which shall be supplied with Water by the Commissioners, shall be constructed and used to their Satisfaction so as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Pipes or Mains of the Commissioners, or into any Pipes connected or communicating therewith; and the Commissioners shall not be bound to supply Water into any Pipe, Cistern or other Receptacle for Water, Closet, Soil-pan, or private Bath which shall not be so constructed and used.

Water to be supplied to Shipping.

64. The Commissioners shall supply Water to the Shipping frequenting or calling at the Ports and Harbours of *Kirkcaldy* and *Dysart*, such Supplies being furnished at such Rates and upon such Terms and Conditions as shall be agreed upon between the Commissioners and the Persons desiring the same.

65. The

Commissioners to supply Water for sanitary Purposes.

65. The Commissioners shall supply and maintain such a constant Flow of Water along any natural Stream or Watercourse within the Limits for compulsory Supply, and such a constant or occasional Flow in or on the public Sewers or Streets, as shall be requisite for the Health of the Inhabitants within said Limits, and for carrying away the Sewage and Drainage into the Sea, and keeping such Streams or Watercourses, Sewers, and Streets clean; and the Commissioners shall also give a Supply of Water for the Use of such public Baths and Wash-houses as may be erected for charitable and sanitary Purposes, and which Supplies for the several Purposes herein specified shall be furnished by the Commissioners free of Charge.

Public Fountains or Stand Pipes to be put up.

66. The Commissioners shall erect and maintain in convenient Situations within the Limits for compulsory Supply such Drinking Fountains, Drinking Troughs, or Stand Pipes as to them shall seem convenient, and such Fountains, Troughs, or Stand Pipes shall at all Times be kept properly supplied with Water.

Commissioners to estimate annual Sums required.

67. The Commissioners shall be bound and they are hereby authorized 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 to be borrowed or that may be due under the Provisions of this Act, and the Annuity of the Funded Debt, as well as any Sum of Money which shall be set apart and applied each Year as and for a Sinking Fund as herein-after provided, together with the Expense of maintaining and managing the Works, and obtaining and providing and distributing Supplies of Water within the Limits of this Act, and such Salaries, Wages, and other Expenses of any Engineers, Surveyors, Clerks, Collectors, or other Officers or Servants employed by them 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.

68. And in order to raise a Sum of Money sufficient for the Purposes aforesaid it shall be lawful for the Commissioners and they are hereby authorized 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 full annual Value of such Dwelling Houses and Parts of Shops and Buildings, and of any Offices, Gardens, Yards, or Greens belonging thereto or occupied therewith respectively.

69. It

Public Water Rate to be levied.

69. It shall also be lawful for the Commissioners and they are hereby authorized 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 included in the Valuation Roll made up and completed in Terms of the Act or Acts for the Valuation of Lands and Heritages in *Scotland* in force for the Time being a Rate to be called "the public Water Rate," not exceeding Threepence in the Pound of the full annual Value of all such Lands and Heritages: Provided always, that in assessing and levying such public Water Rate the annual Value of all Lands or Premises falling at the Time of each such Assessment within the Description following shall be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the full annual Value thereof; *videlicet*,

First, 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 Lands and Premises within the Limits for compulsory Supply:

Second. All the underground Gas and Water Pipes or underground Works of any Gas or Water Company, or other Body for supplying Gas or Water:

Third. The Docks, Piers, and Quays of the Harbours, Rails, Turn-tables, Steelyards, Cranes, and Sheds constructed thereon, and any Extensions thereof:

Fourth. All Woodland, Arable, Meadow, or Pasture Ground, or other Ground used for agricultural Purposes:

Provided also, that no Person who shall be the Owner or Occupier of any Lands and Heritages shall be liable to be rated to any Rate under this Act in a greater Proportion than according to One Fourth Part only of such annual Value thereof, unless the Mains or other Pipes of the Commissioners shall be laid down and properly supplied with Water within One hundred Feet from the outer Wall, Fence, or Boundary of such Premises; 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 said public Water Rate shall be entitled to deduct from his Rent the public Water Rate so paid by him.

Rate to be levied for Supply of Water for domestic Purposes beyond Limits of compulsory Supply.

70. The Rate leviable by the Commissioners for the Supply of Water for domestic Purposes to any Person beyond the Limits for compulsory Supply, but within the Limits of this Act, shall be equal to the combined Amount of "the domestic Water Rate" and "the public Water Rate" herein-before mentioned levied at the Time by the Commissioners, and shall be levied from the Person receiving the Supply according to the full annual Value of the House or of such Parts of any House or Building occupied by him as a Dwelling House, and

and of any Offices, Gardens, Yards, or Greens belonging thereto or occupied therewith respectively.

Rates to be regulated by annual Expenditure and Provision for Sinking Fund.

71. The Commissioners shall from Time to Time so regulate the Rates to be levied for the Supply of Water under the Provisions of this Act that the Amount of such Rates and other Revenue of the Commissioners shall be sufficient to pay the Interest on Money borrowed or due, and the Annuity of the Funded Debt, together with all the Charges and Expenses specified in this Act, and such further Sum as the Commissioners shall set apart, as herein-after provided, for the Purpose of the Sinking Fund; and if in any Year the Rates imposed shall yield a Sum more than sufficient for the Purposes aforesaid, the Commissioners shall make a corresponding Reduction in the Rates to be in the next Year assessed and levied: Provided always, that the Commissioners shall not be bound under this Act to impose any Rate which shall include a fractional Part of a Penny.

Assessment of Rates.

72. The Commissioners may assess "the domestic Water Rate" and "the public Water Rate" prospectively in order to raise Money to pay Charges and Expenses to be incurred thereafter, or retrospectively in order to raise Money to pay Charges and Expenses already incurred, and all such Rates shall be assessed for the Period from the Fifteenth Day of *May* in each Year to the Fifteenth Day of *May* in the Year following, and all such Rates shall be payable in advance at the Office of the Commissioners on the Fifteenth Day of *May* in each Year, or as soon thereafter as the same shall be demanded.

Surveyors to be appointed.

73. The Commissioners may, if they think fit, annually appoint One or more Surveyors, who shall be sworn by the Provost or acting Chief Magistrate of *Kirkcaldy* to administer their Office faithfully according to their Judgment and Knowledge, and such Surveyors shall, as soon as may be after the Fifteenth Day of *May* in each Year, survey the Houses, Buildings, and other Premises and Property in respect of which the said Rates are authorized to be levied; and a Certificate signed by the Surveyor making such Survey shall be deemed sufficient *primâ facie* Evidence of the full annual Value of the said Houses, Buildings, and other Premises and Property so surveyed by him, or the Commissioners may estimate and fix the annual Value of the said Houses, Buildings, and other Premises and Property as far as may be by the Valuation made up and completed under the Provisions of the Act or Acts for the Valuation of Lands and Heritages in *Scotland* in force for the Time being, and the Valuation so made and adjusted shall be final and binding on all Parties, and shall not be subject to Review or Alteration in any Court.

Commissioners may agree with any

74. It shall be lawful for the Commissioners from Time to Time to agree with any Officers having the Charge and Collection of

Collectors of other Rates.

any other Rates or Assessments within the Limits of this Act for the Assessment and Collection of the several Rates authorized to be made and levied by this Act in such Manner and Form as the Commissioners and such Officers respectively shall mutually determine, with the view to the Assessment and Collection thereof in the most satisfactory and economical Manner.

Unoccupied Premises may be included in Rates.

75. When any Premises in respect of which any Person may be liable to be assessed to "the domestic Water Rate" or "the public Water Rate" under the Provisions of this Act shall at the Time of assessing any such Rate be unoccupied, then and in every such Case it shall be lawful for the Commissioners to include such Premises, describing them in the Column in the Rate Book appropriated to the Name of Occupier as being "unoccupied," and if any Person shall afterwards occupy such Property during any Part of the Period for which such Rate may have been assessed, it shall be lawful for the Commissioners to insert the Name of such Occupier, and to levy from him, or from the Owner if he shall be liable to pay the same, as in this Act provided, such Part of the said Rate as shall be proportioned to the Time during which such Person shall occupy such Property, and every such Person shall thereupon be deemed to all Intents and Purposes to be properly rated, and all such Rates may be levied and recovered from the Person who shall be liable to pay the same under the Provisions of this Act in the same Manner as other Rates assessed under the Provisions of this Act: Provided always, that any such Person whose Name shall be so inserted in such Rate or Book, and such Owner as last aforesaid, may appeal against the same to the Commissioners as provided by this Act: Provided also, that, except as aforesaid, no domestic or public Water Rate shall be payable by any Person whatsoever in respect of unoccupied Premises.

Power to rate the Owners of Houses in certain Cases.

76. The Owners of all Dwelling Houses, or Parts of Dwelling Houses occupied as separate Tenements, the annual Value of which Houses or Tenements shall not exceed the Sum of Four Pounds, shall be liable to the Payment of the domestic Water Rate instead of the Occupiers thereof, and the Powers and Provisions herein contained for the Recovery of the domestic Water Rate from Occupiers shall apply and be construed to apply to the Owners of such Houses and Tenements, and the Person receiving the Rent of any such House or Tenement as aforesaid from the Occupier thereof on his own Account, or as Agent or Factor for any Person interested therein, shall be deemed the Owner of such House or Tenement: Provided always, that the Commissioners shall allow to the Owners of all Dwelling Houses, or Parts of Dwelling Houses occupied as separate Tenements, not exceeding Four Pounds of annual Value, who shall pay the domestic Water Rate authorized to be levied thereon

thereon by this Act, an Abatement of Seven and One Half *per Centum* on the Amount of such Rate paid by such Owner: Provided also, that such Owners shall be entitled to receive from the Occupiers of such Houses the Amount of the Rates payable for their respective Possessions.

Owner may be rated without stating his Name.

77. If the Name of any Owner liable to be rated under the Provisions of this Act shall not, after due Inquiry, be known to the Commissioners or to the Person assessing any Rate, it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Form of Rate and Notice thereof to Ratepayers.

78. Every Rate shall be fairly transcribed in a Book to be kept for that Purpose, and may be in the Form of Schedule (A.) to this Act annexed, or to the same Effect, and every such Rate shall contain an Account of every Particular set forth at the Head of the respective Columns, so far as the same can be ascertained, and Notice shall be given to every Person of the Rate charged upon him, the Place of Payment, and the Date at which such Payment is required to be made, and that he may appeal to the Commissioners against the same within Fourteen Days after such Notice.

Rate to be open to Inspection of Ratepayers.

79. The proposed Rate, immediately after the same is assessed, shall be open to the Inspection of any Person interested or liable to pay such Rate at all reasonable Times, and any such Person may take Copies or Extracts from the Rate Book of the Rate in which he is interested, or for which he is liable, without paying anything for the same; and any Person having the Custody of such Rate Book who refuses or does not permit any Person so interested or rated as aforesaid to take Copies or Extracts in regard to such Rate shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Rates may be amended.

80. The Commissioners may from Time to Time amend any such Rate assessed by virtue of this Act by inserting therein the Name of any Person claiming and entitled to have his Name therein as Owner or Occupier, or by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated if it appear to the Commissioners that such Person shall have been erroneously rated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to make void the Rate: Provided always, that every Person aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in the Rate Book

and

and no such Alteration had been made, and as respects such Person the Rate shall be considered to have been assessed at the Time when he received Notice of such Alteration, and every Person whose Rate is altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Any Person aggrieved may lodge Objections and be heard.

81. If any Person shall consider himself to be improperly or unduly rated, he may within Fourteen Days from the Date of the Notice being given of such Rate lodge with the Collector written Objections signed by him, and the Commissioners, or a Committee named by them, shall proceed on such Days and at such Places as shall be fixed by them, and of which Notice shall be given to such Persons by the Collector not less than Forty-eight Hours previously, to consider such Objections, and shall dispose thereof summarily and without written Pleadings, and the Decision of the Commissioners shall be final.

Second Notice of every Rate to be given to Defaulters.

82. If any Person to whom Notice shall be given by the Collector do not pay the Rates due by him at the Time and Place stated therein, or, in the Case of Appeal, any Rate to which he may be found liable under the same, the Collector, before taking any legal Proceedings for Recovery thereof, shall give a new Notice to such Person requiring him to make Payment thereof within Fourteen Days thereafter.

Recovery of Rates.

83. It shall be lawful for the Collector in his own Name, but on behalf and at the Risk and Expense of the Commissioners, to recover any Arrears of Rates due by any Person, or by any Number of Persons, either according to the ordinary Procedure before any competent Court, or by obtaining from the Sheriff a summary Warrant to recover such Arrears, with the Addition of Ten *per Centum* thereon in lieu of any Costs which have been or may require to be incurred, from the Person or Persons respectively liable in Payment of the same, which Warrant the Sheriff shall grant on Production of an Extract from the Rate Book made up in pursuance of the Provisions herein-before contained of the Entries therein relating to such Person or Persons showing the Amounts respectively due by them, and a Certificate by the Collector that he had given to each such Person or Persons the Second Notice herein-before directed requiring him or them to make Payment of the Amount due by him or them within Fourteen Days thereafter, that the said Period had expired, and that the said Amount had not been paid and was still truly due; and such Warrant shall authorize the Collector to cause any Messenger-at-Arms or Sheriff Officer to enter into the Premises of the Person or Persons so in arrear, and poind, seize, remove to a Place of Safety, or otherwise secure any Goods and Effects therein belonging to such Person or Persons, or so much thereof as will fully satisfy the Arrears due by him or them respectively, with the Addition of Ten *per Centum* thereon

thereon in lieu of Costs, and shall also authorize the Collector, after the Lapse of Four Days, in the event of Nonpayment of the said Arrears and Costs, to cause any Messenger-at-Arms or Sheriff Officer or licensed Auctioneer to sell and dispose of the said Goods and Effects, and shall further authorize the Collector, on receiving Payment of the Price of the said Goods and Effects, to apply the same in Payment of the said Arrears and Addition of Ten *per Centum* thereon respectively due by such Person or Persons, and also in Payment of the Expenses attending the Sale.

Regulating Sales of Effects for Payment of Assessments.

84. Every Sale which shall take place in pursuance of the Provisions herein-before contained shall be conducted by Public Auction, and on such Notice and at such Place as the Sheriff who shall grant the Warrant may direct, or, failing such Directions, as the Collector may fix.

Collector to account for surplus Proceeds of such Sales.

85. The Collector shall account to the Owner of any Goods and Effects which are sold in pursuance of the Provisions herein-before contained for any Surplus which may remain, after applying the Proceeds of Sale in Payment of the said Arrears and Addition of Ten *per Centum* thereon due by him and Expenses of Sale, and shall for a Period of Three Months after the Date of every Sale preserve Evidence of the Amount of such Proceeds.

Providing Appeal against any oppressive Proceedings of Collector.

86. The Owner of any Goods and Effects which shall have been either pointed or sold in pursuance of the Provisions herein-before contained, and who shall consider himself aggrieved by any unjust or oppressive Proceeding on the Part of the Collector, or to whom the Collector has not accounted for any Surplus remaining after applying the Proceeds of Sale in Payment of the Arrears of Assessment and Addition of Ten *per Centum* thereon due by such Owner, and Expenses of Sale, may present a Petition to the Sheriff, and the Sheriff shall thereupon summarily call before him the Collector and such Petitioner, and without written Pleadings shall inquire into and decide any Dispute, Question, or Claim of Damage raised by such Petition, and in addition to the Award of Damages, if any, may award Expenses to either Party; but, except to the Effect and in the Manner herein-before provided, it shall not be competent for any Person to make, nor for any Court of Law to entertain, a Complaint with respect to any Warrant granted by the Sheriff in pursuance of the Provisions herein-before contained on account of any Mistake, Informality, Irregularity, or Misnomer, or on any Account or Pretence whatever, or with respect to any Proceedings of the Collector, or of any Messenger-at-Arms, Sheriff Officer, or licensed Auctioneer; and the Decision of the Sheriff on any such Dispute, Question, or Claim shall be final, and not subject to Review by any Court or in any Manner whatsoever.

Rate Books to be Evidence.

87. In any Proceeding to levy and recover or consequent on the levying or recovering of any Rate under the Provisions of this Act, the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, by the Production thereof alone, and without any Evidence that the Requirements of the Act have been complied with, shall be received as Evidence of such Rate and of the Amount thereof.

Public Rates to be open to Inspection of Commissioners and others.

88. The Commissioners, or any Person by them authorized, may from Time to Time inspect all or any of the public or parochial Rates and Assessments, embracing the Lands and Heritages within the Limits of Supply, or any Part thereof, and the Books in which are contained all the Assessments by which the same are made, and may take Copies thereof or Extracts therefrom respectively; and any Person having the Custody of such Rates and Assessments who shall not suffer the Commissioners, or any Person authorized by them, to inspect the same at reasonable Times, or to take Copies thereof or Extracts therefrom, shall be liable to a Penalty not exceeding Five Pounds for each Offence.

Application of Rates.

89. The Rates and Charges levied under the Authority of this Act shall be applied in manner following; (that is to say,)

First, in defraying the Expenses of Management and Maintenance of the Undertaking, including the annual Costs, Charges, and Expenses of providing and supplying Water, and in Payment of any Feu Duties or Ground Annuals exigible in respect of any Lands, Streams, or Property acquired for the Purposes of the Undertaking:

Second, in Payment of the Interest of Money borrowed under the Authority of this Act, and of the Annuity on the Funded Debt (if any):

Third, 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 reasonable, and of any other necessary annual Expenditure:

Lastly, in Payment of the Sum required to be annually set apart and appropriated for the Purpose of the Sinking Fund as hereinafter provided.

Power to borrow on Mortgage.

90. It shall be lawful for the Commissioners to borrow on Mortgage any Sums not exceeding Thirty-eight thousand Pounds, and to make and grant Mortgages of the several Rates and Charges leviable by them under the Provisions of this Act in Security of the Payment of the Money so borrowed and Interest thereon; 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-

herein-after mentioned, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time.

Form of Mortgage.

91. Every Mortgage to be granted by the Commissioners shall be by Deed duly stamped, in which the Consideration shall be duly stated, and may be in the Form of the Schedule (B.) to this Act annexed, or to the like Effect.

Mortgages may be accompanied with Interest Warrants.

92. 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 the Schedule (C.) 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.

93. 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 the Name of the Commissioners according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the Commissioners are herein-before authorized 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 Sum by this Act authorized to be borrowed.

Manner in which Mortgages and Orders on Bank Account to be signed and executed.

94. Every Mortgage to be granted by the Commissioners may be partly in Writing and partly printed, and shall, besides being under the Common Seal of the Commissioners, 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 any Two of the Commissioners authorized so to do, and shall be countersigned by the Treasurer: Provided always, that no Commissioner or Treasurer shall by his Subscription of 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.

95. It

Commissioners may fund Debt and issue Certificates of Funded Debt.

95. It shall be lawful for the Commissioners from Time to Time, in lieu of borrowing or continuing on Mortgage the Sums which they are authorized to borrow under the Authority of this Act, to resolve to fund the whole of such Sums or such Part thereof as they shall from Time to Time think fit, and on any such Resolution being passed the Amount stated therein shall be denominated "the *Kirkcaldy* and *Dysart* Waterworks Funded Debt," and it shall be lawful for the Commissioners to issue to any Person, Company, Trustees, or Corporation paying to them any Portion of the said Sums a Certificate of such Person, Company, Trustees, or Corporation being the Holder of Funded Debt to the Amount so paid, and every such Certificate may be according to the Form of the Schedule (D.) to this Act annexed, or to the like Effect, and shall be subscribed by Two of the Commissioners and the Treasurer: Provided always, that after the Creation and Issue of any Portion of such Funded Debt it shall not be lawful for the Commissioners to issue Mortgages for or again to borrow the Amount so created and issued, and the Powers of borrowing by the Commissioners shall, to the Extent of the Funded Debt so from Time to Time created and issued, be extinguished, and the Sums due and owing at any One Time on the Security of the Water Rates and Charges by this Act authorized to be levied, including the Funded Debt, shall not exceed the Sums by this Act authorized to be borrowed.

Register of Holders of Funded Debt to be kept.

96. The Commissioners shall from Time to Time cause the Names of the several Parties who may be interested in such Funded Debt as aforesaid, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for that Purpose, and to be called the "Register of Holders of Funded Debt," and such Book shall be accessible at all reasonable Times to the several Holders of such Debt, or of Mortgages granted by the Commissioners.

Transfer of Funded Debt.

97. The Interests of the several Holders of such Funded Debt, or any Part of such Interests, may be transferred or transmitted in the same Manner and subject to the same Regulations and Provisions, *mutatis mutandis*, as or according to which any Mortgage to be granted by the Commissioners may be transferred or transmitted under the Provisions of this Act and the said Commissioners Clauses Act, and the Commissioners shall cause an Entry to be made in a Book to be kept by the Treasurer for that Purpose of every such Transfer or Transmission, and for every such Entry the Treasurer may demand any Sum not exceeding Two Shillings and Sixpence.

Annuity to be paid.

98. The several Holders of the said Funded Debt shall receive an Annuity thereon at any Rate not exceeding Five Pounds *per Centum per Annum*, which shall be fixed by the Commissioners in any Resolution

tion to be passed by them as aforesaid, and specified in the Certificates issued to the Holders of the said Funded Debt, which Annuity shall be payable half-yearly on the Fifteenth Day of *May* and the Eleventh Day of *November* in every Year; and the Holders of the said Funded Debt shall not be entitled to Repayment of the Capital thereof, but the same shall be redeemable by the Commissioners in whole or in part by means of the Sinking Fund herein-after provided, and not otherwise, on Payment to the Holders of the said Funded Debt of the Principal Sum due to them, and of any Arrears of Annuity which at the Time may be due thereon, Six Months Notice of their Intention so to redeem being given by the Commissioners to the Holders of such Part of the said Funded Debt as may be intended to be so redeemed, and such Holders respectively shall be bound to accept of such Redemption Money when tendered by the Commissioners.

Security of Holders of Funded Debt.

99. The several Holders of such Funded Debt shall be Creditors of the Commissioners for the Payment of the said Annuity, and shall be deemed to hold by virtue of this Act a Mortgage of the several Water Rates and Charges leviable under the Provisions of this Act in Security of such Payment, and the Holders of the said Funded Debt shall rank *pari passu* with the Holders of the Sums of Money which the Commissioners may have in Loan or be entitled to borrow, and the Interest thereon.

Arrears may be enforced by Appointment of Judicial Factor.

100. In the event of any Principal Money borrowed by the Commissioners as aforesaid, or any Interest thereon, or of any Annuity of the Funded Debt, not being paid within One Month after such Payment shall have become due, and after Demand thereof in Writing, it shall be lawful for any Mortgagee holding Mortgages in arrear, or Holder of Funded Debt, to the Amount of One thousand Pounds, or for several Mortgagees holding Mortgages in arrear, or Funded Debt Holders, to the Amount of One thousand Pounds in the aggregate, to render their said Security effectual by the Appointment of a Judicial Factor; and the Application for such Appointment shall be made by summary Petition to the Court of Session, or, in Time of Vacation, to the Lord Ordinary on the Bills, who are hereby respectively authorized and required, on such Application being made by any Mortgagee or Mortgagees, or Holder or Holders of Funded Debt, holding the respective Sums in arrear before specified, to appoint some Person as Judicial Factor to the Effect and with the Powers herein-after mentioned, unless previously to such Application being advised the Amount of such Mortgages or Annuities, as the Case may be, with Interest and Expenses, shall have been paid to the Petitioner or Petitioners, or unless the said Court or Lord Ordinary, as the Case may be, shall be satisfied that Consignation thereof should

under the Circumstances be accepted in lieu of Payment, and such Consignation be made accordingly, and the Interlocutor making such Appointment shall not be subject to Review or Appeal.

Powers and Duties of Judicial Factor.

101. 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 assessing, levying, and recovering the several Rates and Charges by this Act authorized to be levied, and managing and maintaining the Undertaking, Works, and Property, 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, unless previously recalled on the Application or with the Concurrence of at least Three Fourths in Value of the Applicants for the Appointment of a Judicial Factor, such Judicial Factory shall continue not only until all Arrears of Mortgages and Annuities of the Funded Debt due at the Date of the Appointment of such Judicial Factor, and all Interest due on any of the said Sums, and any Annuity or Interest which shall have become due during his Continuance in Office, with Interest and Expenses, including the Expenses of the Application for such Appointment and of carrying the Purposes thereof into execution, shall have been paid, but also until any Half Year's Annuity or Interest which although not due may become current during his Continuance in Office, and a sufficient Sum to meet Expenses, shall have been paid or consigned in One of the chartered Banks in *Scotland*; and upon Payment and Consignation as aforesaid of such Annuities, Interest, and Expenses, it shall be lawful for the Commissioners to apply to the Court of Session or Lord Ordinary as aforesaid for the Recal of the Appointment of the Judicial Factor, who may recal such Appointment accordingly.

Mortgages and Funded Debt to be Personal Estate.

102. All Mortgages and Certificates of Funded Debt to be granted by the Commissioners under the Authority of this Act, and all Money to be advanced and lent on the Security of the Rates and Charges leviable by them, shall be Moveable or Personal Estate, and transmissible as such, and shall not be of the Nature of Heritable or Real Estate.

Discharge of Mortgages.

103. 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

contained in the Schedule (E.) to this Act annexed, 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 raised and borrowed.

104. The several Sums raised and borrowed by the Commissioners on Mortgage, or by means of the Funded Debt, under the Authority of this Act, shall be applied to the Purposes of this Act, and to no other Purpose whatsoever; provided that, with the Exception of the Cost of enlarging or increasing the Number of Mains and Pipes, and of extending the Works, Mains, and Pipes, the several Sums raised and borrowed by the Commissioners as aforesaid shall not be applied to any of the Purposes to which the Rates and Charges by this Act authorized to be levied are herein-before specially made applicable.

Accounts to be kept and published.

105. The Commissioners shall cause Books to be provided and kept, and true and regular Accounts to be entered therein, of all Sums of Money received and paid by them for the Purposes of this Act, and they shall cause the Accounts and the Affairs of the Trust to be balanced in each Year as at the Fifteenth Day of *May*, and they shall once every Three Years apply to the Sheriff, who shall appoint a Person properly qualified who shall be the Auditor of the Commissioners Accounts for Three Years, and an Abstract of the Accounts certified as correct by the Treasurer and Two of the Commissioners and the said Auditor shall annually be published within Two Months after the said Fifteenth Day of *May* in a Newspaper usually circulating in *Kirkcaldy* and *Dysart*.

Sinking Fund.

106. It shall be lawful for the Commissioners and they are hereby required, after the Fifteenth Day of *May* Eighteen hundred and seventy-one, 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 One Pound for every 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 of the Annuity payable to the Holders of the said Funded Debt, and to no other Purposes whatever: Provided always, that no Part of the said Sinking Fund shall be applied in the Redemption of the said Annuity until the whole Mortgages of the Commissioners shall have been redeemed.

Byelaws with respect to Supply of Water.

107. It shall be lawful for the Commissioners to make Byelaws for regulating all or any Matters and Things whatsoever connected with the

the Supply of Water, and for the Prevention of Waste, Misuse, or undue Consumption of Water within the Limits of this Act, 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 before being acted on shall be signed by at least Two of the Commissioners, and approved of and confirmed by the Sheriff, and inserted weekly for at least Two Weeks in any Two Newspapers circulating in *Kirkcaldy* and *Dysart*, and all Byelaws so made, signed, confirmed, and published shall be observed by and binding on all Persons concerned therein: Provided also, that such Byelaws shall be so framed as to allow the Sheriff or Justices before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Sheriff or Justices shall think fit.

Application of Penalties.

108. All Penalties and Forfeitures exigible under this Act and the Acts wholly or partially incorporated herewith shall be payable to the Commissioners, and shall when recovered be applied by them to the Purposes of this Act.

Expenses of Act.

109. All Costs, Charges, and Expenses incurred preparatory to and in applying for, obtaining, and passing this Act, or in any way incidental thereto, shall be paid by the Commissioners out of the Monies to be borrowed under the Authority of this Act.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM OF RATE.

An Assessment to the domestic Water Rate [*or* public Water Rate, *as the Case may be*] for the Parliamentary Burghs of Kirkcaldy and Dysart for the Year from the Fifteenth Day of May One thousand eight hundred and to the Fifteenth Day of May One thousand eight hundred and , at the Rate of in the Pound.

Number in the Rate.	Name of Person rated.	Name of the Owner of the Property rated.	Description and Situation of Property.	Full annual Value.	Rate at in the Pound.

SCHEDULE (B.)

FORM OF MORTGAGE.

KIRKCALDY AND DYSART WATERWORKS.

Mortgage No. . £ .

By virtue of "The Kirkcaldy and Dysart Waterworks Act, 1867," we "the Waterworks Commissioners of Kirkcaldy and Dysart" incorporated 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 the whole Interest due thereon shall be fully

paid and satisfied; and it is hereby stipulated that the said Principal Sum shall be repayable on the [*Date*], or shall thereafter, in virtue hereof, remain as a Loan to the said 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 recognize 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 Law of Scotland*].

SCHEDULE (C.)

Form of Interest Warrant.

Kirkcaldy and Dysart Waterworks.

Mortgage No. Dated 18

Interest Warrant.

For Pounds Shillings and Pence £ : :

Less Income Tax : :

£ : :

Payable on 18 at the

Treasurer.

SCHE-

SCHEDULE (D.)

Form of Certificate of Funded Debt.

Kirkcaldy and Dysart Waterworks.

No.

This is to certify that *A.B.* [*Name and Designation*] is the Holder of Pounds of "the Kirkcaldy and Dysart Waterworks Funded Debt" created by and under the Provisions of "The Kirkcaldy and Dysart Waterworks Act, 1867," and is entitled to receive an Annuity on the said Sum at the Rate of per Centum per Annum.

Signed this Day of One thousand eight hundred and

SCHEDULE (E.)

Form of Discharge.

Received from the Treasurer to the Kirkcaldy and Dysart Waterworks Commissioners acting on their Behalf the Sum of being the Principal Sum contained in the within Mortgage (all Interest due thereon having been previously paid), and the said Mortgage is now delivered up as paid.

Dated this Day of Eighteen hundred and

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