CHAPTER lx.

An Act for providing an additional supply of water to Kirkcaldy and Dysart and suburbs and places adjacent; and for other purposes. [3rd June 1881.] A.D. 1881.

WHEREAS by the Kirkcaldy and Dysart Waterworks Act, 1867 (herein-after called "the Act of 1867"), a body corporate was created under the name and style of "the Waterworks Commissioners of Kirkcaldy and Dysart" (herein-after called "the Commissioners"), and provision was made for vesting in the Commissioners the waterworks of the trustees acting under the Act (Local) of the fifty-first year of the reign of His Majesty King George the Third mentioned in the Act of 1867, and the Commissioners were empowered to construct and acquire other works, and to borrow thirty-eight thousand pounds, and to levy rates and exercise other powers in relation to the supply of water to the parliamentary burghs of Kirkcaldy and Dysart and suburbs and places adjacent: 30 & 31 Vict. c. cxxxix. 51 Geo. 3. c. xxxv.

And whereas by the Kirkcaldy and Dysart Waterworks Amendment Act, 1870 (herein-after called "the Act of 1870"), the Commissioners were authorised to borrow a further sum of fifteen thousand pounds for the purposes of the Act of 1867 and the Act of 1870, and the Act of 1867 was amended and further powers were conferred on the Commissioners: 33 & 34 Vict. c. lxvi.

And whereas by the Kirkcaldy Burgh and Harbour Act, 1876 (herein-after called "the Act of 1876"), the limits for the compulsory supply of water as defined in the Act of 1867, were extended so as to include such portions of the burgh of Kirkcaldy as extended by the Act of 1876, as were not within the said limits: 39 & 40 Vict. c. clxxix.

And whereas the population, trade and manufactures of Kirkcaldy and Dysart and places adjacent have greatly increased, and the existing works of the Commissioners, authorised by and acquired under the Act of 1867, are now insufficient to afford an adequate supply of water, and it is therefore expedient, with a view to a

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proper and more abundant supply, that the Commissioners should be authorised to construct the additional reservoir and works hereinafter described:

And whereas it is expedient that the Commissioners should be authorised to raise more money for the purposes of this Act and for the general purposes of their undertaking, and that other and further powers should be conferred upon them:

And whereas plans and sections showing the lines, situations and levels of the proposed works and the lands to be taken for the purposes thereof, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of those lands, have been deposited in the offices at Cupar, Kirkcaldy and Dunfermline respectively of the principal sheriff clerk of the county of Fife and in the office at Kinross of the principal sheriff clerk of the county of Kinross, and those plans, sections and books of reference are in this Act referred to as the deposited plans, sections and books of reference:

And whereas the objects of this Act 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 (Additional Powers) Act, 1881.

Construction of Act.

2. The Acts of 1867 and 1870 and sections sixty-two and sixty-three of the Act of 1876, as varied by this Act, and this Act shall be read and construed, and shall have effect as if they were one Act.

Incorporation of general Acts.
8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.
8 & 9 Vict. c. 33.

3. The Lands Clauses Consolidation (Scotland) Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Waterworks Clauses Act, 1847, (except the provisions with respect to the communication pipes to be laid by the undertakers, and also 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 also with the exception of clauses 68, 70, and 72), the Waterworks Clauses Act, 1863, and the clauses and provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, are (except where expressly

varied by or inconsistent with this Act) incorporated with and form part of this Act; provided, as regards the said last-mentioned Act, that the said clauses and provisions thereof shall be read as if "the works" were therein mentioned instead of "the railway," and "the boundaries of the works" instead of "the centre of the railway," and "the Commissioners" instead of "the company," and the last-mentioned clauses and provisions shall apply only to the reservoir hereby authorised.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act, and also in this Act the word and expressions following shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction (that is to say):—

The word "sheriff" shall mean the sheriff of the county of Fife or any one of his substitutes.

The expression "the undertaking" shall comprehend not only the property and works belonging to and vested in the Commissioners at the passing of this Act, but also the works and lands which may be constructed and acquired under the authority of this Act.

The expression "the recited Acts" means the Acts of 1867, 1870, and 1876.

Power to make works and take lands, &c.

5. Subject to the provisions of this Act the Commissioners may make and maintain in the lines or situations, and according to the levels shown on the deposited plans and sections, the several works shown on the deposited plans, with all proper approaches, works and conveniences connected therewith, and may enter on, take, and use such of the lands described in the deposited plans and books of reference as they require for the purposes of the works by this Act authorised.

The works herein-before referred to and authorised by this Act are:—

(1.) A reservoir (herein-after called Harperlees Reservoir) to be situate on portions of the lands of Drumain, Wester Ballo, and Harperlees, to be formed by an embankment, one thousand three hundred feet or thereabouts in length across the stream called the Lothrie Burn, to commence in the parish of Falkland, at a point three hundred and sixty yards or thereabouts, measured in a north-westerly direction from the parting weir of the

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existing reservoir of the Commissioners called Ballo Reservoir, and to terminate in the parish of Leslie, at a point four hundred and thirty yards or thereabouts measured in a south-westerly direction from the said parting weir of Ballo Reservoir; which Harperlees Reservoir will extend from the centre of the said intended embankment to a point in the parish of Falkland, nine hundred and twenty yards or thereabouts, measured in a westerly direction from the centre of the said intended embankment, and one thousand two hundred and fifty yards or thereabouts, measured in a westerly direction from the said parting weir of Ballo Reservoir. The said embankment will be situate in the parishes of Falkland and Leslie in the county of Fife, and Harperlees Reservoir will be situate in the parishes of Falkland and Leslie in the county of Fife and in the parish of Portmoak in the county of Kinross:

Second.—A cut, spill water, or byewash, to commence in the said stream called Lothrie Burn, at a point one thousand one hundred and thirty yards or thereabouts measured in a westerly direction from the said parting weir of Ballo Reservoir, and to terminate at a point in the said stream, fifty yards or thereabouts measured in a westerly direction from the said parting weir of Ballo Reservoir:

Third.—Filter-beds with tanks and apparatus to be situate in the parish of Leslie, in a field on the lands of Holl, and which filter-beds will be about seventy yards or thereabouts measured in a north-westerly direction from the dwelling house of the waterman of the Commissioners called Lothrie Cottage:

Fourth.—An aqueduct, conduit, or line of pipes, partly covered and partly open, to commence in and out of Harperlees Reservoir, and to terminate in the filter-beds herein-before described:

Fifth.—An aqueduct, conduit, or line of pipes, to commence in the filter-beds before mentioned, and to terminate in the measuring tank of the existing reservoir of the Commissioners called Carberry Reservoir:

Sixth.—An aqueduct, conduit, or line of pipes, to commence in and out of the said Carberry Reservoir on the easterly side thereof, and to terminate in the road leading from Pathhead past Overton farm house at the boundary of the extended burgh of Kirkcaldy, as fixed by the Act of 1876, by a junction with a distributing pipe of Kirkcaldy and Dysart Waterworks:

Seventh.—A road of access to commence in the road belonging to the Commissioners, at a point forty yards or thereabouts measured in a southerly direction from the west end of the curb of Ballo Reservoir, and to terminate at a point eleven hundred and sixty yards or thereabouts measured in a westerly direction from the aforesaid parting weir of Ballo Reservoir.

Power to erect and maintain all necessary connexion works and to maintain and improve existing works.

6. The Commissioners may, subject to the provisions of this Act, in connexion with the works or any of them authorised by this Act, make, lay, erect and maintain all proper works and conveniences in connexion with the works before described, including embankments, dams, weirs, sluices, sluice valves, air valves, scours, pressure pipes, catch-water drains, culverts, cuts, aqueducts, tunnels, bridges, roads of access, cisterns, filtering apparatus, gauges, main and distributing pipes, houses, buildings and all other works and conveniences whatsoever necessary or expedient for the purposes of the same, and for carrying out the objects and purposes of this Act; as also the Commissioners may from time to time, on or within any of their lands, or on or over any lands on or over which they by agreement have or may acquire right so to do, extend, alter and enlarge their works, mains, and pipes, and increase the number and size of the mains and pipes for conveying water from the reservoirs and other works of the Commissioners presently existing, or to be constructed under the authority of this Act for the purposes of the Acts of 1867 and 1870, and section sixty-three of the Act of 1876 and of this Act.

Limits of deviation.

7. In the construction of the works by this Act authorised, the Commissioners may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon, but not further in either case except with the consent of the owner of the lands through or in which the deviation is made, and they may deviate vertically from the levels shown on the deposited sections, in the case of the aforesaid reservoir to any extent not exceeding two feet upwards and five feet downwards, and in the case of other works to any extent not exceeding five feet upwards and five feet downwards: Provided always, that the Commissioners shall not in the exercise of the powers of lateral deviation hereby given, construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than the corresponding embankment or wall shown on the deposited sections, and two feet in addition: Provided further, that where any of the said works are intended to pass under or over any railway authorised by Act of Parliament, the same shall be

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executed so as not to obstruct or interfere with the free, uninterrupted and safe use thereof.

Power to divert and impound certain waters.

8. Subject to the provisions herein-after contained it shall be lawful for the Commissioners to take, intercept, collect and divert into and to impound and store up in the Harperlees Reservoir, and other works by this Act authorised, the waters of the said stream called Lothrie Burn and tributaries and affluents thereof, and from thence by the said intended works, and by the existing undertaking and works of the Commissioners, or one or more of them, to use and appropriate the said waters for an additional supply of water to the district within the limits of the recited Acts and of this Act, and to the inhabitants thereof, and for the other purposes of the Acts of 1867 and1870 and of this Act: Provided that the Commissioners shall not take, intercept or divert the waters of the said stream or of the tributaries or affluents thereof at any point below the filter beds, being work third by this Act authorised.

Protection of the owners of lands on which reservoir, &c., is constructed.

9. The respective owners of the lands on which the reservoir by this Act authorised is to be constructed, and their heirs, successors and assigns in the said lands respectively shall have and enjoy the exclusive right of fishing, shooting, sporting, curling and skating in or over the said reservoir so far as the same is to be constructed on the lands of such owners respectively; and also of keeping and using boats on the said reservoir, 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, 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 reservoir 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: Provided always, that nothing herein contained shall prevent the Commissioners from using and appropriating the water of and in the said reservoir for the purposes of the Acts of 1867 and 1870, and section sixty-three of the Act of 1876 and of this Act, or from causing the water to be drawn or let off from the said reservoir for the purpose of repairing or inspecting the state of such reservoir, or any of the dams, banks, tanks, channels, water

gates, pipes or other works appertaining thereto, or for the purpose of cleaning out such reservoir or any part thereof, but in any such case the Commissioners shall use all convenient speed in making such repairs or in executing such cleaning.

Power to take easements, &c. by agreement.

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

Period for compulsory purchase of lands.

11. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

12. If the works authorised by this Act are not completed within eight years from the passing of this Act, then, on the expiration of that period, the powers granted to the Commissioners by this Act for executing any work not so completed or in relation thereto shall cease to be exercised except as to so much thereof as is then completed; but nothing herein contained shall restrict the Commissioners from extending, enlarging, altering, replacing, or removing, any of their machinery, conduits, aqueducts, mains or pipes, or improving their supply of water at any time, as occasion requires, subject to the provisions of this Act.

Lands for extraordinary purposes.

13. The Commissioners may, from time to time, for the purposes of this Act, purchase by agreement, in addition to the lands hereby authorised to be taken by compulsion, any additional lands not exceeding in the whole five acres.

Power to Commissioners to agree as to supply of water to local boards, &c.

14. Whereas several towns, persons and districts in Fifeshire may require an additional water supply, and the power herein-after given might operate to the mutual benefit of the Commissioners and such towns, persons and districts, it shall be lawful to the Commissioners, subject to the provisions of this Act, by contract as after mentioned, to supply water in bulk to any owners and occupiers of lands and heritages, and to any Local Board of Health, police commissioners, parochial board or other public authority

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within the county of Fife, and within one mile of any part of the aqueducts, conduits or lines of pipes by this Act authorised or any of them, and that by branch pipes or conduits from any of the mains, conduits or pipes of the Commissioners, or from any of the reservoirs of the Commissioners or otherwise; and the Commissioners may contract with all or any such persons and bodies for such supply upon such terms and conditions and for such period or periods of time as they may mutually agree upon: Provided always, that such supply shall not prejudicially affect or restrict the supply of water from time to time required within the limits of the Act of 1867: Provided further that the provisions contained in this section shall not diminish or affect any powers as to a supply of water conferred on the Commissioners by the recited Acts.

Construction and inspection of reservoir, &c.

15. The Commissioners shall be bound to construct the Harperlees Reservoir by this Act authorised, and all the works connected therewith in a solid, substantial, secure and workmanlike manner, and the Right Honourable Henrietta Anderson Morshead Waldegrave Leslie, 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 reservoir, 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 said works are being and have been so executed as to secure safety; and the Commissioners shall be bound to execute the said works in such manner as such engineer shall direct so as to secure safety as aforesaid, and to provide a waste weir thirty feet wide for the said Harperlees 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.

Payment of damages to the Countess of Rothes.

16. 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 the Harperlees Reservoir, or from any 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 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.

Making of aqueduct within Rothes policies.

17. The Commissioners shall make the aqueduct, conduit or line of pipes, being work 5 by this Act authorised in so far as the same shall be situate within Rothes policies within one year from the commencement of the construction thereof within the said policies, and if the said work shall not be completed within the said period the Commissioners shall pay to the Countess of Rothes, her heirs and successors in the Rothes estates one pound for every day beyond the said period during which the same shall remain unfinished.

Increased or additional pipe may be laid on the estate of the Countess of Rothes.

18. The Commissioners may lay in and through the estate of the said Countess of Rothes a main pipe of increased size or one additional main pipe, for conveying the water of the reservoir authorised 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 constructed under the Act of 1867, or 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.

Settlement of claims of the Countess of Rothes for compensation, &c.

19. 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 the Harperlees Reservoir, authorised 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.

Amendment of ss. 46 and

20. From and after the passing of this Act, sections forty-six and forty-eight of the Act of 1867 shall be read and have effect as

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follows, viz.: as regards section forty-six, as if the words "and elsewhere" were inserted after the word "Dysart," and as regards section forty-eight, as if the words "eight furlongs" were inserted in place of the words "six furlongs."

48 of 30 & 31 Vict. c. cxxxix.

Amendment of s. 47 of 30 & 31 Vict. c. cxxxix.

21. From and after the completion of the reservoir by this Act authorised, section forty-seven of the Act of 1867 shall be read and construed as if the words "and the Home Farm of Leslie, called "South Parks" were inserted after the words "Leslie Mains" and as if the words "one thousand" were inserted in place of the words "five hundred."

Saving rights as to compensation water, &c., under 30 & 31 Vict. c. cxxxix.

22. Nothing in this Act contained shall prejudice or affect the provisions of the Act of 1867 with respect to the compensation water to be discharged from the Ballo Reservoir, thereby authorised to be constructed, into the channel of the Lothrie Burn, or, except as otherwise specially provided, with respect to the supply of water to the mansion house and offices of Leslie and Leslie Mains, and the supply of water to the Right Honourable Henrietta Anderson Morshead Waldegrave Leslie, Countess of Rothes, and her heirs and successors, and to her or their tenants and feuars for domestic and other purposes.

Commissioners and Countess of Rothes may agree as to purchase of certain waters.

23. The Commissioners may, from time to time, agree with the said Countess of Rothes, or her heirs and successors for the purchase by the Commissioners from the said countess or her heirs and successors of any waters arising in the lands of the said countess, her heirs or successors, which may be required by the Commissioners, and which she or they may be willing to give on such terms and conditions as may be mutually agreed upon.

Saving rights of Countess of Rothes.

24. Except as by this Act otherwise expressly provided, nothing herein contained shall be held or construed to prejudice or affect any rights or interests of the Countess of Rothes and her heirs and successors under the Act of 1867 or otherwise.

Quantity of water supplied may be ascertained by meter.

25. The Commissioners may agree with any person for supplying him with water by measure, and may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure. In both cases a meter for ascertaining the quantity consumed shall be provided by the Commissioners at a reasonable rent.

Repeal of s. 69 of 30 & 31 Vict. c. cxxxix. and substitution of new section therefor.

26. Section sixty-nine of the Act of 1867 is hereby repealed, and in place thereof the following provisions shall have effect, that is to say:—It shall be lawful for the Commissioners, and they are hereby authorised and required, once in every year, to assess and levy upon

and from the owners of all lands and heritages within the limits for compulsory supply, 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 when the domestic water rate is under one shilling in the pound of such full annual value, not exceeding fourpence when the domestic water rate is under one shilling and threepence, not exceeding fivepence when the domestic water rate is under one shilling and sixpence, and not exceeding sixpence when the domestic water rate is one shilling and sixpence or above that sum: 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, turntables, 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: Provided further that the repeal by this section of section sixty-nine of the Act of 1867 shall not prejudice or affect the right of the Commissioners to recover any sums that may be owing to them

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under the same in the same manner and to the same effect as if the said section had not been repealed.

Power to borrow on mortgage.

27. In addition to the moneys which the Commissioners are authorised to borrow under the Acts of 1867 and 1870, the Commissioners may from time to time borrow on mortgage any sums not exceeding in the whole forty thousand pounds, and may make and grant mortgages of the several rates and charges leviable by them under the provisions of the recited Acts and this Act in security of the payment of the money so borrowed and interest thereon; and if after having borrowed the said sum or any part thereof the Commissioners pay off the same otherwise than by means of the sinking fund hereinafter mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Power to borrow on cash account.

28. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners according to the usage of bankers in Scotland to the extent of the sum which the Commissioners are authorised to borrow as aforesaid or any part thereof, and may make and grant mortgages of the several rates and charges leviable by them under the recited Acts and this Act in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always, that the whole principal sums due and owing by the Commissioners on such cash account and for money borrowed by them on mortgage as aforesaid shall not when taken together exceed the sums by the Acts of 1867 and 1870 and this Act authorised to be borrowed.

Debt may be funded.

29. The Commissioners may fund the whole or any part of the sums to be raised on mortgage under the authority of this Act, under the powers and provisions, with the rights and privileges and subject to the restrictions and conditions which are contained in sections ninety-five to ninety-nine, both inclusive, of the Act of 1867.

Application of certain provisions of 30 & 31 Vict. c. cxxxix. to this Act.

30. Sections ninety-one, ninety-two, ninety-four and one hundred and three of the Act of 1867 shall be and are hereby made applicable to the money to be borrowed and the mortgages, interest warrants, drafts or orders and discharges to be granted under the authority of this Act in the same manner as if the money to be borrowed and the mortgages, interest warrants, drafts or orders and discharges to be granted under the authority of this Act, had been borrowed or granted under the authority of the Act of 1867.

Application of certain provisions of

31. Sections one hundred, one hundred and one and one hundred and two of the Act of 1867, shall be and are hereby made applicable

to the money to be borrowed or raised, and to the mortgages and certificates of funded debt to be granted and issued under the authority of this Act in the same manner as if the money to be borrowed or raised under the authority of this Act had been borrowed or raised under the authority of the Act of 1867.

30 & 31 Vict. c. cxxxix. to this Act.

Protection of lenders.

32. Any person lending or paying money under the Acts of 1867 or 1870, or this Act, to the Commissioners shall not be bound or entitled to inquire as to the observance by the Commissioners of any provisions of the recited Acts, or this Act, or be bound to see to the application, or be answerable for any loss or non-application of such money, or of any part thereof.

Priority of existing mortgages, &c.

33. All mortgages, certificates of funded debt and securities granted by the Commissioners in pursuance of the powers of the Acts of 1867 and 1870, before the passing of this Act, and which shall be subsisting at the time of the passing of this Act shall, during the continuance of such mortgages, funded debt and securities, have priority over any mortgages, funded debt or securities to be granted or created by them under this Act.

Annual estimate to include interest and annuity on money borrowed or funded.

34. In estimating and fixing once in every year the amount of money necessary to be levied for the purposes mentioned in section sixty-seven of the Act of 1867, the Commissioners shall include the interest on the money and annuity of funded debt that may be borrowed or created under the authority of this Act, and the rates by the Acts of 1867 and 1870, and section sixty-three of the Act of 1876, and this Act authorised, shall be assessed and levied to such an amount as will be sufficient to meet the same in addition to the purposes mentioned in said section of the Act of 1867, and the amount so levied shall be applied in payment thereof.

Application of rates and charges.

35. The rates and charges levied or leviable under the authority of the Acts of 1867 and 1870, and of section sixty-three of the Act of 1876, and the other income of the Commissioners, whether arising under the Acts of 1867 and 1870, and section sixty-three of the Act of 1876, or this Act, shall be applied in the following order of priority, that is to say :—

First.—In defraying the expenses of management and maintenance of the undertaking, including the salaries and other payments to the officers and servants of the Commissioners, and 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 forming part of the undertaking :

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Second.—In payment of the interest of money which may have been or may be borrowed, and of the annuity on the funded debt which may have been or may be issued under the authority of the Acts of 1867 and 1870 and this Act, or under any of them:

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

Lastly.—In payment of the sums by the Acts of 1867 and 1870, and this Act, directed to be set apart as a sinking fund.

Application of money borrowed or raised on mortgage, &c.

36. The several sums borrowed or raised 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 the Acts of 1867 and 1870, and of the Act of 1876, so far as relating to the undertaking of the Commissioners, and 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 borrowed or raised by the Commissioners as aforesaid shall not be applied to any of the purposes to which the rates and charges by the Acts of 1867 and 1870 and section sixty-three of the Act of 1876 and this Act authorised to be levied are by this Act specially made applicable.

Postponement of operation of sinking fund.

37. And whereas in the year one thousand eight hundred and seventy-seven, a heavy flood occurred in the gathering area of the works of the Commissioners, whereby great damage was done to the said works, and considerable sums had in consequence to be expended by them in repairing the same, and it is expedient that the operation of the sinking fund should be further postponed, therefore section twenty-five of the Act of 1870, shall be read and have effect as if the fifteenth day of May, one thousand eight hundred and eighty-three, were therein substituted for and instead of the words "fifteenth day of May, eighteen hundred and "seventy-six," occurring in said section, and the ten years mentioned in section one hundred and six of the Act of 1867 shall commence from the said fifteenth day of May, one thousand eight hundred and eighty-three: Provided that in so far as not hereby altered the said section one hundred and six of the Act of 1867 and section twenty-five of the Act of 1870 shall be and remain in force and have effect, not only as regards the sums borrowed and raised and

to be borrowed and raised under the authority of the Acts of 1867 and 1870, but also as regards the sums to be borrowed and raised under the authority of this Act. A.D. 1881.

Expenses of Act.

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

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