CHAPTER xxviii.

An Act to authorise the Paisley Waterworks Commissioners to construct additional works; and for other purposes. A.D. 1881.

[3rd June 1881.]

WHEREAS the supply of water to the burgh of Paisley and suburbs thereof, and districts and places adjacent thereto, is vested in the Commissioners appointed for executing and carrying into effect the purposes of the Paisley Waterworks Act, 1854, the Paisley Waterworks Act, 1866, and the Paisley Waterworks Act, 1876, (which Commissioners are herein-after called "the Commissioners," and which Acts are herein-after called collectively "the Acts of 1854, 1866 and 1876," and separately "the Act of 1854," "the Act of 1866" and "the Act of 1876:") 17 & 18 Vict. c. ccxvii. 29 & 30 Vict. c. xviii. 39 & 40 Vict. c. ciii.

And whereas, in pursuance of the powers conferred by the Act of 1854, the Commissioners acquired the undertaking of the Paisley Water Company, in consideration of a fixed redeemable annual dividend payable to the said company, and the whole of which has not yet been redeemed:

And whereas an additional supply of water is required for the burgh of Paisley and suburbs thereof and districts adjacent thereto; and it is expedient that, in order to afford such additional supply, the Commissioners should be empowered to construct new waterworks, to divert a portion of the turnpike road leading from Dalry to Largs by Howrat Toll Bar, and to raise further sums of money:

And whereas it is expedient that the Commissioners should be empowered to supply water in bulk within the parishes of Largs, Dalry, Kilbirnie and Beith, in the county of Ayr, and within the parishes of Lochwinnoch and Abbey Parish of Paisley, in the county of Renfrew, to the owner, lessee, or occupier of any lands and heritages, the town council or commissioners of police, or other local authority of any burgh, town, or populous place, and the parochial board of any parish, which may be intersected by, or be situate near to any conduit, main, or pipe of the Commissioners; and that the Commissioners should be empowered to enter into agreements for those purposes:

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And whereas plans and sections showing the lines, situation and levels of the new waterworks and diversion of road by this Act authorised to be made, and also books of reference containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of the lands required, or which may be taken for the several purposes or under the powers of this Act, were duly deposited with the principal sheriff clerks of the counties of Renfrew and Ayr, and are herein-after respectively referred to as the deposited plans, sections and books of reference:

And whereas the purposes 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 as the Paisley Waterworks Act, 1881.

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.

2. 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 amount of profit to be received by the undertakers when the waterworks are carried on for their benefit; the Waterworks Clauses Act, 1863, and the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and with respect to the crossing of roads or other interference therewith, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. In the Acts wholly or partially incorporated with this Act the expressions, "the company," "the undertakers," and "the promoters of the undertaking," mean respectively the Commissioners; the expression "the waterworks," means the works of the Commissioners, including the works by this Act authorised; the expression "the undertaking," has the meaning attributed to that expression in section 4 of the Act of 1866, and includes the works by this Act authorised; and in the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, as applied to this Act, the expression "the special Act" means this Act, the expression "the railway" means the works by this Act authorised; and the expression "the centre of the railway" means the boundary of those works respectively; and the prescribed distance shall be twenty-five yards.

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Power to make new works.

4. Subject to the provisions of this Act, the Commissioners may make and maintain in the lines, and according to the levels shown on the deposited plans and sections, the works herein-after described, and all proper works and conveniences connected therewith; and may enter upon, take and use such of the lands delineated on the said plans, and described in the deposited books of reference, as may be required for those purposes. The works herein-before referred to and authorised by this Act are:—

First.—A reservoir (herein called "Barcraigs Reservoir") to be situate on the stream called the Rowbank Burn and adjacent lands, commencing at or near the main embankment of the Rowbank Reservoir of the Commissioners, and terminating at an embankment to be formed across the said Rowbank Burn, at a point therein about seventy-two yards above the mill-dam to the westward of Barcraigs Farm-steading; which embankment will commence at a point about thirty-three yards north-westward, and will terminate at a point about one hundred and fifty yards south-eastward from the aforesaid point at which the Rowbank Burn will be crossed by the said intended embankment; and which reservoir will also terminate at an intended embankment commencing at a point about one hundred and eighty yards south-eastward from Barcraigs Farm-steading, and terminating at a point about one hundred and ninety yards north-eastward from Longpark Farm-steading; all in the parish of Beith, in the county of Ayr, and the parish of Lochwinnoch, in the county of Renfrew.

Second.—A reservoir (herein called "Camphill Reservoir") to be situate on the stream called the Rye Water and adjacent lands, commencing at a point in the said stream about twelve hundred and seventeen yards, measured along its course, above the point where it is joined by the Routdane Burn, and terminating at an embankment to be formed across the Rye Water, at a point about three hundred and three yards, measured along its course, below the point where it is joined by the Bannock Burn; which embankment will commence at a point about two hundred and sixty-six yards south-westward, and will terminate at a point about two hundred and thirty-five yards north-eastward from the aforesaid point at which the Rye Water will be crossed by the said intended embankment; all in the parishes of Largs and Dalry, in the county of Ayr.

Third.—A diversion of the turnpike road leading from Dalry to Largs by Howrat Toll Bar, commencing at a point in the said road about five hundred and ninety yards southward from the point where it crosses the Bannock Burn, and terminating at a point in the said road about one hundred and eighty-seven

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yards northward from the point where it crosses the Routdane Burn; all situate in the parish of Dalry, in the county of Ayr.

Fourth.—An aqueduct or bye-wash channel (herein called "Conduit No. 1"), commencing in the Routdane Burn at a point about three hundred yards, measured along its course, above the point where it joins the Rye Water, and terminating in the Rye Water at a point about four hundred and three yards, measured along its course, below the point where it is joined by the Bannock Burn; all in the parishes of Dalry and Largs, or one of them, in the county of Ayr.

Fifth.—An aqueduct or catch-water drain (herein called "Conduit No. 2"), commencing at a point in the South Burn, near Ravenscraig, about eight hundred and sixty-six yards, measured along the course of the said burn, above the point where it joins the Rye Water, and terminating in the Camphill Reservoir at or near the south-western end of the embankment of that reservoir, all in the parishes of Dalry and Largs, in the county of Ayr.

Sixth.—An aqueduct or line of pipes (herein called "Conduit No. 3"), commencing in the Camphill Reservoir at a point therein about one hundred yards north-westward from the point where the embankment of the said reservoir will cross the Rye Water, and terminating by a junction with the existing pipes of the Commissioners, at or near their filtering tank at Calside, with a branch aqueduct or line of pipes, commencing at a point in Conduit No. 3, about one hundred and eighty-three yards south-westward from Barcraigs Farmsteading, and terminating in Barcraigs Reservoir at or near the commencement of the embankment thereof secondly herein-before described, all in the following parishes, or some of them, viz.:—Largs, Dalry, Kilbirnie and Beith, in the county of Ayr, and Lochwinnoch and Abbey Parish of Paisley, in the county of Renfrew.

Power to impound and supply water.

5. The Commissioners may divert into, and impound and store up in, Barcraigs Reservoir, the waters of the Rowbank Burn and of the Rye Water, and of the tributaries of those streams respectively; and may divert into and impound and store up in Camphill Reservoir the waters of the Rye Water and of the tributaries thereof; and, by means of the works by this Act authorised, and of their existing works, may supply such waters within the limits of the Act of 1866.

When diversion of road opened Commissioners may stop up and appropriate site of

6. When the diversion, hereby specially authorised, of the turnpike road leading from Dalry to Largs by Howrat Toll Bar, in the parish of Dalry and county of Ayr, is completed and opened to the public, the Commissioners may stop up that portion

of the said existing road which is situate between the commencement and termination of the said diversion, and may appropriate the site of the said portion of existing road, as forming part of the site of Camphill Reservoir.

corresponding portion of existing road.

7. The diversion of road when completed shall, as respects management, maintenance and tolls, and in all other respects, be held as part of and be subject to the same provisions as the said existing turnpike road from Dalry to Largs.

New portion of road to be subject to same provisions as existing road.

8. 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 such embankments, dams, weirs, channels, sluices, catch-water drains, culverts, accesses, tanks, cisterns, gauges, filtering apparatus, main and distributing pipes, houses, buildings, and other works and conveniences as may be necessary or expedient for effecting the purposes of this Act, or any of them; and the Commissioners may also, subject as aforesaid, 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, enlarge and replace their existing works, mains and pipes, and the works authorised by this Act, other than and except reservoirs.

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

9. In addition to the lands authorised to be taken by the Act of 1866, the Act of 1876, and this Act, the Commissioners may purchase by agreement lands not exceeding in the whole four acres, for the purposes of depots, pipe-yards, and other buildings and conveniences, in connexion with their undertaking.

Lands to be taken by agreement.

10. The powers of the Commissioners for the compulsory purchase of lands for the purposes of the works which they are by this Act authorised to make, shall not be exercised after the expiration of five years from the passing of this Act.

Period for compulsory purchase of lands.

11. If the works by this Act authorised to be made are not completed within fifteen years from the passing of this Act, then on the expiration of that period, the powers by this Act granted to the Commissioners for making and completing the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.

12. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or dispose of lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Commissioners any servitude, right, or privilege (not being a servitude of water) required for the purposes of this Act,

Power to take servitudes by agreement.

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in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such servitudes, rights, and privileges as aforesaid respectively.

Powers of lateral and vertical deviation.

13. In the construction of the works authorised by this Act, 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, and may deviate vertically from the levels shown on the deposited sections in the case of reservoirs to any extent not exceeding three feet upwards or five feet downwards, and in the case of other works to any extent not exceeding five feet either upwards or downwards; Provided always that the Commissioners shall not, in the exercise of the power of lateral deviation hereby given, construct any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections with respect to the corresponding embankment or wall and three feet in addition.

Protection of the Glasgow and South-western Railway Company.

14. In the construction of Conduit No. 3, the following provisions for the protection of the Glasgow and South-western Railway Company (herein-after called "the company,") shall be observed and have effect (that is to say): —

(1.) Conduit No. 3 shall not be carried along the roadway of the bridge which crosses over the railway of the company at the Beith Station, but shall be carried over and across the said railway only by means of a wrought-iron box girder placed outside the parapet on the south-west side of the said bridge, by and at the expense of the Commissioners, and the Commissioners may, for the purpose of such wrought-iron box girder, make use of the wing walls of the said bridge; provided that, if required by the company's engineer, the Commissioners shall strengthen or make such additions to the said bridge and wing walls as may in the opinion of the said engineer be reasonably necessary.

(2.) The wrought-iron box girder and the necessary accompanying masonry supports therefor shall be executed by the Commissioners, and all works of the Commissioners upon, across, over, or adjoining the works or lands of the company, or in the opinion of the engineer of the company, affecting or liable to affect the same, shall be executed according to plans, sections, and specifications first approved of by him, and in all respects under his superintendence, and to his reasonable satisfaction; and the pipes to be laid along or upon the said bridge shall be made of an extra thickness and tested by extra pressure in the

pipemakers yard to the reasonable satisfaction of the said engineer. A.D. 1881.

(3.) The Commissioners shall not acquire any portion of the lands or property of the company, but only the right servitude, or privilege of making and maintaining Conduit No. 3 as hereby provided, and the compensation payable by the Commissioners to the company in respect thereof shall, in case of difference, be settled by arbitration in terms of the Lands Clauses Consolidation (Scotland) Act, 1845.

(4.) Before the Commissioners enter upon or interfere with any property belonging to the company, they shall give the company one month's notice of their intention to enter upon or interfere with the same.

(5.) The said works shall be carried on, completed and maintained at the sole risk of the Commissioners, who shall be liable for all damages which may be occasioned to the railways or works of the company connected therewith or affected thereby, or to the traffic thereon, by, or in consequence of the operations of the Commissioners whensoever such damages may occur.

(6.) The said works shall be constructed, and any repairs necessary for their maintenance shall be executed at such times as may be fixed by the engineer of the company, and so that the traffic on the company's railways shall not be interrupted; but in case that traffic shall be interrupted, the Commissioners shall pay to the company the actual loss and damage which they may sustain or incur by such interruption; and in default of payment of any such loss and damage on demand being made on the Commissioners, the company may sue for and recover the same with full expenses against the Commissioners by action in the Court of Session or before the sheriff of the county of Ayr.

(7.) If any difference arise between the Commissioners and the Company as to the true intent and meaning of this section and the mode of giving effect thereto, the same shall be settled by arbitration in terms of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the settlement of disputes by arbitration.

Pressure, &c.

15. The water to be supplied by the Commissioners need not be constantly laid on under pressure, nor be supplied in any case at a level above that at which water can be supplied by gravitation from their reservoirs and tanks.

Additional compensation water to Muir Burn

16. In lieu of the compensation provided by section 31 of the Paisley Waterworks Act, 1866, to the owners and occupiers of mills and manufactories, and other persons interested in the streams

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and Rowbank Burn.

called Muir Burn, Reivoch or Muirhead Burn, and Birkcraig or Rowbank Burn, and also as full compensation to such owners and occupiers and other persons for the additional water which may be intercepted from those streams under the powers of this Act, the Commissioners shall cause or allow to flow, in a constant and uniform stream, down the said Birkcraig or Rowbank Burn below the Barcraigs Reservoir, a quantity of water not less than one hundred and eight cubic feet per minute during each of the twenty-four hours of every day of every year: Provided always, that in the event of the Commissioners exercising the powers of lateral deviation as respects either of the embankments firstly and secondly herein-before described, so as, by means thereof, to impound the waters of a catchment area exceeding two hundred and thirty-two acres, (which is the additional area estimated to be affected by the said embankments, if the same are constructed as shown on the deposited plans and sections,) they shall cause to flow in a constant and uniform stream down the said Birkcraig or Rowbank Burn below the Barcraigs Reservoir, in respect of each acre of such additional catchment area, an additional quantity of water per minute during each of the twenty-four hours of every day of every year, to be calculated upon the proportion of sixteen cubic feet to two hundred and thirty-two acres.

Measuring gauge on Rowbank Burn.

17. The Commissioners shall, before taking or conducting any additional water from the said Rowbank Burn by means of the works by this Act authorised, construct and they shall for ever after maintain upon the said stream, a suitable measuring gauge through or over which the quantity of water by this Act required to be discharged or allowed to flow down the said stream may flow or be discharged; and such gauge shall be open to the inspection and examination of the several persons interested in the water so to flow or be discharged through or over the same; and if at any time such gauge shall be in an unfit state of repair or condition for the purpose for which it is intended, the same shall forthwith be put into a proper and efficient state of repair and condition by and at the expense of the Commissioners, or, if they fail so to do within twenty-one days after notice given to them by or on behalf of any of the persons interested as aforesaid requiring the Commissioners so to do, any person so interested may cause such gauge to be repaired, or may provide another and sufficient gauge in lieu thereof, at the expense of the Commissioners, and may recover the expenses of such works, with full costs of suit, from the Commissioners, in any court of competent jurisdiction, and in case of any dispute as to the sufficiency of the said gauge, or as to its being in an unfit state of repair or condition, the same shall be summarily

disposed of by the sheriff substitute of the county of Renfrew at Paisley, whose determination shall be final. A.D. 1881.

Supply of compensation water to Rowbank Burn may be varied by consent.

18. The Commissioners may, if they think fit, with the consent or on the request of the persons interested as before mentioned, distribute the annual aggregate quantity of water to be sent down the said Birkcraig or Rowbank Burn at such increased number of cubic feet per minute, as that the said quantity shall flow in a uniform stream down the said burn in the course of three hundred and ten days in each year in place of every day of every year as aforesaid; and in case of any dispute as to the quantity so sent down by the Commissioners being the quantity required to be sent down under the provisions of this section, the same shall be summarily disposed of by the sheriff substitute of the county of Renfrew at Paisley, whose determination shall be final.

Compensation water to Rye Water.

19. The Commissioners shall discharge or allow to flow as compensation water down the Rye Water below the Camphill Reservoir, one million five hundred thousand gallons of water in a continuous and uniform stream during every day of twenty-four hours, and such water shall be full compensation for the water taken by the Commissioners under the authority of this Act to the owners, lessees and occupiers of lands and heritages, and other persons interested in the waters of the Rye Water below the said reservoir and of the River Garnock below the junction of the Rye Water therewith, and of the River Irvine below the junction of the River Garnock therewith, but without prejudice to any claims of compensation for lands taken or damaged by the making of the works by this Act authorised.

Measuring gauge on Rye Water.

20. The Commissioners shall, before taking or conducting any water from the said Rye Water, construct and they shall for ever after maintain upon the said stream, a suitable measuring gauge through or over which the said quantity of water by this Act required to be discharged or allowed to flow down the said stream may flow or be discharged; and such gauge shall be open to the inspection and examination of the several persons interested in the water so to flow or be discharged through or over the same; and if at any time such gauge shall be in an unfit state of repair or condition for the purpose for which it is intended, the same shall forthwith be put into a proper and efficient state of repair and condition by and at the expense of the Commissioners, or, if they fail so to do within twenty-one days after notice given to them by or on behalf of any of the persons interested as aforesaid requiring the Commissioners so to do, any person so interested may cause such gauge to be repaired, or may provide another and sufficient gauge

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in lieu thereof, at the expense of the Commissioners, and may recover the expenses of such works, with full costs of suit, from the Commissioners, in any court of competent jurisdiction, and in case of any dispute as to the sufficiency of the said gauge, or as to its being in an unfit state of repair or condition, the same shall be summarily disposed of by the sheriff of Ayr, whose determination shall be final.

Power to supply water in bulk in certain parishes.

21. Subject to the provisions of this Act, the Commissioners may supply water in bulk within the parishes of Largs, Dalry, Kilbirnie and Beith, in the county of Ayr and within the parishes of Lochwinnoch and Abbey Parish of Paisley, in the county of Renfrew, to the owner, lessee or occupier of any lands and heritages, the town council or commissioners of police or other local authority of any burgh, town or populous place, and the parochial board of any parish, which may be intersected by, or be situate near to any conduit, main or pipe of the Commissioners, and the Commissioners may, for such purpose, enter into agreements with any such person, town council, commissioners of police, local authority or parochial board: Provided always that the Commissioners shall not supply water under any such agreements if, and so long as, their so doing would prevent them from giving, throughout the limits of the Act of 1866, a sufficient supply of water for domestic and all other purposes.

Supply of water to Hawkhead House.

22. The Earl of Glasgow and his successors, as owners or reputed owners of Hawkhead House, in the Abbey Parish of Paisley, and county of Renfrew, shall be entitled to demand and receive from the Commissioners a sufficient supply of water for domestic purposes, on the same terms and conditions as the owner or occupier of any dwelling-house within the limits of the Act of 1866 for the compulsory supply of water by the Commissioners: Provided always that the Earl of Glasgow, or his said successors requiring such supply shall, before being entitled to receive such supply, provide and lay the mains and service pipes necessary to connect Hawkhead House with the mains of the Commissioners within the said limits, and shall thereafter maintain the same in good repair, and so as not to leak or cause any waste of the water of the Commissioners.

As to existing borrowing powers.

23. The powers to borrow money and grant security therefor, and to create funded debt contained in the Act of 1866 shall and may be exercised by the Commissioners for the purposes of this Act as well as for the purposes of the Act of 1866 and the Act of 1876 and of the undertaking; and the money so borrowed and the funded debt so created may be applied for such several purposes.

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Power to borrow further money.

24. In addition to the sums which the Commissioners are already authorised to borrow, they may from time to time borrow on the security of the rates and charges leviable under the Act of 1866 and this Act any sums not exceeding in the whole one hundred and sixty-five thousand pounds, and they may from time to time create funded debt in lieu of borrowing such sums or in lieu of borrowing any sums which they are at present authorised to borrow, or in lieu of any such sums so borrowed, and the sums borrowed under the powers of this Act, and interest thereon, and the funded debt created under the powers of this Act, and the annuities thereon shall be postponed always to so much of the dividend payable to the Paisley Water Company under the provisions of the Act of 1854, as shall from time to time remain unredeemed.

Provisions applicable to mortgages and funded debt.

25. The money by this Act authorised to be borrowed and the funded debt by this Act authorised to be created may be secured in the same manner as money by the Act of 1866 authorised to be borrowed, and funded debt by that Act authorised to be created, is or may be secured; and, subject to the provisions of this Act, all the powers, forms, and provisions of the Act of 1866, with regard to the borrowing of money, the creating of funded debt, and the application of the water rates and charges levied under the authority of the Act of 1866, shall apply to the borrowing of money and the creating of funded debt, by this Act authorised, and to the money borrowed and the funded debt created under the provisions of this Act in the same manner as if the money authorised to be borrowed, or funded debt authorised to be created under this Act, were part of the money authorised to be borrowed, or funded debt authorised to be created under the Act of 1866: Provided always that the mortgages and certificates of funded debt to be granted for the money borrowed or the funded debt created under the powers of this Act shall specify that the same have been so granted under the powers of this Act; and provided further that all mortgages granted and all funded debt created under the powers of the Act of 1866, or of the Act of 1876, shall, while subsisting, have priority over any mortgage granted and any funded debt created under the provisions of this Act.

Redemption of funded debt.

26. The Commissioners may redeem in whole or in part, by means of the sinking fund provided for by this Act, but not otherwise, all or any part of the funded debt created under the powers of this Act, on payment to the holders of such funded debt of the principal sums due to them respectively in addition to any arrears of annuity which, at the time, may be due thereon: Provided always, that the Commissioners shall give at least six months notice in writing of such intended redemption to the holders of such funded

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debt or such part thereof 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.

Protection of lenders.

27. Any person lending or paying money to the Commissioners shall not be bound or entitled to see to the application thereof by the Commissioners, or be answerable for any loss, mis-application or non-application of such money or of any part thereof.

Estimate to be made up by Commissioners.

28. The estimate to be made up by the Commissioners, and the assessments and rates authorised and required to be levied by them under the provisions of the Act of 1866, shall not only include and be sufficient for the purpose of defraying the annual sums or expenditure specified in that Act, and the interest on and any annuity granted in respect of any money borrowed and all funded debt created under the provisions of the Act of 1876, but also of defraying the interest on and any annuity granted in respect of any money borrowed and all funded debt created under the provisions of this Act, and the payment to the sinking fund, and the expense of maintaining and managing the works by this Act authorised, and all other annual expenditure arising out of or consequent on such works.

Application of borrowed money.

29. The several sums borrowed by the Commissioners on mortgage, or raised by the creation of funded debt under the authority of this Act, shall be applied for the purposes of the Acts of 1854, 1866, and 1876, and of this Act only: Provided always that no part thereof shall be applied to purposes for which the annual revenue of the Commissioners is applicable.

Sinking fund.

30. On the expiration of seven years from the passing of this Act, the Commissioners shall, out of the water rates and charges by the Act of 1866 authorised to be levied (in addition to the sums provided to be set apart annually as a sinking fund by the Act of 1866 and the Act of 1876), set apart as a sinking fund annually such a sum as shall, by accumulation, with compound interest thereon at the rate of four per centum per annum, be sufficient to pay off in sixty years the whole amount of money borrowed and funded debt created under the authority of this Act, and, after any mortgages granted, and any funded debt created under the authority of this Act shall have been paid off or redeemed out of such sinking fund, a further sum equal to the interest or annuities which would have been payable on such mortgages or funded debt if the same had not been paid off or redeemed; and the said sinking fund shall be applied to the redemption of mortgages granted and funded debt created under the powers of this Act, and to no other purposes.

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Application to purposes of this Act of moneys not required for other purposes.

31. The Commissioners may apply towards the purposes of this Act any moneys which they may have borrowed, or are authorised to borrow, or any funded debt which they may have created, or are authorised to create, under the powers of the Act of 1866, or the Act of 1876, and which may not be required for the purposes for which the same were authorised to be borrowed or created, or directed to be applied.

Expenses of Act.

32. 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 rates to be levied under the authority of the Act of 1866, and the moneys to be raised under the authority of that Act, the Act of 1876 and this Act, or any of them.

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