CHAPTER xiii.

An Act to authorise the construction of additional waterworks for the city of Perth and places adjacent for conferring further borrowing powers for the purposes of the construction of the bridge and certain other works and the gasworks authorised by the Perth Harbour City Improvements and Gas Act 1897 and for other purposes. [6th June 1899.] A.D. 1899.

WHEREAS the lord provost magistrates and council of the city and royal burgh of Perth are the commissioners of the burgh of Perth acting in and for that burgh under the Burgh Police (Scotland) Act 1892 (herein-after called "the Burgh Commissioners") and as such are the Perth Gas Commissioners (herein-after called "the Gas Commissioners") incorporated by the Perth Gas Act 1871 (herein-after called "the Act of 1871"): 55 & 56 Vict. c. 55. 34 & 35 Vict. c. lxxviii.

And whereas by the Perth Water Act 1877 (herein-after called "the Act of 1877") the water undertaking in that Act called the existing waterworks with the whole powers rights and privileges in relation thereto belonging to the Commissioners in the same Act referred to as the existing Commissioners appointed by an Act passed in the tenth year of the reign of His Majesty King George the Fourth intituled "An Act for supplying the city of Perth and "the suburbs and vicinity thereof with water" herein-after called "the Act of 1829") were vested in Commissioners incorporated by the Act of 1877 for the purposes of that Act and provision was made for the purchase by and sale to them of the undertaking of a company called "The Bridgend of Perth Water Company Limited" and of the undertaking formerly belonging to the Right Honourable the Earl of Kinnoull for supplying with water his feuars on the hill of Kinnoull adjoining the city of Perth and power was conferred on such last-mentioned Commissioners to make and maintain additional waterworks for the purpose of affording a further supply of water to the said city and the suburbs thereof: 40 & 41 Vict. c. clxi. 10 Geo. 4. c. ciii.

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And whereas in virtue of the Act of 1877 the water undertaking and the whole powers rights privileges and authority of every kind vested in the Commissioners thereby incorporated and whether conferred on them by that or any other Act of Parliament and standing unrepealed became vested in the Police Commissioners as defined in the Act of 1877 (now the Burgh Commissioners) who completed the additional waterworks by that Act authorised and have since and as part of their ordinary business managed their water undertaking:

51 & 52 Vict. c. xix.

And whereas by the Perth Water and Gas Act 1888 (herein-after called "the Act of 1888") powers were conferred on the said Police Commissioners inter alia to construct certain additional waterworks in that Act described and such works were duly executed:

And whereas the Burgh Commissioners are unable by their existing waterworks to afford a supply of water by gravitation to the uppermost storeys of dwelling-houses and other buildings within their limits of water supply and such waterworks are further insufficient to afford a supply adequate to meet the wants of the increasing population and trade of the city and it is expedient and would be for the public advantage that the Burgh Commissioners should be authorised to construct the reservoir and works herein-after described for the purpose of affording an increased supply of water at greater pressure:

And whereas it is also expedient that the Burgh Commissioners be empowered to raise further money for the purposes of the waterworks by this Act authorised and for the general purposes of their water undertaking:

60 & 61 Vict. c. xlix.

And whereas by the Perth Harbour City Improvements and Gas Act 1897 (herein-after called "the Act of 1897") the Burgh Commissioners were authorised to make and maintain a bridge over the River Tay and a road of access thereto and also another road and a covered culvert or pipe all in the Act of 1897 described and to borrow money for the construction thereof but the amount so authorised to be borrowed by the Act of 1897 has owing to an increase in the prices of labour and materials and other circumstances proved insufficient to meet the cost of construction of the said works and it is expedient that the Burgh Commissioners be empowered to borrow additional money for the purposes thereof:

And whereas by the Act of 1897 the Gas Commissioners were authorised to acquire lands for and to erect thereon additional gasworks and to borrow money for the purposes of the Act of 1871 the Act of 1888 and the gas purposes of the Act of 1897 and of their gas undertaking but owing to the insufficiency of the estimates

of the money required for those purposes the powers of borrowing therefor have proved inadequate and it is expedient that the Gas Commissioners be empowered to borrow additional money for those purposes: A.D. 1899.

And whereas by the Perth Improvement Act 1893 (herein-after called "the Act of 1893") the Burgh Commissioners were authorised to make and maintain the new streets and street improvements in that Act described and the powers of the Burgh Commissioners for the compulsory purchase of lands for the purposes of the Act of 1893 will cease on the twenty-ninth day of June in the year one thousand nine hundred and their powers for executing the said works will cease on the twenty-ninth day of June in the year one thousand nine hundred and three: 56 & 57 Vict. c. lxxv.

And whereas the whole of the works authorised by the Act of 1893 have not yet been completed and it is expedient that the periods limited by that Act for the compulsory purchase of lands for the purposes thereof and for executing and completing the works thereby authorised so far as not completed should be extended:

And whereas plans and sections of the additional waterworks by this Act authorised showing the lines situations and levels thereof and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk for the county of Perth in his office at Perth 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:—

PART I.—PRELIMINARY.

1. This Act may be cited for all purposes as the Perth Water Police and Gas Act 1899. Short title.

2. This Act is divided into Parts as follows:— Division of Act into Parts.

Part I.—Preliminary.
Part II.—Waterworks.
Part III.—Lands.
Part IV.—Financial.
Part V.—Miscellaneous.

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Incorporation of general Acts.

3. The Lands Clauses Acts the Waterworks Clauses Act 1847 except the provisions with respect to the communication pipes to be laid by the undertakers and 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 71 72 and 88 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 Provided that the said provisions of the Railways Clauses Consolidation (Scotland) Act 1845 shall be read so as to apply only to the construction of the reservoir and road (Works Nos. 1 and 5) by this Act authorised and the works immediately connected therewith and that sections 25 and 26 of the same Act shall be read so as to apply to the construction of the aqueducts conduits or lines of pipes by this Act authorised and the prescribed limits shall be two hundred yards from every or any part of the respective works.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Act of 1877 or 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 Provided that in the Acts wholly or partially incorporated with this Act the following words and expressions have for the purposes of this Act the meanings hereby assigned to them (that is to say):—

"The promoters of the undertaking" "the undertakers" and "the company" respectively mean the Burgh Commissioners;

"The railway" means the works by this Act authorised and "the centre of the railway" means the boundaries of those works:

And in this Act—

"The Burgh Commissioners" means the lord provost magistrates and council of the city and royal burgh of Perth as the commissioners of the burgh under the Burgh Police (Scotland) Act 1892;

"The Gas Commissioners" means the Perth Gas Commissioners incorporated by the Act of 1871;

"The water undertaking" means and comprehends the undertaking as defined by the Act of 1877 and the additional waterworks and water undertaking by the Act of 1888 and this Act authorised;

"The water limits" means the limits of the Act of 1877 for the purposes of water supply by the Commissioners as defined by section 64 of that Act; A.D. 1899.

"The sheriff" means the sheriff of the county of Perth.

PART II.—WATERWORKS.

Power to make additional waterworks.

5. Subject to the provisions of this Act the Burgh Commissioners may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works herein-after described wholly situate in the county of Perth (that is to say):—

(1) A reservoir (Work No. 1) wholly situate in the parish of Kinnoull and within a field on the farm of Muirhall numbered 175 on the Ordnance survey map (1866) scale $\frac{1}{2500}$ of the parish of Kinnoull to be formed by an embankment commencing at a point twenty-six yards or thereabouts north from a point on the north side of the public road or highway leading from Perth to Dundee by Upper Muirhall commonly called and herein-after called Muirhall Road two hundred and sixty-four yards or thereabouts measured in a westerly direction along that road from the south-west corner of the farm buildings or steading of Upper Muirhall which embankment will extend in a northerly direction from the said point of commencement for a distance of fifty-seven yards or thereabouts thence in a westerly direction for a distance of sixty-two yards or thereabouts thence in a southerly direction for a distance of sixty-four yards or thereabouts and thence in an easterly direction for a distance of fifty-eight yards or thereabouts and terminating at the said point of commencement:

(2) An aqueduct conduit or line of pipes (Work No. 2) commencing in the parish of Perth and the division thereof commonly called the West Church Parish of Perth and Royal Burgh of Perth by a junction with the existing water pipe of the Burgh Commissioners at the south side of their existing pumping station situate at the junction of South Tay Street and Marshall Place and terminating in the parish of Kinnoull within and at the south side of the intended reservoir herein-before described:

(3) An aqueduct conduit or line of pipes (Work No. 3) wholly situate in the parish of Kinnoull commencing within and at the south side of the said intended reservoir and terminating by a junction with the existing water pipe of the Burgh Commissioners in the public road leading from Perth to

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Dundee commonly called the Dundee Road at a point in that road two hundred and twenty yards or thereabouts measured in a south-easterly direction along the same from the south side of the entrance gateway to Kinnoull Parish Church:

(4) An aqueduct conduit or line of pipes (Work No. 4) wholly situate in the parish of Kinnoull commencing by a junction with the aqueduct conduit or line of pipes (Work No. 3) herein-before described at a point in Muirhall Road twenty-four yards or thereabouts measured in a westerly direction along that road from the south-west corner of the former toll house on Muirhall Road marked "Muirhall check T.P." on the said Ordnance survey map and terminating in the centre of the public road leading from Perth to Coupar Angus by a junction with the existing water pipe of the Burgh Commissioners at a point in that road one hundred and seventeen yards or thereabouts measured in a north-easterly direction from the east side of the entrance gateway to Kincarrathie House:

(5) A road (Work No. 5) wholly situate in the parish of Kinnoull and within the said field numbered 175 on the said Ordnance survey map of the parish of Kinnoull commencing by a junction with Muirhall Road at a point therein two hundred and ninety-five yards or thereabouts measured in a westerly direction along Muirhall Road from the south-west corner of the said farm buildings or steading of Upper Muirhall and terminating at the foot of the southerly embankment of the intended reservoir herein-before described.

Power to make subsidiary works and improve existing works.

6. The Burgh Commissioners may subject to the provisions of this Act make and maintain all proper embankments bridges roads approaches ways wells tanks dams sluices waste weirs outlets outfalls discharge pipes adits shafts cuts filters channels aqueducts conduits culverts drains mains pipes junctions valves gauges stand-pipes meters engines machinery buildings and all other works apparatus and conveniences in connexion with the works or any of them authorised by this Act or necessary for conducting inspecting maintaining enlarging repairing cleansing managing and using the same and may subject as aforesaid from time to time alter renew relay extend enlarge and discontinue the works by this Act authorised and any existing works conduits aqueducts mains pipes or conveniences whatsoever in connexion with their waterworks undertaking.

Limits of lateral deviation.

7. In the construction of the works by this Act authorised the Burgh Commissioners may deviate laterally from the lines of the respective works as shown on the deposited plans to the extent of

the limits of lateral deviation marked thereon and where the line of any work shown on the deposited plans passes along any road or street and limits of lateral deviation are not marked thereon the Burgh Commissioners may in constructing such works deviate laterally from the line thereof as laid down on the deposited plans to the extent of the boundaries of such road or street.

Limits of vertical deviation.

8. In the construction of the works by this Act authorised the Burgh Commissioners may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of all other works three feet upwards and seven feet downwards Provided that the aqueduct conduit or line of pipes being Work No. 2 by this Act authorised shall not be deviated downwards from the levels thereof shown on the deposited sections at the point where the same crosses the access provided for by sub-section (4) of section 40 of the Act of 1897 and shall be so constructed as not to diminish the height of such access as prescribed by the said sub-section Provided also that the Burgh Commissioners may erect any water tower standpipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Act Provided further that the Burgh Commissioners shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition nor raise above the surface of the ground any part of the pipes unless and except so far as is shown on the deposited sections.

Power to alter roads &c. temporarily.

9. For the purposes of and during the execution of the several works herein-before described the Burgh Commissioners may from time to time break open cross stop up alter divert or otherwise interfere with temporarily any rivers lands streams highways county or other public and private roads streets bridges lanes paths passages railways tramways sewers drains watercourses telegraphic telephonic and electric lighting pipes lines wires posts and apparatus and gas and water mains pipes and works in any of the lands shown on the deposited plans and specified in the deposited books of reference and which they from time to time find it expedient for any of those purposes so to interfere with providing proper temporary substitutes for any sewers drains telegraphic telephonic or electric lighting apparatus or gas or water mains or pipes so interfered with and making full compensation to all persons injuriously affected by anything done under the provisions of this section Provided always that the Burgh Commissioners shall not divert alter or stop up temporarily or otherwise any telegraph or

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telegraphic apparatus belonging to the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 otherwise than in accordance with the provisions of section 15 of that Act.

For protection of Caledonian Railway Company.

10. The following provisions for the protection of the Caledonian Railway Company (herein-after called "the Caledonian Company") shall unless otherwise agreed between the Caledonian Company and the Burgh Commissioners apply and have effect (that is to say):—

(1) The aqueduct conduit or line of pipes (Work No. 2) by this Act authorised shall be laid in the roadway under the bridge or viaduct carrying the railway of the Caledonian Company over Tay Street and the Burgh Commissioners shall not enter upon or interfere with any railway work or land belonging to the Caledonian Company:

(2) All the operations of the Burgh Commissioners in laying down and maintaining the said aqueduct conduit or line of pipes under the railway of the Caledonian Company shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the Caledonian Company and according to plans sections and specifications to be approved by him before any such operations are commenced or in the event of his disapproving thereof or within twenty-eight days after delivery of such plans sections and specifications failing to approve thereof then according to plans sections and specifications to be settled by the arbiter to be appointed as herein-after mentioned but always at the expense of the Burgh Commissioners and so as not to cause any injury to the railway or bridge or viaduct of the Caledonian Company or any works connected therewith nor any interference with the passage or conduct of traffic along the said railway and if any such injury or interference shall arise or if the Caledonian Company shall incur any extra expense by reason of the making or maintaining of such aqueduct conduit or line of pipes or of any of the operations of the Burgh Commissioners the Burgh Commissioners shall make full compensation to the Caledonian Company in respect thereof:

(3) If any difference shall arise between the Caledonian Company and the Burgh Commissioners as to any plans sections or specifications or the mode of executing any works or as to any additional expense incurred by the Caledonian Company or any loss or damage provided for in this section such difference

shall be determined by an arbiter to be appointed by the Board of Trade on the application of either the Burgh Commissioners or the Caledonian Company and the cost of any such reference shall be borne and paid as the arbiter shall direct.

Works on tidal lands not to be constructed without previous consent of Board of Trade.

11. The Burgh Commissioners shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work temporary or otherwise without the previous consent of the Board of Trade to be signified in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Burgh Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Burgh Commissioners and the amount of such costs and charges shall be a debt due from the Burgh Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

Lights on works during construction.

12. The Burgh Commissioners shall on or near the works below high-water mark temporary or otherwise during the whole time of the constructing altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

If the Burgh Commissioners fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Power to divert and impound waters.

13. The Burgh Commissioners may take and divert into and impound and store up in the reservoir and works by this Act authorised and their existing reservoirs and other works and may appropriate use and distribute for the purposes of their water undertaking the waters of the River Tay and the affluents thereof and all springs and waters arising within any lands to be acquired by the Burgh Commissioners under the provisions of this Act or within the site of or that may be intercepted by the works authorised by this Act.

Period for completion of works.

14. If the works authorised by this Act are not completed within seven years from the passing of this Act then on the expiration

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of that period the powers by this Act granted to the Burgh Commissioners for executing any works not so completed or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Burgh Commissioners from altering renewing relaying extending enlarging or discontinuing any of their engines machinery conduits aqueducts mains pipes or conveniences or improving their supply of water at any time and from time to time as occasion requires subject to the provisions of this Act.

Burgh Commissioners may draw off water for repairs and cleaning of works.

15. It shall be lawful for the Burgh Commissioners from time to time to cause the water to be drawn or let off from the reservoir and aqueducts conduits or lines of pipes authorised by this Act for the purpose of repairing or inspecting the state of those works or any of the banks channels water-gates pipes or other works appertaining thereto or for the purpose of cleaning out the said reservoir and aqueducts conduits or lines of pipes or any of them or any part thereof but in any such case the Burgh Commissioners shall use all convenient speed in making such repairs or in executing such cleaning and shall do as little damage as may be and make compensation to all persons injuriously affected by anything done under the provisions of this section.

Supply to local authorities and others in bulk or otherwise.

16. The Burgh Commissioners may from time to time enter into contracts and agreements with any county council district committee of a county council corporation company trustees bodies persons or person corporate or not corporate for the sale or supply to them or any or either of them from their existing waterworks and the works by this Act authorised or any of them of water in bulk or by measure or otherwise beyond the water limits on such terms and conditions and for such period or periods of time as may be agreed on Provided that such supply shall not prejudicially affect or restrict the supply of water required within the water limits Provided further that it shall not be lawful for the Burgh Commissioners to supply water under any such contract or agreement beyond the water limits and within the limits of supply of any local authority company or person supplying water under the authority of Parliament without the consent of such local authority company or person.

Works to form part of water undertaking.

17. The works by this Act authorised shall form part of the existing water undertaking of the Burgh Commissioners and all the powers and provisions vested in and applicable to the Burgh Commissioners by the Act of 1829 the Act of 1877 and the Act of 1888 with reference to their water undertaking shall be and the same are hereby in so far as applicable extended and applied to the waterworks by this Act authorised.

PART III.—LANDS.

Power to take lands for water purposes.

18. Subject to the provisions of this Act the Burgh Commissioners may enter upon take and use such of the lands shown upon the deposited plans and described in the deposited books of reference as they require for the purposes of the construction and maintenance of the works by this Act authorised.

Power to acquire servitudes only.

19. Subject to the provisions of this Act the Burgh Commissioners may instead of acquiring lands for the purposes of any aqueducts conduits or lines of pipes by this Act authorised acquire such servitudes over and rights in such lands as they may require for the purpose of from time to time constructing reconstructing placing laying inspecting maintaining cleansing repairing replacing enlarging adding to conducting or managing the same and may give notice to treat in respect of such servitudes and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such servitudes and rights as fully as if the same were lands within the meaning of such Acts:

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

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

Additional lands by agreement for water purposes.

20. In addition to the lands which the Burgh Commissioners are by this Act authorised to take compulsorily they may for any of the purposes of this Act in connexion with the water undertaking from time to time by agreement purchase feu take on lease

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and hold any additional quantity of land not exceeding in the whole five acres or any servitude or right (not being a servitude right or privilege of water in which persons other than the grantors have an interest) in or over such additional lands which they may from time to time think requisite for any of the purposes of the water undertaking Provided that no buildings shall be erected on any such lands other than buildings connected with or necessary for the water undertaking of the Burgh Commissioners Provided that nothing in this Act shall exempt the Burgh Commissioners from any action or proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so acquired and held.

Power to take servitudes &c. by agreement.

21. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Burgh Commissioners any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges 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.

Restriction on taking houses of labouring class.

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

If the Burgh Commissioners acquire or appropriate any house or houses in contravention of the foregoing provision they shall be liable to a penalty not exceeding five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purpose of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than

domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Correction of errors &c. in deposited plans and books of reference.

23. If there be any omission misstatement or erroneous description of any lands or the buildings thereon or of the owners lessees or occupiers of any lands or buildings shown on the deposited plans or specified in the deposited books of reference the Burgh Commissioners may after giving ten days' notice to the owners lessees and occupiers affected by such proposed correction apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission misstatement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or erroneously described and the decision of the sheriff in such matter shall be final.

Certificates to be deposited.

24. The certificate of the sheriff shall be deposited in the office at Perth of the sheriff clerk of the county of Perth and a duplicate thereof shall be deposited with the clerk of the parish council of the parish in which the lands or buildings are situate in respect to which or to the owners lessees or occupiers whereof the omission misstatement or erroneous description occurred and such certificate and duplicate shall be kept by such sheriff clerk and clerk of the parish council respectively along with the other documents to which they relate and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate and the Burgh Commissioners may purchase take and use for the purposes of this Act any lands in accordance with such certificate as if such omission misstatement or erroneous description had not been made.

Period for compulsory purchase of lands.

25. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

For protection of lands of Rodney Lodge.

26. Nothing in this Act contained shall authorise the Burgh Commissioners to enter upon take or use temporarily or permanently any lands belonging to John Rollo.

PART IV.—FINANCIAL.

Power to Burgh Commissioners to borrow additional money for

27. In addition to any money borrowed or which the Burgh Commissioners have power to borrow under and in virtue of the Act of 1877 and the Act of 1888 the Burgh Commissioners may from time to time under the authority of this Act borrow on mortgage of the several rates and charges leviable by them under

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water undertaking:

the provisions of the Act of 1877 and the Act of 1888 and this Act any sums they think requisite for the purposes of those Acts and of this Act relating to the water undertaking not exceeding in the whole the sum of fifteen thousand pounds and may make and grant mortgages of and over the said several rates and charges accordingly in security of the payment of the money so borrowed and interest thereon and if after having borrowed the sums of money by this section authorised or any part thereof the Burgh Commissioners pay off the same or any part thereof otherwise than by means of the sinking fund herein-after mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time.

And to borrow on cash account.

28. The Burgh 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 Burgh Commissioners according to the usage of bankers in Scotland to the extent of the aggregate amount of the several sums which the Burgh Commissioners are by the last preceding section authorised to borrow or any part thereof and may make and grant mortgages of and over the several rates and charges leviable by them under the provisions of the Act of 1877 and the Act of 1888 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 Burgh Commissioners on such cash account and for money borrowed by them on mortgage as aforesaid shall not when taken together exceed the aggregate amount of the several sums by the Act of 1877 the Act of 1888 and the last preceding section of this Act authorised to be borrowed and not discharged by means of the sinking fund.

Provisions as to mortgages &c. in Act of 1877 to be applicable.

29. Sections 113 114 116 and 123 of the Act of 1877 shall be and are hereby made applicable to the money to be borrowed or raised by the Burgh Commissioners under the authority of this Act relating to the water undertaking and to the mortgages assignations or transfers of mortgages interest warrants drafts or orders and discharges to be granted in respect thereof in the same manner as if such money and such mortgages assignations or transfers of mortgages interest warrants drafts or orders and discharges had been borrowed or raised or granted under the authority of the Act of 1877.

Provisions as to judicial factor &c. to be applicable.

30. Sections 120 121 and 122 of the Act of 1877 shall be and are hereby made applicable to the money to be borrowed or raised by the Burgh Commissioners under the authority of this Act relating to the water undertaking and to the mortgages to be

granted therefor in the same manner as if such money had been borrowed or raised under the authority of the Act of 1877. A.D. 1899.

Application of money borrowed or raised for water undertaking.

31. The several sums to be borrowed or raised by the Burgh Commissioners on mortgage or on cash credit or cash account under the authority of this Act relating to the water undertaking shall be applied for the purposes of the Act of 1877 and of the Act of 1888 and of this Act so far as relating to the water undertaking only to which capital is properly applicable 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 Burgh Commissioners under the authority of this Act relating to the water undertaking shall not be applied to any of the purposes to which the rates and charges by the Act of 1877 and the Act of 1888 and this Act authorised to be levied by them are by this Act specially made applicable.

Priority of existing mortgages and securities.

32. All mortgages and securities granted by the Commissioners incorporated by the Act of 1877 and the Burgh Commissioners in pursuance of the powers of the Act of 1877 and the Act of 1888 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 and securities have priority over any mortgages or securities to be granted by the Burgh Commissioners for moneys borrowed or raised by them in relation to the water undertaking under this Act.

Persons lending not bound to inquire as to observance of Acts.

33. Any person lending or paying money under the Act of 1877 the Act of 1888 or this Act to the Burgh Commissioners shall not be bound to inquire as to the observance by the Burgh Commissioners of any of the provisions of the said 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.

Annual estimates to include interest on money borrowed &c.

34. In estimating and fixing once in every year the amount of money necessary to be levied for the purposes mentioned in section 84 of the Act of 1877 the Burgh Commissioners shall include the interest on the money that may be borrowed by them under the authority of this Act relating to the water undertaking and the moneys by this Act provided to be set apart as a sinking fund in respect thereof and any additional charges and expenses to be incurred in carrying out the purposes of this Act by the Burgh Commissioners and the rates by the Acts of 1877 and 1888 and this Act authorised in respect of the water undertaking shall respectively be assessed and levied to such an amount as will be sufficient to meet the same in addition to the purposes mentioned

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in the said section of the Act of 1877 and the amount so levied shall be applied in payment thereof.

Application of water revenue.

35. Subject to the provisions of the Act of 1877 and the Act of 1888 and this Act the Burgh Commissioners shall apply all moneys from time to time received by them under the powers of the Act of 1877 or the Act of 1888 or this Act (not being money raised by borrowing for the application of which provision is otherwise made) in the manner and order following and not otherwise (that is to say):—

(Firstly) In payment of the expenses of managing and maintaining the water undertaking including therein all expenses of and incidental to the raising levying and recovering of rates rents charges and revenues and the borrowing of moneys for the purposes of the Act of 1877 and the Act of 1888 and this Act and in payment of any feu duties ground annuals or other charges exigible in respect of any lands or property required for the purposes of the water undertaking:

(Secondly) In payment of interest of money borrowed under the authority of the Act of 1877:

(Thirdly) In payment of interest of money borrowed under the authority of the Act of 1888:

(Fourthly) In payment of interest of money borrowed under the authority of this Act relating to the water undertaking:

(Fifthly) In setting apart annually the sinking fund for paying off the money borrowed under the authority of the Act of 1877 and the Act of 1888 and of this Act relating to the water undertaking:

(Sixthly) In carrying the powers and provisions of the Acts of 1829 and 1877 so far as not repealed or altered and the Act of 1888 and this Act so far as relating to the water undertaking into execution:

(Lastly) The surplus (if any) from time to time shall be so applied as to facilitate the reduction of the domestic water rate when circumstances shall permit the same to be done.

Sinking fund for water debt.

36. Section one hundred and seventeen of the Act of 1877 shall apply to the principal moneys to be borrowed by the Burgh Commissioners under the authority of this Act relating to the water undertaking and the repayment thereof Provided that the period of five years therein mentioned shall be read as two years from the passing of this Act and that the four per centum per annum therein mentioned shall be read as three per centum per annum.

Annual return to Secretary for Scotland with respect to sinking fund.

37. The treasurer to the Burgh Commissioners shall within two months after the expiration of each financial year during which any sum is by this Act required to be set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so set apart in respect of that year and also showing the purposes to which any portion of such sinking fund and the interest or income thereof has been applied during the same period and the total amount remaining to the credit of such fund at the end of the same period and in the event of any wilful default in making such return such treasurer shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the Burgh Commissioners have failed to set apart the sum required by this Act to be set apart by them for the sinking fund or have applied any portion of the moneys set apart for such fund or any interest or income thereof to any purposes other than those authorised by this Act the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart as part of such sinking fund and such order shall be enforceable by decree of either division of the inner house of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Additional borrowing for construction of new bridge &c.

38. Section 58 of the Act of 1897 shall be read and receive effect as if the sum of thirty-five thousand pounds had been therein inserted in place of the sum of twenty thousand pounds and all the provisions of the said section and of sections 59 to 66 76 and 77 of the Act of 1897 shall apply to the said sum of thirty-five thousand pounds as if that sum had been inserted in the said section 58 in place of the sum of twenty thousand pounds but notwithstanding anything in this section contained the burgh general assessment shall not be liable in any year for any money borrowed by the Burgh Commissioners under the powers of the Act of 1897 or this Act for the construction of the bridge and roads and culvert or pipe by the Act of 1897 authorised or be appropriated or applied in payment of the interest or in repayment of the capital of any such money further than to the extent of fourpence of the two shillings in the pound as mentioned in the said section 58.

Additional borrowing for gas undertaking

39. Section 67 of the Act of 1897 shall be read and receive effect as if the sum of seventy-five thousand pounds had been

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therein inserted in place of the sum of fifty thousand pounds and section 75 of the Act of 1897 shall be read and receive effect as if the sum of seven hundred and fifty pounds had been therein inserted in place of the sum of five hundred pounds and all the provisions of the said sections and of sections 68 to 74 and 76 and 77 of the Act of 1897 shall apply to the said sums of seventy-five thousand pounds and seven hundred and fifty pounds as if those sums had been respectively inserted in the said sections 67 and 75 in place of the sums of fifty thousand pounds and five hundred pounds.

PART V.—MISCELLANEOUS.

Powers under recited Acts extended to purposes of this Act.

40. Except as otherwise provided by this Act all the powers and provisions vested in and applicable to the Burgh Commissioners with reference to the water undertaking by the Act of 1829 in so far as not repealed or altered by the Act of 1877 and the Act of 1888 and by the Act of 1877 in so far as not repealed or altered by the Act of 1888 and by the Act of 1888 in so far as not repealed or altered by this Act shall be and the same are hereby in so far as applicable extended and applied to the purposes of this Act relating to the water undertaking and to the lands to be acquired by the Burgh Commissioners under the powers of this Act.

Extending periods for purchase of lands and completion of works authorised by Act of 1893.

41. The period limited by the Act of 1893 for the compulsory purchase of lands for the purposes of that Act is hereby extended to the twenty-ninth day of June one thousand nine hundred and five and the period limited by the same Act for the completion of the new streets and street improvements thereby authorised is hereby extended to the twenty-ninth day of June one thousand nine hundred and eight and sections 10 and 23 of the Act of 1893 shall respectively be read and construed accordingly.

Saving rights of Crown in foreshore.

42. Nothing contained in this Act shall authorise the Burgh Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Costs of Act.

43. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in

relation thereto shall be paid to the extent of two thirds thereof by the Burgh Commissioners out of their funds and revenues and the moneys which they are authorised to borrow or raise under the authority of this Act relating to the water undertaking to the extent of one sixth thereof by the Burgh Commissioners out of their other funds and revenues and to the extent of the remaining one sixth thereof by the Gas Commissioners out of their funds and revenues and the moneys which they are authorised to borrow or raise under the authority of this Act.

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