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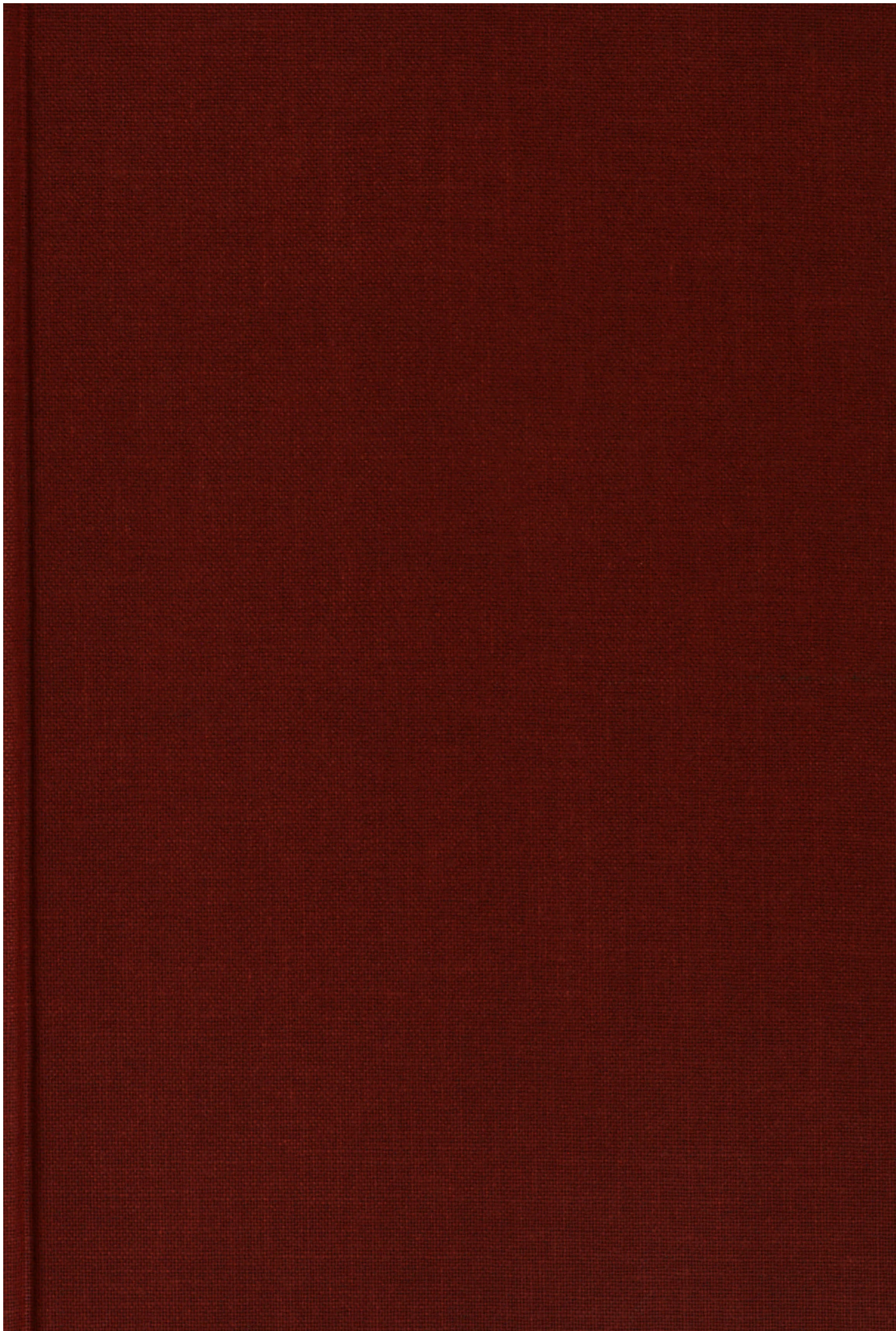
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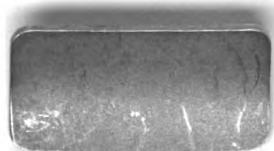
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THE
SESSIONAL PAPERS

8/66
20

PRINTED BY ORDER

OF

THE HOUSE OF LORDS,

OR PRESENTED BY ROYAL COMMAND,

IN THE

Session 1910,

(10 EDWARD VII.—1 GEORGE V.)

ARRANGED IN VOLUMES.

VOL. VIII.

PUBLIC BILLS,

(Five Volumes,)

CONCLUDED.

THE SUBJECTS ALPHABETICALLY ARRANGED:

REG - - WEM

1910.

PUBLIC BILLS, 1910.

(FIVE VOLUMES.)

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Regency Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Her Majesty Queen Mary to be Regent.
2. Oaths to be taken by Regent.
3. Marriage of Sovereign under the age of eighteen forbidden during Regency without consent of Regent and Parliament.
4. Regent not entitled to give the Royal Assent to any Act altering the succession to the Crown, &c.
5. Powers of the Act to determine if Regent becomes Roman Catholic or marries Roman Catholic or resides abroad.
6. Short title.

SCHEDULE.

A

B I L L

INTITULED

An Act to provide for the Administration of the Govern- A.D. 1910.
ment in case the Crown should descend to any issue of
His Majesty while such issue shall be under the age
of eighteen years, and for the care and guardianship
of such issue.

WHEREAS Your Majesty, by Your Majesty's Royal message
to both Houses of Parliament, has been pleased to recom-
mend that provision should be made for a Regency in certain
events:

5 Now therefore we, Your Majesty's most dutiful and loyal
subjects, the Lords Spiritual and Temporal, and the Commons,
in Parliament assembled, do most humbly beseech Your Majesty
that it be enacted, and be it enacted by the King's most
10 Excellent Majesty, by and with the advice and consent of the
Lords Spiritual and Temporal, and the Commons, in this present
Parliament assembled, and by the authority of the same, as
follows:—

1.—(1) If on the demise of His present Majesty (whom Her Majesty
Queen Mary
to be Regent.
God long preserve) any child of His Majesty succeeds to the
15 Crown whilst under the age of eighteen years, Her Majesty
Queen Mary shall be the guardian, and have the care and
tuition of such child until the child attain the age of eighteen
years, and until that time shall have the disposition, ordering,
and management of all matters and things relating thereto.

20 (2) Her Majesty Queen Mary shall, until such child attain
the age of eighteen years and no longer, have full power and
authority in the name of such child and in the stead of such
child, and under the style and title of "the Regent" to exercise

A.D. 1910. and administer according to the laws and constitution thereof, the Royal power and government of this realm, and all the dominions, countries, and territories belonging to the Crown thereof, and use, exercise, and perform all prerogatives, authorities, and acts of government and administration of government 5 that belong to the Sovereign of this realm to use, execute, and perform according to the laws thereof, but in such manner and subject to such conditions, restrictions, limitations, and regulations as are contained in this Act.

(3) All acts of Royal power, prerogative, government, and 10 administration of government of any kind which shall be done or executed during the Regency established by this Act otherwise than by and with the consent and authority of the Regent, in the manner and according to the directions prescribed by this Act, shall be absolutely null and void to all intents and 15 purposes.

Oaths to be taken by Regent.

2. The Regent, before she shall act or enter upon her office of Regent, shall take the oaths set out in the Schedule to this Act before the Privy Council, and the Privy Council are empowered and required to administer those oaths and to enter 20 them in the Council books.

Marriage of Sovereign under the age of eighteen forbidden during Regency without consent of Regent and Parliament.

3.—(1) During the Regency, the Sovereign for whom the Regent is appointed shall not intermarry, before attaining the age of eighteen years, with any person, unless the consent in writing of the Regent and the assent of both Houses of 25 Parliament is previously obtained, and any marriage entered into in contravention of this section shall be null and void to all intents and purposes.

(2) Any person who shall knowingly act, aid, abet, or be concerned in obtaining, procuring, or bringing about any marriage 30 in contravention of this section, and the person who shall be married to the Sovereign knowing that the marriage is a marriage in contravention of this section shall be guilty of a felony under the Treason Felony Act, 1848.

Regent not entitled to give the Royal Assent to any Act altering the succession to the Crown, &c.
12 Will. 3. c. 2.
13 & 14 Chas. 2.
c. 4.

4. The Regent shall not give or have power to give the 35 Royal Assent to any Bill for repealing, changing, or in any respect varying, the order or course of succession to the Crown of this realm, as established by the Act of Settlement, or to any Bill for repealing or altering an Act of the fifth year of the reign of Queen Anne, made in Scotland, intituled "An Act 40 for securing the Protestant religion and Presbyterian government."

[1 GEO. 5.]

Regency.

3

5 **5.** If Her Majesty Queen Mary shall, after becoming Regent, be reconciled to or hold communion with the See or Church of Rome, or shall profess the Roman Catholic religion, or shall marry a person professing the Roman Catholic religion, or shall cease to reside in or absent herself otherwise than temporarily from the United Kingdom, Her Majesty shall no longer be guardian and Regent; and all the powers and authorities which she may have derived under or by virtue of this Act shall thenceforth cease and determine.

A.D. 1910.
Powers of the Act to determine if Regent becomes Roman Catholic or marries Roman Catholic, or resides abroad.

10 **6.** This Act may be cited as the Regency Act, 1910.

Short title.

SCHEDULE.

1. I do swear that I will be faithful and bear true allegiance to [here insert the name of the Sovereign] his heirs and successors according to law. So help me God.

15 2. I do swear that I will truly and faithfully execute the office of Regent according to the Regency Act, 1910, and that I will administer the government of this realm and of all the Dominions thereunto belonging according to the laws, customs, and statutes thereof, and will in all things to the utmost of my power and ability consult and
20 maintain the safety, honour, and dignity of [here insert the name of the Sovereign] and the welfare of His people. So help me God.

3. I do faithfully promise and swear that I will inviolably maintain and preserve the Settlement of the true Protestant religion with the government, discipline, rights, and privileges of the Church of
25 Scotland as established by law. So help me God.

Regency.

A

B I L L

INTITLED

An Act to provide for the Administration of the Government in case the Crown should descend to any issue of His Majesty while such issue shall be under the age of eighteen years, and for the care and guardianship of such issue.

(Brought from the Commons 25th July 1910.)

Ordered to be printed 25th July 1910.

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[*Price 1d.*]]

(132)

Regency Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE MARQUESS OF SALISBURY.

Clause 5, page 3, line 9, after ("determine") insert the following new subsection—

(2) If the powers and authorities of the Regent cease and determine under the provisions of this section or otherwise than by the attainment by the Sovereign for whom the Regent was appointed of the age of eighteen years, it shall be lawful for both Houses of Parliament to present an address to the Sovereign praying that the person named in such address may be appointed Regent, and thereupon the Sovereign by Order in Council may appoint such person to be Regent, and the person so appointed shall become Regent with all the powers and authorities of that office as if named Regent in this Act, and subject to all the provisions thereof.

(132 a.)

Regency Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE MARQUESS OF SALISBURY.

27th July 1910.

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(132 a.)

[1 GEO. 5.] *Registration of Births, Deaths and Marriages (Scotland) Amendment.*

1

A

B I L L

INTITULED

An Act to amend the Law respecting the Authentication of Extracts under the Acts relating to the Registration of Births, Deaths and Marriages in Scotland. A.D. 1910.

BE it enacted by the King'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:—

- 5 **1.** So much of section fifty-eight of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, as requires extracts of entries which shall be admissible as evidence to be signed by the Registrar General if such extracts shall be from the registers kept at the General Registry Office, shall cease to have effect, and in lieu thereof it is hereby provided that the Registrar General shall cause to be made a seal of the said General Registry Office, and the Registrar General shall cause to be sealed or stamped therewith all extracts of entries given in the said office; and all extracts of entries purporting to be sealed or stamped with the seal of the said General Registry Office shall be deemed to be duly authenticated by the Registrar General, and the provisions of the said section shall apply thereto as fully as if such authenticated extracts were signed by the Registrar General.
- 10
- 15
- 20 **2.**—(1) This Act may be cited as the Registration of Births, Deaths and Marriages (Scotland) Amendment Act, 1910, and may be cited with the Births, Deaths and Marriages (Scotland) Acts, 1854 to 1860, and this Act and the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, shall be construed as
- 25 one Act.

Substitution of seal for signature of Registrar General for Scotland. 17 & 18 Vict. c. 80.

Short title, construction, and commencement.

(2) This Act shall come into operation on the expiration of three months from the passing thereof.

(154)

**Registration of
Births, Deaths and
Marriages (Scotland)
Amendment.**

A

B I L L

INTITLED

An Act to amend the Law respecting
the Authentication of Extracts under
the Acts relating to the Registration
of Births, Deaths and Marriages in
Scotland.

(Brought from the Commons 29th July 1910.)

Ordered to be printed 29th July 1910.

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E. FOSNOYER, LTD., 116, Grafton Street, Dublin.

[*Price 3d.*]]

(154)

[10 EDW. 7 & *River Don (Salmon Fisheries) Order*
1 GEO. 5.] *Confirmation.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1910.
Legislation Procedure (Scotland) Act 1899 relating to
the River Don (Salmon Fisheries).

WHEREAS His Majesty's Secretary for Scotland has made
the Provisional Order set forth in the schedule here-
unto annexed under the provisions of the Private Legislation 62 & 63 Vict.
Procedure (Scotland) Act 1899 and it is requisite that the said c. 47.
5 Order should be confirmed by Parliament:

Be it therefore enacted by the King'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:—

- 10** **1.** The Provisional Order contained in the schedule hereunto Confirmation
annexed shall be and the same is hereby confirmed. of Order in
schedule.
- 2.** This Act may be cited as the *River Don (Salmon Fisheries) Order Confirmation Act 1910.* Short title.

A.D. 1910.

SCHEDULE.

RIVER DON (SALMON FISHERIES).

*Provisional Order to economise the waters of the River Don
in the County of Aberdeen and to maintain sufficient
water in that River for the passage of Salmon.* 5

WHEREAS the river Don (herein-after called "the river")
in the county of Aberdeen is a river which has in its waters
valuable salmon and other fishings and on its banks extensive
mills and manufactories at Stoneywood Mugiemoos and Grand-
holm in which the greater number of the inhabitants of the 10
locality are employed :

And whereas the industries carried on at the said mills and
manufactories are partly dependent on the water of the river
and the proprietors thereof have for many years used water from
the river for the purposes of such industries : 15

And whereas the effect of the abstraction of water from
the river at the periods of the year in which apart from such
abstraction there is a scarcity of water in the river is to prevent
or seriously interfere with the passage of salmon and other fish
up and down the river : 20

And whereas by a decision of the House of Lords on the
sixteenth day of July one thousand nine hundred and six in the
cause intituled " Alex. Pirie and Sons Limited incorporated under
" the Companies Acts 1862 to 1893 having their registered office
" at Stoneywood Works Bucksburn in the county of Aberdeen 25
" and carrying on business as paper manufacturers at Stoney-
" wood Works in the said county against the Right Honourable
" Algernon-Hawkins-Thomond Keith-Falconer Earl of Kintore
" proprietor of the lands of Keithhall Inverurie the Right Honour-
" able Horace Courtenay Gammell Forbes Baron Forbes proprietor 30
" of the lands of Castle Forbes and Braes of Forbes the Honour-
" able Athol Monson Forbes of Brux Sir Arthur Henry Grant
" Baronet of Monymusk Miss Maria Ogilvie Farquharson of
" Haughton Neil M'Lean Esquire of Breda James Ogston Esquire

[10 EDW. 7 & *River Don (Salmon Fisheries) Order* 3
1 GEO. 5.] *Confirmation.*

“ of Kildrummy and James Milne Esquire of Kinaldie all in the A.D. 1910.
“ county of Aberdeen who are all proprietors of salmon fishings
“ in the river Don in the said county” (et è contra) it was
(affirming an Interlocutor of the First Division of the Court of
5 Session in Scotland) declared (inter alia) that Alex. Pirie and
Sons Limited (herein-after called “the Stoneywood proprietors”)
were entitled to abstract certain quantities of water from the
river for the purposes of their works :

And whereas the Stoneywood proprietors and C. Davidson
10 and Sons Limited paper manufacturers Mugiemoss Works in the
county of Aberdeen (herein-after called “the Mugiemoss pro-
prietors”) have also for many years used water from the river
for the purposes of their manufactory and J. and J. Crombie
15 Limited woollen manufacturers Grandholm Woodside in the
county of Aberdeen (herein-after called “the Grandholm pro-
prietors”) have also for many years used water from the river
for the purposes of their manufactory :

And whereas it has been agreed between the Stoneywood
proprietors the Mugiemoss proprietors and the Grandholm pro-
20 prietors on the one hand and the pursuers of the action herein-
before referred to together with William Roger Paton of
Grandhome and the district board of the district of the river
Don acting under the Salmon Fisheries (Scotland) Acts on the
other hand to adopt an improved system of abstraction of water
25 from the river with the view of effecting the more economical
use thereof for the purposes of the said industries and for more
effectually preserving the river below the several points of
abstraction in a condition better fitted for the passage of
salmon :

30 And whereas the works proposed to be constructed under
and in pursuance of the powers of this Order and the system
of abstraction of water proposed to be authorised by this Order
will result in such economised use of the waters of the river :

And whereas the alteration and improvement provided for
35 in this Order of the system on which water is now abstracted
by the said proprietors and the altered and improved use in
that behalf of the existing works of the said proprietors
established in the river for the purposes of and in connexion
with the present system of abstraction of water will render it
40 necessary to sanction the continuance of such existing works

A.D. 1910. — and their use for the purposes of and in connexion with such improved system of abstraction and necessary also to authorise such improved system of abstraction :

And whereas it is expedient in the public interest and in the interest of the locality and of the fishings and industries 5 dependent on the waters of the river and of the persons whose means of livelihood is dependent on the continuance of such industries and fishings that the waters of the river should be economised and used to the best advantage of all concerned and that the new works proposed to be constructed under the 10 provisions of this Order and the existing works described in this Order should be sanctioned and that the system of abstraction of water from the river by the Stoneywood proprietors and the Mugiemooss proprietors should be improved and regulated and the other provisions made all as in this Order provided : 15

And whereas plans and sections showing the lines situations and levels of the works the construction of which is authorised or confirmed and sanctioned by this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands 20 required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff clerk of the county of Aberdeen :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament 25 under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last mentioned Act the Secretary for Scotland orders as follows :— 30

Preliminary.

- | | | |
|--|---|--|
| Short title. | 1. This Order may be cited as the River Don (Salmon Fisheries) Order 1910. | |
| Incorporation of Acts. | 2. The Lands Clauses Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions 35 of this Order are hereby incorporated with this Order. | |
| Interpretation of terms in this Order. | 3. In this Order the several words and expressions to which meanings are assigned by the Acts incorporated herewith have | |

[10 EDW. 7 & *River Don (Salmon Fisheries) Order* 5
1 GEO. 5.] *Confirmation.*

the same respective meanings unless there be something in the subject or context repugnant to such construction and A.D. 1910.

“The river” means the river Don in the county of Aberdeen;

5 “The fishing proprietors” means the Right Honourable
Algernon-Hawkins-Thomond Earl of Kintore proprietor
of the lands of Keithhall Inverurie the Right Honourable
John Baron Sempill proprietor of the lands of
10 Fintray the Right Honourable Horace Courtenay Gam-
mell Baron Forbes proprietor of the lands of Castle
Forbes and Braes of Forbes the Honourable Athol
Monson Forbes of Brux Sir Arthur Henry Grant
Baronet of Monymusk Neil M’Lean of Breda James
15 Ogston of Kildrummy and James Milne of Kinaldie
all in the county of Aberdeen and their respective
successors;

20 “The Stoneywood proprietors” means Alex. Pirie and Sons
Limited incorporated under the Companies Acts 1862
to 1893 having their registered office at Stoneywood
Works Bucksburn in the county of Aberdeen and their
successors;

25 “The Mugiemooss proprietors” means C. Davidson and Sons
Limited incorporated under the Companies Acts 1862
and 1867 having their registered office at Mugiemooss
Works Mugiemooss in the county of Aberdeen and their
successors;

30 “The Grandholm proprietors” means J. and J. Crombie
Limited incorporated under the Companies Acts 1862
and 1867 having their registered office at Grandholm
Works Woodside in the county of Aberdeen and their
successors;

“The Grandhome proprietor” means William Roger Paton
of Grandhome in the county of Aberdeen and his
successors;

35 “The Undertakers” means in relation to Works Nos. 1
2 3 6 7 and 8 by this Order authorised or confirmed
as the case may be the Stoneywood proprietors and
in relation to Works Nos. 4 5 9 10 and 11 by this
Order authorised or confirmed as the case may be

A.D. 1910.

the Mugiemooss proprietors and in relation to Work No. 12 by this Order confirmed the Grandholm proprietors;

“The fishery board” means the district board of the district of the river Don; 5

“The commencement of this Order” means the date at which the Act confirming this Order passes into law;

“The deposited plans” and “the deposited sections” mean respectively the plans and sections deposited in respect of the application for this Order; 10

“The deposited book of reference” means the book of reference deposited in respect of the application for this Order 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 Order. 15

Authorisation of New and Existing Works.

Construction
of new
works.

4. Subject to the provisions of this Order the Undertakers shall wholly in the county of Aberdeen and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference construct erect make repair and maintain the works shown on the deposited plans and sections and herein-after in this section described and in the case of total or partial demolition of the said works by floods or otherwise shall renew the same and may enter upon take and use such of the said lands as are required for the said purposes (that is to say):— 25

STONEWOOD FISH PASS.

- (1) Work No. 1.—A fish-pass situate wholly in the parish of Newhills to be constructed in or on the southern slope of the existing dyke or weir across the river known as the Stoneywood dam dyke commencing at a point two yards or thereabouts measured in a north-westerly direction from a point in the top or crest of the said Stoneywood dam dyke fifteen yards or thereabouts north-east from the east end of the 35

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1 GEO. 5.] *Confirmation.*

7

heck at the intake of the existing lade known as A.D. 1910.
the Stoneywood lade and terminating at a point
at or near the junction of the base of the said
Stoneywood dam dyke with the river bed nineteen
yards or thereabouts measured in an easterly direction
from the said point of commencement:

5

STONEWOOD SPILL CHANNEL AND
WEIR WALL.

- (2) Work No. 2.—A spill-channel with weir-wall situate
wholly in the parish of Newhills to be constructed
in and alongside the said Stoneywood lade com-
mencing at a point one hundred and thirty yards
or thereabouts and terminating at a point three
hundred and ten yards or thereabouts measured in
a south-easterly direction from the intake sluices
of the said Stoneywood lade:

10

15

REMOVAL OF PORTION OF WATERTON
DAM DYKE.

- (3) Work No. 3.—An alteration removal and partial recon-
struction of a portion of the existing dyke or weir
across the river known as the Waterton dam dyke
situate partly in the parish of Newhills and partly
in the parish of Oldmachar such alteration removal
and partial reconstruction extending for a distance of
eight yards or thereabouts eastwards and six yards or
thereabouts westwards from the point at which the
top or crest of the said Waterton dam dyke is crossed
by the boundary between the said parishes:

20

25

MUGIEMOSS FISH PASS.

- (4) Work No. 4.—A fish-pass situate wholly in the parish
of Oldmachar to be constructed in or on the eastern
slope of the existing dyke or weir across the river
known as the Mugiemooss dam dyke commencing
notwithstanding anything shown on the deposited
plans and sections at the top or crest of the said
Mugiemooss dam dyke at a point where the present
level of the top or crest of the said dyke reaches its
lowest level (being 61.00 feet above Ordnance datum)

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35

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thirty-six yards measured in a northerly direction from the north end of the heck at the intake of the existing lade known as the Mugiemooss lade and terminating notwithstanding anything shown on the deposited plans and sections on the face of the said dyke twenty-one 5 yards eastwards from the said top or crest :

MUGIEMOSS SUBSIDIARY WEIR AND
FISH PASS.

- (5) Work No. 5.—A dyke or weir and a fish-pass thereon situate partly in the parish of Newhills and partly in 10 the parish of Oldmachar which dyke or weir will be constructed on the bed of and across the river extending for a distance of twenty-one yards or thereabouts northwards and twenty-one yards or thereabouts southwards from a point on the boundary 15 between the said parishes thirty-three yards or thereabouts measured in an easterly direction from the centre of the crest of the said Mugiemooss dam dyke which fish-pass will commence at the said dyke or weir at a point two yards or thereabouts westwards 20 of the point where the boundary between the said parishes intersects the line of work and terminate at a point in the bed of the river seventeen yards or thereabouts eastwards from the said point of intersection of the boundary of the said parishes. 25

Continuance
of existing
works.

5. Subject to the provisions of this Order the Undertakers may maintain continue repair use and in the case of total or partial demolition by floods or otherwise renew the existing works hereinafter in this section described shown upon the deposited plans and sections and situate wholly in the county of Aberdeen 30 and the construction of the said works is hereby confirmed and sanctioned (that is to say):—

STONEWOOD DAM DYKE.

- (1) Work No. 6.—A dyke or weir as now existing known as the Stoneywood dam dyke situate partly in the parish 35 of Newhills and partly in the parish of Oldmachar commencing in the parish of Newhills on the west bank of the river at a point thereon forty-five yards or thereabouts measured in a north-easterly direction

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1 GEO. 5.] *Confirmation.*

from the eastmost corner of Stoneywood house and extending in a northerly and easterly direction across the river to and terminating on the east bank thereof in the parish of Oldmachar at or near the southern end of the intake sluice of the lade leading to the old corn mill of Grandholm: A.D. 1910,

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STONEWOOD LADE.

(2) Work No. 7.—An intake and lade or open aqueduct as now existing known as the Stoneywood lade situate in the parish of Newhills on the west side of and running parallel to the river commencing at or near the western extremity of the said Stoneywood dam dyke and terminating at or in the existing turbine house in Stoneywood paper mill:

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WATERTON DAM DYKE.

(3) Work No. 8.—A dyke or weir known as the Waterton dam dyke situate partly in the parish of Newhills and partly in the parish of Oldmachar commencing in the parish of Newhills at a point on the west bank of the river at or near the south-east corner of the intake heck of the existing lade leading into Stoneywood paper works known as the Waterton lade extending in a northerly and easterly direction across the river to and terminating on the east bank thereof in the parish of Oldmachar at a point sixty yards or thereabouts measured along the crest of the said Waterton dam dyke from the said point of commencement:

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MUGIEMOSS DAM DYKE.

(4) Work No. 9.—A dyke or weir as now existing known as the Mugiemooss dam dyke situate partly in the parish of Newhills and partly in the parish of Oldmachar commencing in the parish of Newhills on the south side of the river at a point at or near the north end of the intake heck of the existing lade known as the Mugiemooss lade leading into Mugiemooss paper works extending in a northerly direction across the river to and terminating on the north side

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of the river in the parish of Oldmachar at a point at or near the south end of the intake heck of the existing lade known as the Persley lade:

MUGIEMOSS LADE.

- (5) Work No. 10.—An intake and lade or open aqueduct 5 as now existing known as the Mugiemooss lade situate in the parish of Newhills on the south side of and running parallel to the river commencing at a point in the river at or near the existing intake heck of the said Mugiemooss lade and terminating at or near 10 the intake sluices thereof:

BUCKSBURN LADE.

- (6) Work No. 11.—An intake and lade or open aqueduct as now existing known as the Bucksburn lade leading into Mugiemooss paper works situate in the parish of 15 Newhills on the south side of and running parallel to the river commencing at a point in the river two hundred yards or thereabouts west of the existing intake sluice of the said Bucksburn lade and terminating at or near the existing water wheel at or 20 near the point where the Bucks burn joins the said Bucksburn lade:

PERSLEY LADE.

- (7) Work No. 12.—An intake and lade or open aqueduct as now existing known as the Persley lade situate in the 25 parish of Oldmachar on the north side of and running parallel to the river commencing at a point in the river at or near the intake heck of the said Persley lade and terminating at or near the sluice or sluices known as the check sluices of the said Persley lade. 30

Correction
of errors &c.
in deposited
plans and
book of re-
ference.

6. If there be any omission misstatement or wrong description of any land or property or of the owners lessees or occupiers of the land or property shown on the deposited plans or specified in the deposited book of reference the Undertakers after giving ten days' notice to the owners lessees and occupiers of the land 35 or property in question may apply to the sheriff of Aberdeen Kincardine and Banff for the correction thereof and if it appears to such sheriff that the omission misstatement or wrong description

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arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the sheriff clerk at 5 Aberdeen and such certificate shall be kept by such sheriff clerk with the other documents to which the same relate and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to such certificate and the Undertakers may enter upon take 10 hold and use the land or property in accordance with such certificate.

7. The Undertakers may in addition to and in connection with the works described in the sections of this Order of which the marginal notes are respectively "Construction of new works" 15 and "Continuance of existing works" and on the lands delineated on the deposited plans and described in the deposited book of reference make provide maintain repair and use all such subsidiary works plant appliances and apparatus as may be agreed upon with the Fishery Board for the purposes of the works 20 described in the said sections or failing such agreement as shall be settled by arbitration.

8. In the construction of Work No. 2 Work No. 3 and Work No. 5 by this Order authorised the Undertakers may subject to the provisions of this Order and to the consent of the 25 Fishery Board being obtained which consent shall not be unreasonably withheld deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent not exceeding three feet downwards or three feet upwards 30 Provided that any question as to whether the consent of the Fishery Board in this section mentioned has or has not been unreasonably withheld shall be settled by arbitration Provided further that notwithstanding anything shown on the deposited plans and sections this section shall not extend or apply to 35 any of the works by this Order authorised (other than the said Works Nos. 2 3 and 5) or to the existing works.

9. The following provisions shall have effect in relation to the making of the new works by this Order authorised respectively (that is to say) :— 40

(1) Works Nos. 1 and 2 shall be made and completed by and at the cost of the Stoneywood proprietors :

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(2) Work No. 3 shall be made and completed by and at the cost of the Stoneywood proprietors in the event of the fishing proprietors requiring such work to be made :

(3) Works Nos. 4 and 5 shall be made and completed by 5 and at the cost of the Mugiemoos proprietors.

Position di-
mensions &c.
of new
works.

10. The following provisions shall apply and have effect in relation to the new works by this Order authorised (that is to say) :—

(1)—(A) Work No. 1 shall be fifteen feet wide measured along 10 the crest of Work No. 6 and twenty inches deep measured from the average level of the crest of Work No. 6 as shown on the deposited sections that is to say from the level of a horizontal line 93·67 feet above Ordnance datum and notwithstanding anything shown 15 on the deposited plans Work No. 1 shall be constructed in the position shown on the deposited plans and no alteration shall be made on Work No. 6 except in so far as is necessary for executing Work No. 1 and for the filling up of the existing fish-pass in Work 20 No. 6 ;

(B) The plan of Work No. 1 shall subject to the provisions of this Order be such as shall be approved of by the fishing proprietors and the Grandhome proprietor or their respective engineers for the time 25 being :

(2) The weir-wall part of Work No. 2 shall be of such height and construction as to prevent any water from the river passing over the said wall into and along Work No. 7 unless and until there is water in the river 30 passing over the crest of Work No. 6 to a depth of six-and-one-half inches at least above the average level of the crest of Work No. 6 as shown on the deposited sections :

(3) Subject to the provisions of this Order the construction 35 dimensions shape and position of the weir-wall and spill channel being part of Work No. 2 and of the widening of Work No. 7 involved in the construction of the said weir-wall shall be such as shall be agreed on between the fishing proprietors' engineers and the 40

Stoneywood proprietors' engineers as being sufficient to regulate the abstraction of water in terms of sub-sections (4) and (5) of the section of this Order of which the marginal note is "Limiting abstraction of water at Stoneywood" or failing agreement as shall be settled by arbitration : A.D. 1910.

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(4) An orifice shall be constructed in the said weir-wall part of Work No. 2 of such construction dimensions shape and in such position as shall be agreed on between the fishing proprietors' engineers and the Stoneywood proprietors' engineers or failing agreement as shall be settled by arbitration as in either case complying with the following provisions :—

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(A) The said orifice shall be so constructed as to allow a quantity of water equal to but not exceeding eleven thousand cubic feet to pass through it in any one minute when (1) the water in the river against Work No. 6 on the upstream side thereof is at the same level as that of the average level of the crest of Work No. 6 as shown on the deposited sections that is to say at the level of a horizontal line 93·67 feet above Ordnance datum and (2) there is a free discharge of water from the said orifice into Work No. 7 and (3) the sluices at the intake of said Work No. 7 are open to their fullest capacity ;

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(B) The said orifice shall be so constructed as to allow a quantity of water under no circumstances exceeding sixteen thousand cubic feet to pass through it in any one minute when (1) the water in the river is passing over the crest of Work No. 6 to the depth of six-and-one-half inches above the average level of the crest of Work No. 6 as shown on the deposited sections that is to say at the level of a horizontal line 93·67 feet above Ordnance datum and (2) there is a free discharge of water from the said orifice into Work No. 7 and (3) the sluices at the intake of Work No. 7 are open to their fullest capacity ;

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(c) The total length of the said orifice shall not exceed fifty-five feet :

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(5) (A) Work No. 4 shall be twelve feet wide measured along the crest of Work No. 9 and twenty-two inches deep measured downwards from the level of a horizontal line at a level of 61.50 feet above Ordnance datum and notwithstanding anything shown on the deposited plans and sections shall be constructed at the lowest part of the existing crest of Work No. 9 and no alteration shall be made on the dam dyke Work No. 9 except in so far as is necessary for the construction of Work No. 4;

(B) Subject to the provisions of the immediately preceding subsection (5) (A) of this section the plan and shape of Work No. 4 shall in other respects be such as shall be approved of by the Mugiemoos proprietors the Grandhome proprietor and the Fishery Board or their engineers respectively or failing agreement such as shall be settled by arbitration:

(6) The position of Work No. 5 shall be such as shall be approved of by the Grandhome proprietor and the height dimensions and construction otherwise of Work No. 5 shall subject to the provisions of this Order be such as shall be agreed on between the fishing proprietors the Mugiemoos proprietors the Grandholm proprietors the Grandhome proprietor and the Fishery Board or failing such approval or agreement in either case such as shall be settled by arbitration.

Mode of
execution of
Stoneywood
works.

11. Works Nos. 1 2 and 3 shall subject to the provisions of this Order be constructed by the Stoneywood proprietors subject to and in accordance with the following conditions:—

(1) The construction of the said works shall not be commenced until a plan and section thereof shall have been delivered to the fishing proprietors and shall have been approved or shall not within one month from the receipt thereof have been disapproved by the fishing proprietors with respect to anything which under the provisions of the section of this Order of which the marginal note is "Position dimensions &c. of new works" is subject to the approval of the fishing proprietors or with respect to the matter of the compliance of any of the said works with the

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- provisions of this Order If the fishing proprietors shall disapprove of the said plan or section of any of the said works with respect to any thing or matter as aforesaid within the said period of one month and shall with respect to any such thing or matter require any alteration of the said plan or section the work to which the said plan or section relates shall be executed in accordance with the said plan or section as so required to be altered by the fishing proprietors or in the event of difference between the Stoneywood proprietors and the fishing proprietors as to any such alteration in accordance with such other plan or section as shall be settled with respect to such alteration by arbitration :
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- 15 (2) Work No. 1 shall be completed and available for use as a fish-pass on or before the thirtieth day of June one thousand nine hundred and eleven :
- 20 (3) Work No. 2 shall be completed and available for use for the purposes of the regulation of the abstraction of water from the river by the Stoneywood proprietors in accordance with the provisions of the section of this Order of which the marginal note is "Limiting abstraction of water at Stoneywood" on or before the said thirtieth day of June one thousand nine hundred and eleven :
- 25 (4) Work No. 3 shall be completed on or before the expiry of a period of six months from the day on which the fishing proprietors require the Stoneywood proprietors to make the said work :
- 30 (5) In the event of any plan or section of any of the said works being disapproved under the provisions of subsection (1) of this section or in the event of circumstances beyond the control of the Stoneywood proprietors rendering it not reasonably practicable for the Stoneywood proprietors to complete any of the said works within the aforesaid periods respectively or in the event of the Act confirming this Order through any cause beyond the control of the Stoneywood proprietors not receiving the Royal Assent in sufficient time to enable the Stoneywood proprietors
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to complete the said works within the aforesaid periods respectively the Stoneywood proprietors shall be entitled to such reasonable extension of time for the completion of the said works as failing agreement between the fishing proprietors and the Stoneywood 5 proprietors shall be settled by arbitration and the arbiter in granting any extension shall be entitled to prescribe such conditions as to the season of the year in which the work has to be carried out and otherwise as shall safeguard the salmon fishing interests 10 in the river :

- (6) The Stoneywood proprietors shall afford the fishing proprietors' engineers all reasonable facilities for inspecting the said works during their construction and if at any time the fishing proprietors' engineers have reason to 15 believe that in any one or more respects the said works or any of them are not being constructed in compliance with the said plan and section or the provisions of this Order they shall thereupon deliver to the Stoneywood proprietors in writing a statement 20 of such respects and a requisition of the things which in their opinion require to be done to procure such compliance and thereupon the Stoneywood proprietors shall forthwith do the said things or if they do not agree with such statement and requisition they shall 25 do such of the said things or such other things as may be settled by arbitration :
- (7) The engineers employed by the Stoneywood proprietors to carry out the said works shall be engineers approved of by the fishing proprietors and the engineers em- 30 ployed by the fishing proprietors for the inspection or otherwise in connexion with the said works shall be engineers approved of by the Stoneywood proprietors or failing agreement in either case engineers nominated by any Lord Ordinary of the Court of Session on 35 the application of the Stoneywood proprietors or the fishing proprietors :
- (8) On receipt of a notice from the Stoneywood proprietors that all or any of the said works have been completed the fishing proprietors' engineers shall make an inspec- 40 tion of the works or work alleged to be completed

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and shall within three weeks from the date of such inspection deliver to the Stoneywood proprietors a requisition in writing of any things which in their opinion require to be done to make the said works comply with the said plan and section and the provisions of this Order failing which the said works shall be deemed to be completed to the satisfaction of the fishing proprietors and in compliance with the provisions of this Order On receipt of such requisition as aforesaid the Stoneywood proprietors shall forthwith do the things so required by the fishing proprietors' engineers or in the event of the Stoneywood proprietors disagreeing with the said requisition they shall do such of the things mentioned therein or such other things as shall be settled by arbitration as requisite to be done for the purposes of making the said works comply with the said plan and section and the provisions of this Order and on the Stoneywood proprietors completing the things required to be done by the said requisition or by the award in the said arbitration as the case may be to the satisfaction of the engineers of the Fishery Board the said works shall be deemed to have been completed to the satisfaction of the fishing proprietors and in compliance with the provisions of this Order The Stoneywood proprietors shall repay to the fishing proprietors such expenses as may be reasonably incurred by the fishing proprietors in ascertaining whether and if need be securing that the said works are executed by the Stoneywood proprietors in compliance with the provisions of this Order and in the event of any dispute arising as to whether any such expenses have been reasonably incurred such dispute shall be settled by arbitration.

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35 12. The Stoneywood proprietors may construct maintain repair work and use subject to the provisions of the section of **this** Order whereof the marginal note is "Use of emergency sluice in weir-wall of Work No. 2" an emergency sluice at the bottom of the weir-wall included in Work No. 2 of such dimensions and actuated by such mechanism as shall be agreed on between the engineers of the Fishery Board and the Stoney-

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Emergency
sluice in
weir-wall of
Work No. 2.

- A.D. 1910. wood proprietors or failing agreement as shall be settled by arbitration as being sufficient to enable a quantity of water equal to but not under any conditions exceeding three thousand five hundred cubic feet to pass through the said sluice in any one minute when the water in the river against Work No. 6 on the upstream side thereof is at a level the same as that of the average level of the crest of Work No. 6 as shown on the deposited sections that is to say at the level of a horizontal line 93·67 feet above Ordnance datum. 5
- Existing fish-pass in Stoneywood dyke to be closed up. 13. On and after the date at which Work No. 1 is brought into use in pursuance of the provisions of the section of this Order of which the marginal note is "Mode of execution of Stoneywood works" the existing fish-pass in Work No. 6 may be closed up and discontinued by the Stoneywood proprietors. 10
- Construction of groynes for salmon. 14. The Stoneywood proprietors shall construct in the bed of the river on the downstream side of Work No. 6 groynes as shown upon the plan signed in quintuple by the Right Honourable Lord Pentland Secretary for Scotland with such modifications therein as may during construction be agreed upon by the fishing proprietors the Stoneywood proprietors and the Grandhome proprietor. 15 20
- Removal of Waterton Dyke. 15. Subject to the provisions of the section of this Order of which the marginal note is "Prohibiting abstraction of water at Waterton intake" the Fishery Board may at any time call upon the Stoneywood proprietors to remove Work No. 8 in accordance with the provisions of subsection (3) (Removal of portion of Waterton Dam Dyke) of the section of this Order of which the marginal note is "Construction of new works" and thereupon the Stoneywood proprietors on being furnished by the Fishery Board with the consent in writing of the Grandhome proprietor thereto shall in such manner as may be deemed by the Stoneywood proprietors and the Grandhome proprietor the most safe and expedient but without excavating or in any way removing any rock on which Work No. 8 is built remove Work No. 8 to such extent as may be so required by the Fishery Board Provided that if such removal prejudicially affects the efficiency of the iron pipe mentioned in the section of this Order of which the marginal note is "Closing of Waterton intake and construction of pipe and sluice gate therein" the Stoneywood proprietors shall be entitled to carry the said pipe to such further distance up the river as will restore its efficiency. 25 30 35 40

16. The Stoneywood proprietors may construct maintain repair and if need be renew a suitable sluice in the lade wall included in Work No. 7 on the upstream side of the weir-wall included in Work No. 2 with a channel leading from such sluice and discharging into the river alongside and may use such sluice in case of emergency for the purpose of removing snow and ice out of Work No. 7 but for no other purpose.

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Construction of snow sluice.

17. On and from the completion of Work No. 2 to the satisfaction of the fishing proprietors in terms of subsection (8) of the section of this Order of which the marginal note is "Mode of execution of Stoneywood works" the Stoneywood proprietors shall close and keep closed their Waterton intake by means of a wall or dyke to be built across the said intake Provided that—

Closing of Waterton intake and construction of pipe and sluice gate therein.

(1) The Stoneywood proprietors may make maintain repair and in the case of total or partial demolition renew in and through the said wall or dyke at the said intake an iron pipe not exceeding twelve inches in internal diameter communicating with the river:

(2) The Stoneywood proprietors may make maintain and repair in the wall or dyke to be built as aforesaid across the said intake a sluice gate of such size and construction as may be agreed on between the fishing proprietors and the Stoneywood proprietors or failing agreement settled by arbitration.

18. The following provisions shall have effect in relation to the existing works and premises of the Stoneywood proprietors—

Existing Stoneywood waterworks to remain unaltered.

(1) The construction levels and dimensions of Work No. 6 and of the intake to Work No. 7 (except so far as any alteration thereof may be agreed between the fishing proprietors and the Stoneywood proprietors to allow the said works to be constructed) shall remain generally the same as they were immediately before the commencement of this Order:

(2) The levels and dimensions of the portion of Work No. 7 between the orifice in the weir-wall included in Work No. 2 and the existing pentrough above the existing turbines shall not be altered except so far as any alteration thereof may be agreed between the fishing proprietors and the Stoneywood proprietors to allow the said works to be constructed:

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(3) If the Stoneywood proprietors shall find it essential for the construction of Work No. 2 by this Order authorised to alter the construction or dimensions of Work No. 7 they shall submit to the fishing proprietors a plan and sections showing such alterations which 5 plan and sections shall be approved by the fishing proprietors' engineers before the Stoneywood proprietors proceed with any such alterations. If the fishing proprietors' engineers shall disapprove the said alterations the necessity therefor and the nature and 10 extent thereof shall be settled by arbitration and the same shall only be carried out in accordance with the terms of the award in such arbitration.

Existing
Mugiemoss
waterworks
to remain
unaltered.

19. The construction levels and dimensions of Work No. 10 and of the tail-race and sluices connected therewith except so 15 far as any alteration or modification thereof shall at any time be necessary for the purposes of this Order shall remain generally the same as they were immediately before the commencement of this Order and the levels and dimensions of Work No. 10 20 between the intake thereto and the tail-race thereof or of the point of discharge shall not be altered so as to create a greater freedom of discharge into or from Work No. 10 than will exist under normal conditions in the works and premises of the Mugiemoss proprietors when Works Nos. 4 and 5 are completed:

Provided that if at any time after the commencement of 25 this Order the Mugiemoss proprietors instal in their works or premises in place of the water-wheels and turbines in use therein at the commencement of this Order other water-wheels or turbines the Mugiemoss proprietors shall make such alterations and 30 modifications in and of the construction levels and dimensions of Work No. 10 and the intake tail-race sluices and other works connected therewith as may be agreed or failing agreement as may be settled by arbitration so as to ensure that the Mugiemoss proprietors do not thereafter abstract more than the quantity of 35 water they are entitled to abstract under the provisions of the section of this Order of which the marginal note is "Limiting abstraction of water at Mugiemoss" and all such alterations and modifications shall be carried out under the supervision and to the satisfaction of a competent engineer agreed on between 40 the Fishery Board and the Mugiemoss proprietors or failing agreement appointed by any Lord Ordinary of the Court of

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Session on the application of the Fishery Board or the Mugiemoos proprietors and the cost of all such alterations and modifications shall be borne and paid by the Mugiemoos proprietors. A.D. 1910.

20. The Stoneywood proprietors and the Mugiemoos proprietors shall take all necessary precautions to the satisfaction of the Grandhome proprietor in constructing Works Nos. 1 3 4 and 5 and in removing in part Work No. 8 required to ensure that no stones or rubbish shall be allowed to get from the said works or the building operations connected therewith into the pools of the river on the downstream side of the said works.

Prevention
of stones
being carried
into pools.

Maintenance of Works.

21. The following provisions shall have effect in relation to the maintenance repair and in the case of total or partial demolition from any cause to the renewal of Works Nos. 1 2 3 4 and 5 after the completion thereof in terms of this Order:—

Maintenance
of works.

- (1) The said works shall in all time to come be maintained in complete repair and working order to the satisfaction of the Grandhome proprietor and the Fishery Board and if any difference shall arise between the Fishery Board or the Grandhome proprietor and the proprietors by whom the said works are by this Order required to be maintained respectively as to the state of repair or the working order of the said works such difference shall be settled by arbitration:
- (2) Works Nos. 1 2 and 3 shall be maintained repaired and if need be renewed by and at the expense of the Stoneywood proprietors:
- (3) Work No. 4 shall be maintained and repaired and if need be renewed by and at the expense of the Mugiemoos proprietors:
- (4) Work No. 5 shall be maintained repaired and if need be renewed by and at the expense of the Mugiemoos proprietors Provided that the Fishery Board shall repay to the Mugiemoos proprietors one-third of the expenses incurred by the Mugiemoos proprietors in maintaining repairing and if need be renewing Work No. 5:
- (5) It shall be in the power of the Grandhome proprietor to call upon the Stoneywood proprietors and the

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Mugiemoss proprietors respectively to execute all necessary repairs upon the said works and to take timeous steps to prevent the said works being broken by or washed into the river and the Stoneywood proprietors and the Mugiemoss proprietors shall be bound to take such steps accordingly.

Abstraction of Water at Stoneywood.

Stoneywood
fish-pass to
be kept full.

22. From and after the completion of Work No. 1 by this Order authorised the Stoneywood proprietors shall subject to the provisions of subsection (1) of the section of this Order of which the marginal note is "Limiting abstraction of water at Stoneywood" and of the section of this Order of which the marginal note is "Abstraction of water to clear away snow" be bound at all times when sufficient water for the purpose is flowing in the channel of the river above Work No. 7 to keep the said Work No. 1 running at its full capacity at the average level of the crest of Work No. 6 shown on the deposited sections that is to say at the level of a horizontal line 93·67 feet above Ordnance datum and if the Stoneywood proprietors by themselves or their servants wilfully fail to maintain the said Work No. 1 running at its said full capacity they shall be liable to a penalty of twenty-five pounds for each day or part of a day during which such failure shall continue.

Limiting
abstraction
of water at
Stoneywood.

23. When Works Nos. 1 and 2 by this Order authorised have been completed to the satisfaction of the fishing proprietors in terms of subsection (8) of the section of this Order of which the marginal note is "Mode of execution of Stoneywood works" the Stoneywood proprietors at all times thereafter subject always to the provisions of this Order by means of Work No. 7 and (as the case may be) the orifice to be made in Work No. 2 and the spill-channel and weir-wall which forms part of Work No. 2 and the emergency sluice to be constructed at the bottom of the said weir-wall may abstract water from the river and use it for the purpose of the Stoneywood proprietors subject to and not otherwise than in accordance with the conditions and regulations following:—

- (1) During such time as a less quantity of water than ten thousand five hundred cubic feet in any one minute shall be flowing in the river immediately above Work No. 6 a quantity of water equal to but not greater

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than three thousand five hundred cubic feet may be abstracted in any one minute by means of the said emergency sluice in Work No. 2: A.D. 1910.

- 5 (2) No greater quantity of water than three thousand five hundred cubic feet shall be abstracted from the river by the Stoneywood proprietors by any means whatever in any one minute when (1) there is not water passing through Work No. 1 in sufficient quantity to fill Work No. 1 to its full capacity or (2) the water in the river against Work No. 6 on the upstream side thereof is at a lower level than the average level of the crest of Work No. 6 as shown on the deposited sections that is to say lower than the level of a horizontal line 93·67 feet above Ordnance datum and if any greater quantity of water than three thousand five hundred cubic feet per minute shall be wilfully abstracted in breach of the conditions and regulations in this Order contained the Stoneywood proprietors shall be liable to a penalty of twenty-five pounds for each day or part of a day on which such greater quantity of water shall be so abstracted:
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- 25 (3) During such time only as but not until there is water passing through Work No. 1 in sufficient quantity to fill it to its full capacity and the water in the river against Work No. 6 on the upstream side thereof is at the same level as that of the average level of the crest of Work No. 6 as shown on the deposited sections that is to say at the level of a horizontal line 93·67 feet above Ordnance datum a quantity of water equal to but not exceeding eleven thousand cubic feet of water may be abstracted in each minute by means of the said orifice:
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- 35 (4) During such time as there is water passing through Work No. 1 in sufficient quantity to fill it to its full capacity and from the time when the water in the river against Work No. 6 on the upstream side thereof is at a level the same as that of the average level of the crest of Work No. 6 as shown on the deposited sections that is to say at the level of a horizontal line 93·67 feet above Ordnance datum to
- 40

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such time as the water in the river is passing over the said crest and the surface of such water immediately before it passes over the said crest is six-and-one-half inches above the average level of the crest of Work No. 6 as shown on the deposited sections that is to say above the level of a horizontal line 93·67 feet above Ordnance datum there may be abstracted by means of the said orifice such quantity of water not exceeding sixteen thousand cubic feet in any one minute as may be flowing through the said orifice solely by reason of the difference in level of the surface of the water in the river and of the said orifice :

- (5) During such time as but not until the water in the river is passing over the crest of Work No. 6 at a depth exceeding six-and-one-half inches measured from the surface of the water to the average level of the crest of Work No. 6 as shown on the deposited sections that is to say to the level of a horizontal line 93·67 feet above Ordnance datum there may be abstracted in any one minute by means of the said weir-wall and spill-channel in addition to such water as may during such time be abstracted as aforesaid by the said orifice a quantity of water equal to one-half of the difference between the total amount of water at the time flowing in the river immediately above Work No. 6 and the total amount of water there would be flowing in the river at the said place if the water were passing over the crest of Work No. 6 and the level of the surface of such water immediately before it passes over the said crest were six-and-one-half inches above the average level of the crest of Work No. 6 as shown on the deposited sections that is to say above the level of a horizontal line 93·67 feet above Ordnance datum :
- (6) The Stoneywood proprietors shall return to the river all waters abstracted by them therefrom under the provisions of this section immediately after the use of the same excepting always such proportion of the water so abstracted as may be consumed in the process of the Stoneywood proprietors' manufactures :

[10 EDW. 7 & *River Don (Salmon Fisheries) Order* 25
1 GEO. 5.] *Confirmation.*

(7) Nothing in this section shall exonerate the Stoney- A.D. 1910.
wood proprietors from any action indictment or other
proceeding for nuisance in the event of any nuisance
being caused or permitted by them :

- 5 Provided that between midnight of every Saturday and
midnight of the Sunday immediately following the Stoneywood
proprietors shall not abstract from the river by means of Works
Nos. 2 and 7 a greater quantity of water than will at the time
pass through one of the existing sluices of the Stoneywood
10 proprietors at the intake to Work No. 7 kept open to the
extent of twelve inches for a total period of three hours
Provided further that the Stoneywood proprietors shall not in
addition to the quantities in this Order set forth abstract any
water from the river by any means whatever above the existing
15 Stoneywood tail-race for operating water wheels or turbines or
above the Waterton Dyke for manufacturing purposes.

24. The sluice to be constructed at the bottom of the weir-
wall included in Work No. 2 as provided by the section of this
Order of which the marginal note is "Emergency sluice in
20 weir-wall of Work No. 2" shall in such manner and at such
times as the Fishery Board direct be closed and when closed
shall be fastened with a seal by an official or person to be
appointed for that purpose by the Fishery Board and when
so fastened shall at all times be kept closed and the seal left
25 undisturbed by the Stoneywood proprietors and if the seal of
the said emergency sluice in the weir-wall of Work No. 2
shall be broken improperly unjustifiably or in any way in breach
of the terms conditions and provisions of this Order either by
30 the Stoneywood proprietors by themselves or by any servant
or other person for whose act neglect or default they are
responsible the said Stoneywood proprietors shall be liable to
a penalty of twenty-five pounds and to a further penalty of
twenty-five pounds for each day or part of a day which shall
elapse before the Fishery Board have received notice of the
35 breaking of the seal Provided that—

- (1) During such time as the Stoneywood proprietors shall
be of opinion that the presence of ice or snow in
Work No. 7 prevents a quantity of water passing
through the orifice provided by this Order to be
40 constructed in the said weir-wall sufficient for the

A.D. 1910.

condensing and manufacturing requirements of the Stoneywood proprietors (not including the development of motive power);

(2) During such time as the total amount of water flowing in any one minute in the river immediately above Work No. 6 is less than ten thousand five hundred cubic feet; and

(3) During such time as the Stoneywood proprietors find it necessary for the purpose of emptying the lade above Work No. 2— 10

the Stoneywood proprietors may break the said seal and open the said sluice so as to allow a quantity of water equal to but not exceeding three thousand five hundred cubic feet to pass in any one minute through the said sluice in which event they shall forthwith give notice to the Fishery Board of the opening of the said sluice and of the breaking of the said seal and the Fishery Board may again close and seal the said sluice so soon as the cause for opening the said sluice as aforesaid shall have been removed: 15

Provided further that in the event of the Stoneywood proprietors requesting the Fishery Board to open the said sluice for the purpose of scouring out Work No. 7 in order to remove any accumulation of silt therein (which request shall not be unreasonably refused) the Fishery Board shall cause the said sluice to be opened so as to allow such quantity of water to pass through it for such time as may be necessary to effect such scouring. 20 25

Temporary diversion of water during construction of works.

25. During the construction and until the completion of the works by this Order authorised the water in the river may be diverted to such extent as may be necessary for the proper and efficient construction of the said works but so as to cause as little obstruction as possible to the passage of salmon and for as short time as may be necessary and in such a manner as will not cause flooding or other damage to the lands of the Grandhome proprietor. 30 35

Abstraction of water to clear away snow.

26. Notwithstanding anything in this Order contained the Stoneywood proprietors may during the prevalence of snow-storms or of great frosts close the orifice in the weir-wall included in Work No. 2 and abstract from the river whatever quantity of water they may consider necessary for removing snow or ice from Works Nos. 2 and 7. 40

[10 EDW. 7 & *River Don (Salmon Fisheries) Order* 27
1 GEO. 5.] *Confirmation.*

27. On and from the completion of work No. 2 to the A.D. 1910.
satisfaction of the fishing proprietors in terms of subsection (8) Prohibiting
of the section of this Order of which the marginal note is "Mode abstraction
of execution of Stoneywood works" the Stoneywood proprietors of water at
5 shall not abstract any water from the river by means of their Waterton
Waterton intake Provided that— intake.

(1) The Stoneywood proprietors may at all times abstract
water at the said intake by means of the pipe referred
to in the section of this Order of which the marginal
10 note is "Closing of Waterton intake and construction
of pipe and sluice gate therein":

(2) When there is water passing over the crest of Work
No. 6 and the level of the surface of such water
immediately before it passes over the said crest is at
15 least nine inches above the average level of the crest
of Work No. 6 as shown on the deposited sections that
is to say above the level of a horizontal line 93·67 feet
above Ordnance datum the Stoneywood proprietors may
by means of the sluice gate referred to in the section
20 of this Order of which the marginal note is "Closing
of Waterton intake and construction of pipe and
"sluice gate therein" abstract such amount of water
as they may require for flushing out their Waterton
lade but for no other purpose.

25 *Abstraction of Water at Mugiemooss.*

28. From and after the completion of Work No. 4 by this Mugiemooss
Order authorised the Mugiemooss proprietors shall be bound at fish-pass to
all times when sufficient water for the purpose is flowing in the be kept full.
river to keep water to the depth of twenty inches measured from
the cill of Work No. 4 running over the said cill and if the
30 Mugiemooss proprietors by themselves or their servants wilfully
abstract any water from the river so long as water to a less
depth than twenty inches is running over the cill of Work No. 4
they shall be liable to a penalty of twenty-five pounds for each
35 day or part of a day during which such abstraction may
continue.

29. Subject to the provisions of the immediately preceding Limiting
section of this Order the Mugiemooss proprietors may at all times abstraction
(173) D 2

A.D. 1910.
—
of water at
Mugiemoss.

by means of Work No. 10 or Work No. 11 as the case may be abstract water from the river and use it for any purpose of the Mugiemoss proprietors subject to and not otherwise than in accordance with the further conditions and regulations following:—

5

- (1) During such time as but not unless and until there is water entering Work No. 4 to a depth of twenty inches upon the cill of Work No. 4 a quantity of water not exceeding twenty-six thousand cubic feet may in any one minute be abstracted at and by means of Work No. 10:
- (2) No greater quantity of water than twenty-six thousand cubic feet shall be abstracted in any one minute at or by means of Work No. 10 unless and until (1) there is water entering Work No. 4 to a depth of twenty inches upon the cill of Work No. 4 and (2) there is water passing over the crest of Work No. 9 and the level of the surface of such water immediately before it passes over the said crest is not less than seven inches above that of a horizontal line at a level of 61·50 feet above Ordnance datum:
- (3) During such time as there is water entering Work No. 4 to a depth of twenty inches upon the cill of Work No. 4 and there is water passing over the crest of Work No. 9 and the level of the surface of such water immediately before it passes over the said crest is not less than seven inches above that of a horizontal line at a level of 61·50 feet above Ordnance datum there may be at and by means of Work No. 10 abstracted in each minute in addition to the said quantity of twenty-six thousand cubic feet a quantity of water not exceeding one-half of the difference between the total amount of water at the time flowing in the river immediately above Work No. 9 and the total amount of water there would be flowing in the river at the said place if the water were passing over the crest of Work No. 9 and the level of the surface of such water immediately before it passed over the said crest were seven inches above that of a horizontal line at a level of 61·50 feet above Ordnance datum:

25

30

35

40

- (4) The said quantity of water equal to one-half of the said difference shall be measured by gauges placed as may be agreed between the Fishery Board and the Mugiemoos proprietors or failing agreement by gauges placed as may be determined by arbitration :
5
- (5) A quantity of water not exceeding one thousand five hundred cubic feet may be abstracted in any one minute at and by means of Work No. 11 :
- (6) In addition to the said amount of one thousand five hundred cubic feet per minute the Mugiemoos proprietors may by opening the sluices in the intake to Work No. 11 once every week for a period not exceeding six hours on each occasion abstract such amount of water as may be necessary for flushing out Work No. 11 :
10
15
- (7) The Mugiemoos proprietors shall return to the river all waters abstracted by them therefrom under the provisions of this section immediately after the use of the same excepting always such proportion of the water so abstracted as may be consumed in the process of the Mugiemoos proprietors' manufactures :
20
- (8) Nothing in this section shall exonerate the Mugiemoos proprietors from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them :
25
- Provided that the Mugiemoos proprietors shall not abstract any water for operating water wheels or turbines or for manufacturing purposes from the river in addition to the quantities herein-before set forth by any means whatever.
30. Nothing contained in the section of this Order of which the marginal note is "Limiting abstraction of water at Mugiemoos" shall affect any prescriptive rights of the Grandholm proprietors to abstract water at and by means of Work No. 12. Saving prescriptive rights of Grandholm proprietors to abstract water

General.

- 31.—(1) Where any dispute matter question or thing is by this Order provided to be settled or determined by arbitration such dispute matter question or thing shall unless this Order Arbitration.

A.D. 1910. otherwise expressly provides be referred to and be settled or determined by an arbiter to be appointed by agreement between the persons interested or failing such agreement to be appointed by any Lord Ordinary of the Court of Session at the instance of any one or more of the persons interested. 5

(2) The costs of any such reference as aforesaid shall be borne and paid by the parties to such reference or any of them in such manner in such proportions or amounts and subject to such conditions as the arbiter shall direct. Provided that the costs of any reference under the provisions of subsection (5) of the section of this Order of which the marginal note is "Position dimensions &c. of new works" and of the section of this Order of which the marginal note is "Existing Mugiemooss waterworks to remain unaltered" and of the section of this Order of which the marginal note is "Limiting abstraction of water at Mugiemooss" shall be borne and paid as to one-third thereof by the Fishery Board and as to two-thirds thereof by the Mugiemooss proprietors. 15

Penalties. 32. All penalties under this Order shall be recoverable only by the Fishery Board and may be sued for summarily in the sheriff court of Aberdeen Kincardine and Banff at Aberdeen at the instance of the Fishery Board or their clerk and shall be recoverable along with the expenses of prosecution or action by pouding and sale and on recovery shall be paid to the Fishery Board for the general purposes of the Board. 20 25

Saving rights and jurisdiction of Fishery Board. 33. Nothing contained in this Order shall repeal restrict or prejudice the jurisdiction or the rights or privileges of the Fishery Board or shall prejudice or affect the provisions of the Rivers Pollution Prevention Acts 1876 and 1893.

Saving rights of owners. 34. Subject to the provisions of this Order nothing herein contained shall prejudice or affect any rights of property in or the interests of any owners of property ex adverso of or in relation to the river. 30

Costs of Order. 35. The costs charges and expenses of and incidental to the preparing obtaining passing and confirming of this Order or otherwise in relation thereto together with all the costs charges and expenses incurred by the fishing proprietors of and preliminary to and in relation to this Order shall be paid by the Stoneywood proprietors. 35



Faint, illegible text scattered across the lower half of the page, possibly bleed-through from the reverse side.

**River Don (Salmon
Fisheries) Order
Confirmation.**

A

B I L L

INTITLED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the River Don (Salmon Fisheries).

(Brought from the Commons 22nd November 1910.)

Ordered to be printed 22nd November 1910.

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(173)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to St. Mungo's College. A.D. 1910.

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore enacted by the King'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:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the St. Mungo's College Order Confirmation Act 1910. Short title.

A.D. 1910.

SCHEDULE.

ST. MUNGO'S COLLEGE.

*Provisional Order to extend the powers of the Governors of
St. Mungo's College Glasgow to authorise the
application by the Governors of certain funds towards
the establishment and maintenance of Chairs of
Pathology or Pathological Anatomy and
Surgery in the University of Glasgow
and for other purposes.* 5

WHEREAS St. Mungo's College Glasgow was incorporated on 10
the twenty-ninth day of April one thousand eight hundred and
eighty-nine under the Companies Acts 1862 to 1886 and its
affairs are managed by ex-officio and elected Governors the
present Governors being the Honourable the Lord Provost of
Glasgow the Provost of Ayr the Provost of Airdrie the 15
Provost of Dumbarton the Provost of Paisley Bailie John Shaw
Maxwell and Robert Crawford LL.D. representing the Town
Council of Glasgow the Lord Dean of Guild of Glasgow the
Deacon Convener of the Trades House of Glasgow the Chairman
of the School Board of Glasgow Sir John Ure Primrose Baronet 20
representing the Merchants House of Glasgow John Adam 96
Buchanan Street Glasgow representing the Trades House of
Glasgow Archibald Sloan M.D. 21 Elmbank Street Glasgow
representing the School Board of Glasgow James Thomson Tullis
John Street Bridgeton Glasgow representing the Chamber of 25
Commerce and Manufacturers of Glasgow Richard Brown Writer
Glasgow representing the Faculty of Procurators Glasgow Professor
Thomas Kilpatrick Monro M.A. M.D. representing the Medical
Faculty of St. Mungo's College Robert Brown Writer Glasgow
representing the Law Faculty of St. Mungo's College and 30
Archibald Neilson M.D. John E. Nelson, Timothy Warren John
Glen Sir William Bilsland, Baronet, John Garroway Andrew
MacDonald and James Macfarlane Managers of and as repre-
senting the Royal Infirmary of Glasgow :

And whereas the Memorandum of Association sets forth 35
that the persons therein named associated themselves for the

[10 Edw. 7.] *St. Mungo's College Order Confirmation.*

3

institution and maintenance in Glasgow of classes for higher education the absorption and continuance as a part of St. Mungo's College of the Glasgow Royal Infirmary Medical School the teaching and instruction of students in science literature art law
5 and divinity and learning of every description by lectures and otherwise the establishment and maintenance of laboratories museums and libraries and the advancement and encouragement of these objects or some of them by the giving of prizes and the creation of exhibitions scholarships and fellowships:

A.D. 1910.

10 And whereas previous to the incorporation of St. Mungo's College there had long existed in Glasgow a medical school known as the Glasgow Royal Infirmary School of Medicine at which students were prepared for the professional examinations of certain licensing bodies:

15 And whereas the said medical school was absorbed in the said St. Mungo's College at its incorporation:

And whereas St. Mungo's College was instituted and has since continued to be carried on as a duly equipped medical school and on an average about eighty students have attended
20 the lectures each year:

And whereas in consequence of the development of medical education in Scotland circumstances have materially altered owing to the large endowments which have been placed at the disposal of the Scottish Universities for the benefit of students
25 of all branches of a University curriculum and the Governors of St. Mungo's College like other similar institutions outside the said Universities find it increasingly difficult to obtain students and to continue to give adequate facilities to the students attending the College:

30 And whereas the Governors of St. Mungo's College having been in communication with the University Court of the University of Glasgow the Managers of the Royal Infirmary of Glasgow and the Trustees of the late Henry Muirhead of Bushy-hill and Longdales with a view to the better carrying out of a
35 scheme by which medical education would be more advantageously given and the interests of the students more efficiently provided for it has been agreed that the Governors of St. Mungo's College and the said Muirhead Trustees respectively should make (1) provision for the endowment or better endowment of two Chairs

A.D. 1910. in the University of Glasgow viz. one of Pathology or Pathological Anatomy and one of Obstetrics and Gynæcology and (2) augment the income or stipend of two other Chairs in the University of Glasgow viz. Medicine and Surgery transferred to or about to be transferred to or established at the Royal Infirmary of Glasgow as after-mentioned: 5

And whereas certain funds of St. Mungo's College immediately after specified amounting to ten thousand nine hundred and eighty-eight pounds sixteen shillings and fivepence are at present held by the Governors in trust for the teaching of certain subjects in the Medical School: 10

And whereas of the said amount the sum of (1) five thousand pounds was received from Sir James King Baronet of Campsie and others the original and assumed Testamentary Trustees of the late Elizabeth Steven and Grace Steven of Bellahouston Govan usually denominated "the Bellahouston Trustees" for the teaching of anatomy and (2) the sum of one thousand two hundred and fifty pounds thereof from Mrs. Notman widow of Thomas Finlayson Notman M.D. Glasgow in memory of her husband for the teaching of physiology and (3) sums of varying amounts from a great number of donors in or about the year 1889 now amounting with interest to the cumulo sum of four thousand seven hundred and thirty-eight pounds sixteen shillings and fivepence or thereby and presently administered by the Governors as the General Endowment Fund: 25

And whereas the Governors have recently received a further contribution of five thousand pounds to be applied towards the endowment of a Chair of Pathology or Pathological Anatomy under this Order the donor of which contribution desires to remain anonymous: 30

And whereas the Governors are also in receipt of annual payments amounting to five hundred pounds or thereby which will be available for the endowment or better endowment of the proposed Chairs of Surgery and Pathology and whereas the said annual payment of five hundred pounds together with the income of the said contribution of five thousand pounds and the income of the said funds of the College held in trust would enable the Governors to carry out the agreement before mentioned: 35

And whereas it is expedient that the Governors of the said College should be authorised (1) to make provision for the endowment within the Faculty of Medicine of the University of Glasgow of a Chair of Pathology or Pathological Anatomy and 40

[10 EDW. 7.] *St. Mungo's College Order Confirmation.*

5

(2) to augment the income or stipend of the Chair of Surgery transferred to or about to be transferred to and established at the Royal Infirmary of Glasgow and to apply the foresaid funds of the College for the time being or so much thereof as may be required for the purposes of the said Chairs:

A.D. 1910.

And whereas it is expedient that the powers of the Governors of the said College contained in the Memorandum and Articles of Association should be varied and their powers enlarged as in this Order provided:

10 And whereas the objects aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

15 Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

1. This Order may be cited as the *St. Mungo's College Order 1910* and shall commence and have effect on and from the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order."

Short title
and com-
mencement
of Order.

2. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings herein respectively assigned to them namely:—

Interpre-
tation of
terms.

25 "St. Mungo's College" means St. Mungo's College Glasgow incorporated on the twenty-ninth day of April one thousand eight hundred and eighty-nine;

"The Governors" mean the Governors of St. Mungo's College;

30 "The College Fund" means the funds of St. Mungo's College mentioned in the preamble of this Order viz. (1) the sum of ten thousand nine hundred and eighty-eight pounds sixteen shillings and fivepence and (2) the contribution of five thousand pounds and all accumulations thereof and all other sums contributed or that may be contributed to the said College or received by the Governors not subject to any special direction;

35

"The University" means the University of Glasgow;

40 "The Royal Infirmary" means the Royal Infirmary of Glasgow.

A.D. 1910.
 Chair of
 Pathology or
 Pathological
 Anatomy.

3. The Governors may notwithstanding anything contained in the Memorandum and Articles of Association of St. Mungo's College or in the conditions under which the before-mentioned sum of ten thousand nine hundred and eighty-eight pounds sixteen shillings and fivepence is held make provision for the endowment of a Chair of Pathology or Pathological Anatomy in the University and apply the College Fund or so much thereof as they may find necessary for the purposes of the said endowment and subject to the provisions following (that is to say):—

- (A) The holder of the said Chair shall give instruction in Pathology or Pathological Anatomy at the Royal Infirmary of Glasgow as part of the medical curriculum of the University and the Chair shall be designated the St. Mungo (Notman) Chair of Pathology or Pathological Anatomy of the University or by such other distinctive title as may be agreed upon;
- (B) The Governors shall pay to the University Court so long as the Chair continues to be connected with the Royal Infirmary subject to the provisions of this Order out of the free annual income of the College Fund a yearly sum of six hundred pounds in respect of the salary of the said Chair;
- (C) The holder of the said Chair shall give instruction at the Royal Infirmary to students of the University without distinction of sex subject to any agreement or agreements made or to be made under the section of this Order the marginal note of which is "Agreements";
- (D) The Governors shall be entitled in respect of the said Chair to appoint two representatives to the Board of Curators having the right of election or presentation to the Chair.

Contribution
 to salary of
 Chair of
 Surgery.

4. The Governors may (notwithstanding as aforesaid) on and after the establishment of a Chair of Surgery in the University pay to the University Court towards the salary of the Professor occupying the said Chair a yearly sum of four hundred pounds out of the free annual income of the College Fund subject to the provisions following (that is to say):—

- (A) The holder of the said Chair of Surgery shall give instruction at the Royal Infirmary as part of the medical curriculum of the University and the said

[10 EDW. 7.] *St. Mungo's College Order Confirmation.*

7

Chair shall be designated the St. Mungo Chair of A.D. 1910.
Surgery or by such other distinctive title as may be
agreed upon between the University Court and the
Governors of St. Mungo's College;

5 (B) The holder of the said Chair shall give instruction in
systematic and clinical surgery at the Royal Infirmary
to students of the University without distinction of
sex subject to any agreement or agreements made or
to be made under the section of this Order the
10 marginal note of which is "Agreements";

(C) The Governors shall be entitled in respect of the said
Chair to appoint two representatives to the Board of
Curators having the right of election or presentation
to the Chair.

15 5.—(1) The obligation on the Governors for the payment of Conditions
of contribu-
tions.
the said two annual sums of six hundred pounds and four
hundred pounds respectively shall be subject to these conditions
namely:—

20 (A) The establishment and maintenance of the said two
Chairs respectively at the Royal Infirmary under and
in accordance with the provisions of this Order;

(B) The establishment and maintenance of two other Chairs
in the University of Glasgow in connexion with the
Royal Infirmary namely a Chair of Medicine and a
25 Chair of Obstetrics and Gynæcology; and

(C) The giving of instruction by the holders of the said
four Chairs at the Royal Infirmary to students of
the University without distinction of sex subject to
any agreement or agreements made or to be made
30 under the section of this Order the marginal note
of which is "Agreements."

(2) In the event of the holders of the said four Chairs or
any of them ceasing to give instruction at the Royal Infirmary
to students of the University without distinction of sex then
35 and in that event the Governors shall withdraw the said pay-
ments in respect of the said two Chairs of Pathology or
Pathological Anatomy and Surgery or either of them.

6. The Governors may receive any additional donations or Governors
may accept
additional
donations or
endowments.
endowments for the general purposes of or incidental to this
40 Order and may apply the same in such manner as they deem

A.D. 1910. most expedient for carrying out such general purposes They may also receive donations or endowments for any special objects or having any special condition attached thereto provided such objects or conditions are not inconsistent with or calculated to impede the due carrying out of the provisions of this Order. 5

Agreements. 7. The Governors may enter into and carry out agreements with the University and the Royal Infirmary or either of them or with any other body or person in relation to any of the purposes of this Order and for more effectually carrying out such purposes. 10

Costs. 8. The costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid out of the College Fund.

**St. Mungo's College
Order Confirmation**

[H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to St. Mungo's College.

The Lord Pentland.

Ordered to be printed 27th April 1910.

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(37.)

Sales for Agricultural Purposes Bill.
[H.L.]

MEMORANDUM.

This Bill repeals the Fertilisers and Feeding Stuffs Act, 1906, in order to amend various provisions. The chief alterations are that under the Bill statements in an invoice are to be an absolute warranty as to the facts stated, but limits of error in relation to percentages are preserved in the case of prosecutions. Further particulars are required to be given in certain invoices and the obligation to give an invoice, which at present only applies to articles sold for use as fertilisers of the soil and food for cattle or poultry, is extended by the Bill to dips, washes, weed killers, and insecticides. In respect of such articles it is provided that samples shall be submitted to the Board of Agriculture for approval, and that on a sale the invoice shall state that a sample has been so submitted and has been approved by the Board, and that the article sold is not below the quality or standard of the sample approved by the Board of Agriculture.

Agricultural seeds for sowing are also dealt with, by giving power to local authorities to have samples of such seeds exposed for sale, taken and forwarded to the Board of Agriculture to be tested for purity and germinating power, thus proceeding on the lines of the Weeds and Agricultural Seeds (Ireland) Act, 1909.

The veto of the Board of Agriculture upon prosecutions is discontinued. Twenty-eight days are allowed for taking samples, and the period within which a prosecution may be instituted is extended to four months after the receipt of the invoice. All regulations made by the Board of Agriculture are to be submitted in draft to Parliament and may be disallowed if either House decides against draft or any part of it.

Sales for Agricultural Purposes Bill.
[H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

- 1.** Invoices on sale and warranties by seller.
- 2.** Power to appoint analyst, seed tester, and samplers.
- 3.** Power to have fertiliser or feeding stuff analysed.
- 4.** Power to take samples of agricultural seeds.
- 5.** Power to require name and address of person supplying articles sampled.
- 6.** Analysis or testing of samples and publication of results.
- 7.** Power of Board of Agriculture and Fisheries to make regulations.
- 8.** Provisions as to county and county borough councils.
- 9.** Penalties for breach of duty by seller.
- 10.** Penalties for tampering.
- 11.** Penalty for obstructing official sampler.
- 12.** Institution of prosecutions and appeals.
- 13.** Construction and application.
- 14.** Application to Scotland.
- 15.** Application to Ireland.
- 16.** Repeals.
- 17.** Short title and commencement.

A

B I L L

INTITULED

**An Act to amend the Law with respect to the Sale of A.D. 1910.
Fertilisers, Feeding Stuffs, Dips, Seeds, and other
Articles sold for Agricultural Purposes.**

BE it enacted by the King'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:—

- 5 **1.**—(1) Every person who sells any article to the sale of Invoices on
sale and
warranties
by seller.
which this section applies shall give to the purchaser an invoice **stating** the name of the article and such other particulars as **are** provided by this section (that is to say):—
- 10 (a) Where a person sells for use as a fertiliser of the soil any article which has been subjected to any artificial process in the United Kingdom or which has been imported from abroad, the invoice shall state what are the respective percentages (if any) of nitrogen, soluble phosphates, insoluble phosphates, and potash contained in the article;
- 15 (b) Where a person sells for use as food for cattle or poultry any article which has been artificially prepared, the invoice shall state what are the respective percentages (if any) of oil, albuminoids, digestible carbohydrates, and of indigestible matter contained in the article, but this paragraph shall not apply to any article which consists of one seed only not artificially prepared otherwise than by being broken or ground;
- 20 (c) Where a person sells for use as a fertiliser of the soil, or as food for cattle or poultry, any article whether
- 25

A.D. 1910.

artificially prepared or not, the efficacy of which for the purpose for which it is sold depends entirely or mainly upon the presence of one particular constituent, the invoice shall state what is the percentage of such particular constituent contained in the article; 5

(d) Where a person sells any article for use as a wash for plants or seeds, or as a dip for cattle, or as a weed killer, or as an insecticide, the invoice shall state that a sample of the article has been submitted to and approved by the Board of Agriculture and Fisheries 10 in accordance with conditions prescribed by the Board, and that the article sold is not below the quality or standard of the sample approved by the Board of Agriculture and Fisheries.

(2) Where an article sold for use as a fertiliser of the soil or 15 as food for cattle or poultry consists of two or more ingredients which have been mixed at the request of the purchaser, it shall be a sufficient compliance with the provisions of this section with respect to percentages if the invoice contains a statement of 20 percentages with respect to the several ingredients before mixture, and a statement that they have been mixed, and in what proportions, at the request of the purchaser.

(3) Any statement by the seller with regard to any article to the sale of which this section applies made after the commencement of this Act in an invoice of such article, or in any contract, 25 note, letter, circular, or advertisement descriptive of such article, shall have effect as a warranty by the seller as to the facts so stated.

(4) Where any article sold for use as food for cattle or 30 poultry is sold under a name or description implying that it is prepared from any particular substance, or is the product of any particular seed, and without indication that it is mixed or compounded with any other substance or seed, there shall be implied a warranty by the seller that it is pure, that is to say, is prepared 35 from that substance only, or is a product of that seed only.

(5) On the sale of any article for use as food for cattle or poultry, there shall be implied a warranty by the seller that the article is suitable to be used as such.

Power to
appoint
analyst, seed
tester, and
samplers.

2.—(1) The Board of Agriculture and Fisheries shall appoint a chief agricultural analyst (herein-after referred to as the chief 40 analyst), and a chief agricultural seed tester (herein-after referred

[1 GEO. 5.] *Sales for Agricultural Purposes.*

3

to as the chief seed tester), who shall have such remuneration out of moneys provided by Parliament as the Treasury may assign. The chief analyst shall not while holding his office engage in private practice. A.D. 1910.

5 (2) Every county council shall, and the council of any county borough may, appoint an official agricultural analyst (herein-after referred to as an agricultural analyst) and one or more official samplers for their county or borough.

10 (3) The council of any county or county borough may also appoint a deputy agricultural analyst, who shall, in case of illness, incapacity, or absence of the agricultural analyst, have all the powers and duties of the agricultural analyst, and, where the deputy acts, this Act shall apply as if he were the agricultural analyst.

15 (4) The appointment of an agricultural analyst, deputy agricultural analyst, or official sampler, shall be subject to the approval of the Board of Agriculture and Fisheries.

20 (5) A person whilst holding the office of chief agricultural analyst or chief seed tester or agricultural analyst shall not engage or be interested in any trade, manufacture, or business connected with the sale or importation of articles to the sale of which this Act applies.

25 3.—(1) Every purchaser of any article sold for use as a fertiliser of the soil or as food for cattle or poultry who has taken a sample thereof within twenty-eight days after delivery of the article to him or receipt of the invoice by him, whichever is later, shall, on payment of the required fee, be entitled to have the sample analysed by the agricultural analyst. Power to have fertilizer or feeding stuff analysed.

30 (2) An official sampler shall at the request of the purchaser and on payment by him of the required fee, and may without any such request, take a sample for analysis by the agricultural analyst of any such article which has been sold or is exposed or kept for sale, but, in the case of an article which has been sold, the sample shall be taken before the expiration of twenty-
35 eight days after the delivery of the article to the purchaser, or the receipt of the invoice by the purchaser whichever is later.

(3) Where a sample has been taken with a view to the institution of any civil or criminal proceeding, the person taking the sample shall divide the sample into three parts,

A.D. 1910. and shall cause each part to be marked, sealed, and fastened up, and shall deliver or send by post two parts to the agricultural analyst and one part to the seller.

(4) An agricultural analyst to whom a sample is submitted for analysis under this section— 5

(a) if the sample has not been divided into parts and the parts marked, sealed, and fastened up, as herein-before mentioned, shall send a copy of the certificate of his analysis to the person who submitted the sample for analysis; and 10

(b) if the sample has been so divided into parts, shall analyse one of the parts of the sample delivered or sent to him and retain the other, and shall send a certificate of his analysis in the prescribed form and containing the prescribed particulars to the person 15 who submitted the sample for analysis, and, where that person is not the purchaser of the article, also to the purchaser, and in every case to the seller and to such other persons (if any) as may be prescribed, and shall report to the Board of Agri- 20 culture and Fisheries in the prescribed manner the result of any such analysis.

(5) At the hearing of any civil or criminal proceeding with respect to any article, a sample whereof has been analysed in pursuance of this section, the production of a certificate of the 25 agricultural analyst, or, if a sample has been submitted to the chief analyst, then of the chief analyst, shall be sufficient evidence of the facts therein stated unless the defendant or person charged requires that the analyst or the person who made the analysis be called as a witness: Provided that this subsection 30 shall not apply—

(a) where the sample has been taken otherwise than in the prescribed manner; or

(b) where the sample has not been divided into parts and the parts marked, sealed, and fastened up as herein- 35 before mentioned.

(6) If within the prescribed time after the institution of any such legal proceeding either party to the proceeding objects to the certificate of the agricultural analyst, the party objecting shall, on payment of such fee as may be fixed by the Treasury, 40 be entitled to have submitted to the chief analyst the part of

[1 GEO. 5.] *Sales for Agricultural Purposes.*

5

the sample retained by the agricultural analyst, and to have that part analysed by the chief analyst and to receive from him a certificate of the result of his analysis, and a copy of such certificate shall be sent to the other party to the proceeding.

A.D. 1910.

(7) Where a sample is, under this section, sent for analysis to the chief analyst or to an agricultural analyst, there shall be sent with the sample the invoice (if any) relating to the article from which the sample was taken.

10 4. An official sampler shall, within the county or borough for which he acts, have power, at all reasonable hours, to enter the shop, store, or other premises of any person who sells or exposes or keeps for sale agricultural seeds for sowing, and to examine and take samples of any agricultural seeds that are
15 upon the premises.

Power to take samples of agricultural seeds.

5. The person on whose premises a sample is taken under this Act by an official sampler shall, if the official sampler requires, give the name and address of the person from whom he procured the article.

Power to require name and address of person supplying articles sampled.

20 6. The council of a county or county borough may cause any sample of a fertiliser of the soil or of a food for cattle or poultry taken under this Act to be analysed by the agricultural analyst, or, in the case of agricultural seeds, may cause the sample to be sent to the Board of Agriculture and Fisheries, in accordance
25 with such conditions as may be prescribed, to be tested for purity and germinating power by the chief seed tester, and the council may publish in such manner as may be prescribed the results of the analysis or test and the names and addresses of the persons upon whose premises the samples were taken and of
30 the persons from whom the articles were stated to have been procured.

Analysis or testing of samples and publication of results.

7.—(1) The Board of Agriculture and Fisheries may make regulations—

35 (a) with respect to any matter which under this Act is to be prescribed;

(b) as to the qualifications to be possessed by agricultural analysts, deputy agricultural analysts, and official samplers;

(c) as to the manner in which analyses and tests for purity and germinating power are to be made;

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(166.)

B

Power of Board of Agriculture and Fisheries to make regulations.

- A.D. 1910. (d) as to the manner in which samples are to be taken and dealt with; and
 (e) generally for the purpose of carrying this Act into execution:

Provided that nothing in this section or in any regulations made thereunder shall affect the right of the purchaser of an article used for fertilising the soil or as food for cattle or poultry to have analysed by the agricultural analyst a sample of an article taken by him or at his request otherwise than in accordance with the regulations. 10

(2) Before any regulations are made under this section a draft thereof shall be laid before each House of Parliament, and if an address is presented to His Majesty by either House of Parliament within the next subsequent thirty days on which that House has sat after any such draft is laid before it against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft. 15

Provisions as to county and county borough councils.

8.—(1) The council of a county or county borough may concur with one or more other such councils in making any appointment which they are authorised to make under this Act, and as to the apportionment, in the case of such a joint appointment, of the expenses amongst the several councils. 20

(2) The council of any county or county borough may contribute towards any expenses incurred by any agricultural body or association in causing samples to be taken for analysis or testing under this Act. 25

(3) The council of any county or county borough may fix the fees payable in respect of the making of any analysis and the taking of any sample at the request of a purchaser. 30

(4) The expenses of the council incurred in the execution of this Act shall be defrayed, in the case of a county council as part of their general expenses, and in the case of a county borough council out of the borough fund or borough rate.

Penalties for breach of duty by seller.

9.—(1) If any person—
 (a) who sells any article in respect of the sale of which this Act requires an invoice to be given to the purchaser— 35

(i) fails without reasonable excuse to give, on or before or within fourteen days after the delivery of the article, the invoice required by this Act, or

5

(ii) causes or permits any invoice or description of the article sold by him to be false in any material particular; or

10

(b) Sells for use as food for cattle or poultry any article which contains any ingredient deleterious to cattle or poultry, or to which has been added any ingredient worthless for feeding purposes and not disclosed at the time of the sale;

15

he shall be guilty of an offence under this Act and without prejudice to any civil liability shall be liable, on summary conviction, for a first offence, to a fine not exceeding twenty pounds, and for any subsequent offence to a fine not exceeding fifty pounds:

Provided that a person shall not be convicted of an offence under paragraph (a) (ii) of this subsection if he proves either—

20

(i) that the statement of percentages (if any) in the invoice or description did not differ from the actual percentages beyond the prescribed limits of error; or

(ii) that he did not know and could not with reasonable care have ascertained that the invoice or description was false; or

25

(iii) that he purchased the article sold with a written warranty or invoice from a person in the United Kingdom, and that that warranty or invoice contained the false statement in question, and that he had no reason to believe at the time when he sold the article that the statement was false, and that he sold the article in the state in which it was when he purchased it.

30

(2) A prosecution for an offence under paragraph (a) (ii) of subsection (1) of this section shall not be instituted—

35

(a) after the expiration of four months from the date when the invoice was received by the purchaser; nor

(b) Unless a sample for analysis has been taken, and an analysis by the agricultural analyst has been made, and a certificate of analysis has been given in accordance

40

A.D. 1910.

with regulations made under this Act; or in the case of an article sold for use as a wash for plants or seeds, or as a dip for cattle, or as a weedkiller, or as an insecticide, unless the purchaser or an official sampler has, within twenty-eight days after the delivery of the article to the purchaser or receipt of the invoice by him, whichever is later, taken a sample of the article, and has divided it into three parts, and caused each part to be marked, sealed, and fastened up, and has delivered or sent by post two parts of the sample to the Board of Agriculture and Fisheries, together with the invoice (if any), and one part of the sample to the seller, and unless, in accordance with regulations made under this Act, a certificate has been given by the Board of Agriculture and Fisheries that the invoice or description of the article sold is false in some material particular.

But the proceedings may be taken as well before the court having jurisdiction in the place where the purchaser of the article to which the invoice or description relates, resides, or carries on business, as before the court having jurisdiction in the place where the invoice or description was given.

(3) In any proceeding for an offence under this section it shall be no defence to allege that the purchaser having bought only for analysis was not prejudiced by the sale.

(4) In any prosecution under this section the summons shall state particulars of the offences alleged, and also the name of the prosecutor, and shall not be made returnable in less time than fourteen days from the day on which it is served, and there must be served therewith a copy of any certificate of analysis or of any certificate of examination by the Board of Agriculture and Fisheries obtained on behalf of the prosecutor.

Penalties for tampering.

10. If any person fraudulently—

(a) tampers with any article so as to procure that any sample of it taken under this Act does not correctly represent the article, or

(b) tampers with any sample taken under this Act;

he shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding six months.

11. If—

A.D. 1910.

- 5 (a) any person refuses to allow an official sampler to take a sample of any article which under this Act he is entitled to take for the purpose of having such article analysed or tested, or refuses to give the name and address of any person whose name and address he is under this Act required to give or wilfully gives any such name or address falsely; or
- 10 (b) the purchaser of an article refuses in contravention of this Act to give to an official sampler the invoice of the article;

Penalty for obstructing official sampler.

he shall be liable on summary conviction to a fine not exceeding ten pounds.

- 15 **12.**—(1) A prosecution for an offence under this Act may be instituted either by the person aggrieved, or by the council of a county or borough, or by any body or association authorised in that behalf by the Board of Agriculture and Fisheries.

Institution of prosecutions and appeals.

- 20 (2) Any person aggrieved by a summary conviction under this Act may appeal to a court of quarter sessions.

- 25 **13.**—(1) For the purposes of this Act the expression “cattle” shall mean bulls, cows, oxen, heifers, calves, sheep, goats, swine, and horses; and the expressions “soluble” and “insoluble” shall respectively mean soluble and insoluble in water, or, if so specified in the invoice, in a solution of citric acid or other solvent of the prescribed strength, and “the percentage of soluble phosphates” and “percentage of insoluble phosphates” mean respectively the percentage of tribasic phosphate of lime which has been, and that which has not been, rendered soluble; and the expression “agricultural seeds” shall
- 30 mean the seeds of grass, flax, and cereals, and of any forage, plant, or vegetable ordinarily used for the food of man or cattle.

Construction and application.

- (2) This Act shall apply to wholesale as well as retail sales.

- 35 **14.** In the application of this Act to Scotland—

Application to Scotland.

- (1) The expression “council of any county borough” shall mean the town council of a burgh, and the duties and powers of councils of counties and county boroughs shall be performed and be exercisable in a county by the county council, and in a

- A.D. 1910.
 burgh by the town council, and the expenses incurred by a council in the execution of this Act shall be defrayed out of a rate to be levied, fixed, and paid in like manner as the local rate under the Diseases of Animals Act, 1894; 5
- 57 & 58 Vict.
 c. 57.
 (2) The expression "burgh" means a burgh which returns or contributes to return a member to Parliament, not being a burgh to which section fourteen of the Local Government (Scotland) Act, 1889, applies;
- 52 & 53 Vict.
 c. 50.
 (3) Penalties for offences under this Act may be recovered summarily before the sheriff in manner provided by the Summary Jurisdiction Acts, and any person aggrieved by a summary conviction may appeal therefrom in accordance with the provisions of those Acts. 15
- Application to Ireland.
15. For the purposes of the execution of this Act in Ireland, inclusive of the appointment of a chief agricultural analyst and of a chief seed tester, the Department of Agriculture and Technical Instruction for Ireland shall be substituted for the Board of Agriculture and Fisheries, and in section seventeen of the Agriculture and Technical Instruction (Ireland) Act, 1899, a reference to sections nine, ten, and eleven of this Act shall be substituted for the reference to section seven of the Fertilisers and Feeding Stuffs Act, 1893; and for the purpose of instituting prosecutions the said department may take samples of any articles to which this Act applies which have been sold or are kept or exposed for sale. 25
- 56 & 57 Vict.
 c. 56.
16. The Fertilisers and Feeding Stuffs Act, 1906, is hereby repealed; provided that nothing in this repeal shall affect any regulation made under that Act not inconsistent with this Act or any appointment made under that Act, but every such regulation and appointment shall have effect as if made under this Act; and sections five and six of the Weeds and Agricultural Seeds (Ireland) Act, 1909, and so much of section nine of that Act as defines the expression "agricultural seeds" are hereby repealed. 30
- Repeals.
 6 Edw. 7.
 c. 27.
 9 Edw. 7.
 c. 31.
17. This Act may be cited as the Sales for Agricultural Purposes Act, 1910, and shall come into operation on the first day of April nineteen hundred and eleven. 35
- Short title and commencement.

**Sales for Agricultural
Purposes. [H.L.]**

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B I L L

INTITLED

An Act to amend the Law with respect to the Sale of Fertilisers, Feeding Stuffs, Dips, Seeds, and other Articles sold for Agricultural Purposes.

The Lord Clinton.

Ordered to be printed 16th November 1910

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(166.)

[1 GEO. 5.] *Sidlaw Sanatorium (Transfer) Order Confirmation.* 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Sidlaw Sanatorium. A.D. 1910.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore enacted by the King'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:—

- 10** **1.** The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.
- 2.** This Act may be cited as the Sidlaw Sanatorium (Transfer) Order Confirmation Act 1910. Short title.

A.D. 1910.

S C H E D U L E.

SIDLAW SANATORIUM (TRANSFER).

*Provisional Order to confirm an Agreement between the
 Trustees and Executive Committee of the Sidlaw Sanatorium
 for Consumption and the Corporation of the Dundee Royal 5
 Infirmary for the transfer to the latter of the Sidlaw
 Sanatorium for Consumption with its equipment and endowment
 and for other purposes.*

WHEREAS the Sidlaw Sanatorium for Consumption originally
 designated the Dundee Sanatorium for Consumption (herein-after 10
 called "the Sanatorium") was established at Auchterhouse in
 the county of Forfar for the treatment of patients affected with
 consumption or kindred diseases and a Society for the establish-
 ment and maintenance thereof (herein-after called "the Society")
 was formed in the year one thousand eight hundred and ninety- 15
 nine:

And whereas the Society was constituted under and by
 virtue of a deed entitled "The Constitution of the Society in
 aid of persons afflicted with Consumption in Dundee and district"
 dated the twelfth day of February one thousand nine hundred 20
 (herein-after called "the deed of constitution"):

And whereas the land at Auchterhouse upon which the
 Sanatorium is erected and the Sanatorium and other erections
 built thereon as also all the funds and property of the Society
 including an endowment fund contributed by various donors for 25
 the purposes and objects of the Society are in terms of the
 provisions of the deed of constitution vested in certain persons
 called the trustees of the Sanatorium:

And whereas the control management and administration of
 the affairs of the Society are in terms of the provisions of the 30
 deed of constitution vested in certain persons called the executive
 committee of the Sanatorium:

And whereas the income from the said endowment fund
 together with the annual subscriptions from subscribers to the
 funds of the Sanatorium and the fees recovered from patients 35

[1 GEO. 5.] *Sidlaw Sanatorium (Transfer) Order*
Confirmation.

3

receiving treatment in the Sanatorium have proved inadequate to meet the cost of carrying on the work of the Society and in consequence the Sanatorium was closed on or about the thirty-first day of January one thousand nine hundred and ten: A.D. 1910.

5 And whereas the Dundee Royal Infirmary (herein-after called "the Corporation") was incorporated by Royal Charter granted by His late Majesty King George the Third under the seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal thereof dated the eighth and
10 written to the seal and registered and sealed on the twenty-eighth both days of May one thousand eight hundred and nineteen and two supplementary Royal Charters granted by Her late Majesty Queen Victoria under the said seal the one dated the twenty-eighth day of March and written to the seal and
15 registered and sealed on the sixteenth day of April one thousand eight hundred and seventy-seven and the other dated the eighth and written to the seal and registered and sealed on the seventeenth both days of August one thousand eight hundred and ninety-eight with the powers privileges and authorities and
20 subject to the declarations therein set forth:

And whereas the trustees of the Sanatorium with the consent and concurrence of and by the authority of the executive committee of the Sanatorium have agreed to transfer and make over absolutely to the Corporation (first) the said land at Auchter-
25 house together with the whole parts privileges and pertinents thereof with the Sanatorium and the whole buildings and other erections thereon and the whole furniture furnishings and equipment therein and thereat (all herein-after called "the said Sanatorium and equipment") and (second) the aforesaid
30 endowment fund together with the whole investments and moneys comprising the same (herein-after called "the said endowment fund") on the terms and conditions and subject to the provisions specified and contained in the agreement entered into between the trustees of the Sanatorium of the
35 first part the executive committee of the Sanatorium of the second part and the Corporation of the third part set forth in the schedule hereto:

And whereas it is expedient that the said agreement should be sanctioned and confirmed and that the other provisions
40 in this Order contained should be enacted:

A.D. 1910.

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last- 5 mentioned Act the Secretary for Scotland orders as follows :—

Short title.

1. This Order may be cited as the Sidlaw Sanatorium (Transfer) Order 1910.

Confirmation of agreement for transfer to and vesting of Sanatorium and equipment and endowment fund in Corporation.

2. The agreement entered into and executed by and between the trustees of the Sanatorium of the first part the executive 10 committee of the Sanatorium of the second part and the Corporation of the third part as set forth in the schedule to this Order is hereby sanctioned and confirmed and made binding on the said trustees and executive committee and the Corporation respectively and when and after the said Sanatorium and equip- 15 ment and the said endowment fund have been transferred assigned disposed conveyed and made over absolutely to the Corporation as provided for by the said agreement the said Sanatorium and equipment and the said endowment fund shall vest in and be held and administered by the Corporation for the purposes and 20 subject to the provisions of the said agreement.

Dissolution of Society.

3. On the completion of the transfer of the said Sanatorium and equipment and the said endowment fund to the Corporation as provided for by the said agreement the Society constituted by the deed of constitution shall be dissolved and the trustees 25 and the executive committee and the honorary secretary and the honorary treasurer thereof shall cease to hold office and shall be released and discharged from and indemnified against all claims demands liabilities and obligations arising out of or attached to the office of trustee or member of the executive 30 committee or honorary secretary or honorary treasurer of the Sanatorium.

Costs of Order.

4. The costs charges and expenses of and incidental to the preparing applying for obtaining passing and confirming of this Order or otherwise in relation thereto shall be paid under and 35 in terms of the said agreement hereby confirmed.

[1 GEO. 5.] *Sidlaw Sanatorium (Transfer) Order*
Confirmation.

5

The SCHEDULE referred to in the foregoing Order.

A.D. 1910.

MINUTE OF AGREEMENT between and among ALEXANDER MONCUR Esquire manufacturer Dundee JAMES URQUHART Esquire Lord Provost of Dundee GEORGE ALEXANDER JOHNSTON Esquire senior bailie of Dundee WILLIAM MACKENZIE Esquire President of the Dundee Chamber of Commerce and THOMAS DALL SMIBERT Esquire Lord Dean of Guild of Dundee Trustees of the Sidlaw Sanatorium for Consumption (herein-after called "the First Parties") of the first part the said JAMES URQUHART Lord Provost of Dundee ALEXANDER MATHEWSON Esquire Ex-Lord Provost of Dundee ISAAC JULIUS WEINBERG Esquire Fernbrae Dundee WILLIAM HUNTER Esquire Ex-Lord Provost of Dundee FREDERICK BOWER SHARP Esquire spinner Dundee WILLIAM DOIG Esquire chemist Dundee WILLIAM RITCHIE SHARP Esquire spinner Dundee ALEXANDER BRUCE GILROY Esquire spinner Dundee THOMAS HENRY SMITH Esquire spinner Dundee GEORGE OGILVIE Esquire solicitor Dundee ALEXANDER CAMPBELL Esquire M.D. Dundee DAVID MACEWAN Esquire M.D. Dundee CHARLES TEMPLEMAN Esquire M.D. Dundee ALEXANDER HUTTON Esquire retired banker Dundee the said ALEXANDER MONCUR Esquire manufacturer Dundee and CHARLES FREDERICK HENDERSON Esquire manufacturer Dundee being the executive committee of the said Sidlaw Sanatorium for Consumption (herein-after called "the Second Parties") of the second part and the Corporation of the Dundee Royal Infirmary (herein-after called "the Third Parties") of the third part.

WHEREAS the Sidlaw Sanatorium for Consumption originally designated the "Dundee Sanatorium for Consumption" was established for the treatment of patients affected with consumption or kindred diseases in or about the year eighteen hundred and ninety-nine the money for the erection of the Sanatorium buildings having been contributed by the late Alexander Hay Moncur Esquire jute spinner and manufacturer Dundee and Ex-Provost of the city of Dundee and the land at Auchterhouse in the county of Forfar on which the said Sanatorium buildings were erected having been gifted by the late Right Honourable David William Stanley Ogilvy Earl of Airlie :

A.D. 1910. — And whereas the First Parties are the owners of the said land at Auchterhouse which is particularly specified and described in the Schedule No. 1 annexed and subscribed as relative hereto in virtue of a deed of gift dated the fourteenth day of May and recorded in the division of the General Register of Sasines applicable to the county of 5 Forfar on the twenty-fifth day of July both in the year nineteen hundred granted by the said Right Honourable David William Stanley Ogilvy Earl of Airlie in favour of the said Alexander Hay Moncur the said Alexander Moncur the said William Hunter then Lord Provost of Dundee the said William Doig then senior bailie of Dundee William 10 Brown Robertson then dean of guild of Dundee and Robert Bogle Don then President of the Dundee Chamber of Commerce and the successors in office of the said Lord Provost senior bailie dean of guild and president all as trustees for and on behalf of the said Sanatorium and to and in favour of the successors of the said trustees and of the 15 Sanatorium and other erections built thereon :

And whereas contemporaneously with the establishment of the said Sanatorium a society was formed for its establishment and maintenance conform to constitution subscribed by the said Alexander Hay Moncur as chairman and by Sir Thomas Thornton as honorary secretary of the 20 said Society and dated twelfth February nineteen hundred whereby it was inter alia provided that the funds and property of the Society should be invested in the names of the said Alexander Hay Moncur and Alexander Moncur who should hold office until death or resignation and the Lord Provost of Dundee the senior magistrate of Dundee the 25 President of the Dundee Chamber of Commerce and the dean of guild of Dundee all for the time being And whereby it was provided that the trustees should apply and invest the funds of the Society under the authority of and as required from time to time by an executive committee of the Society to be appointed for the purpose and should 30 have and enjoy all the powers and immunities of gratuitous trustees :

And whereas by the said constitution it was provided that the Society should be held to be composed and constituted of donors of not less than twenty-five pounds and annual subscribers of not less than ten shillings to the funds of the Sanatorium and that the said 35 executive committee should control manage and administer the affairs of the Society receive administer and dispose of its capital or revenue of whatever nature provide and enter into contracts or other suitable arrangements for the acquisition of lands and buildings or both and the erection equipment and maintenance of the Sanatorium : 40

And whereas the First Parties are the present trustees and the Second Parties are the present executive committee of the said Sanatorium ;

[1 GEO. 5.] *Sidlaw Sanatorium (Transfer) Order* 7
Confirmation.

And whereas an endowment fund contributed by various donors for the purposes or objects of the Society is vested in the names of the First Parties the revenue from which has been applied for the purposes of the said Sanatorium under the authority of the Second Parties : A.D. 1910.

And whereas the investments on which the said endowment fund is invested as at the date of this Agreement are set out in the Statement annexed as Schedule No. 2 to this Agreement :

And whereas the income from the endowment fund together with the annual subscriptions and the fees recovered from patients receiving treatment in the Sanatorium have proved inadequate to meet the cost of carrying on the work of the Society and in consequence the Sanatorium was closed on or about thirty-first January nineteen hundred and ten :

And whereas in these circumstances an agreement has been come to whereby the First Parties with the consent and concurrence of and by the authority of the Second Parties have agreed on the terms and conditions and subject to the provisions herein-after mentioned to transfer and make over absolutely to the Third Parties (first) the said land at Auchterhouse specified and described in the Schedule No. 1 hereto together with the whole parts privileges and pertinents thereof with the Sanatorium and whole buildings and other erections thereon and the whole furniture furnishings and equipment therein and thereat all herein-after referred to as "the said Sanatorium and equipment" and (second) the foresaid endowment fund together with the whole investments and moneys comprising the same herein-after referred to as "the said endowment fund" :

And whereas the said Alexander Moncur only child of the said deceased Alexander Hay Moncur and the surviving donors and subscribers to the said endowment fund have expressed their approval of the arrangements set forth and expressed in this Agreement :

And whereas it is right and proper that the agreement between the parties and the terms and conditions of the transfer and the various incidents attending the same should be reduced to writing Therefore the parties have agreed and do hereby agree as follows videlicet :—

Primo.—The First Parties with the special advice consent and concurrence and by and with the authority of the Second Parties shall transfer assign dispoⁿe convey and make over absolutely without any price to the Third Parties and the Third Parties shall accept and take over (first) the said Sanatorium and equipment and (second) the said endowment fund.

A.D. 1910.

Secundo.—The Third Parties shall continue the work of the said Sanatorium for a period of ten years at least from and after the date of entry herein-after provided for but nothing herein contained shall import any obligation on the Third Parties to continue the said work for a longer period The Third Parties shall reserve twenty beds in the Sanatorium for adult pulmonary phthisical male and female patients the remaining beds in the Sanatorium to be used for children suffering from tubercular disease. 5

Tertio.—The rights of donors in respect of donations to the endowment fund of the Sanatorium shall be reserved and in particular there shall be reserved to each of the donors of endowed beds seven in number the right of nominating one patient and the Third Parties undertake to find accommodation in the Sanatorium for the patients so nominated The beds occupied by patients nominated by donors shall be included in and shall not be in addition to the twenty beds referred to in Article Secundo hereof The donors of endowed beds above referred to are (first) Robert Fleming Esquire merchant Dundee and London (second) Edward Cox Esquire of Cardean merchant Dundee (third) Miss Agnes Lawson Balgavies by Forfar (fourth) Frederick Bower Sharp Esquire merchant Dundee (fifth) Alexander Hay Moncur Esquire (now deceased) (sixth) Miss Helen Halyburton Symers St. Helens Dundee (now deceased) (seventh) Mrs. Agnes Sherwood or Christie Broughty Ferry (now deceased) The Third Parties shall also be bound to keep separate accounts showing their intromissions with the income of the said endowment fund and they also undertake and bind and oblige themselves that the capital of the said endowment fund as the same may be handed over to them shall be kept intact and separate from the endowment funds of the Dundee Royal Infirmary in all time coming. 10 15 20 25

Quarto.—The date of the Third Parties' entry to the said Sanatorium and equipment shall be the date on which the Parliamentary sanction after-mentioned is obtained and on the same date the said endowment fund and its investments shall be made over to them The First Parties shall keep all the existing fire policies in force up to the date of entry and the same shall immediately on the execution hereof be endorsed so as to cover the interest of the Third Parties in the subjects assured. 30 35

Quinto.—The Third Parties shall be bound to pay and free and relieve the First and Second Parties of all public parochial and local burdens and proportions thereof from and after the said date of entry as well as of the proportion of the nominal feu duty payable to the Superior if asked and also of all casualties compositions or periodical payments whatsoever payable subsequent to the said date of entry the First and Second Parties relieving the Third Parties of all such due at or prior to the said date of entry. 40 45

[1 GEO. 5.] *Sidlaw Sanatorium (Transfer) Order* 9
Confirmation.

Sexto.—The Third Parties shall take the First Parties' title as it stands and since no burdens affecting the subjects have been created by the First or Second Parties they shall not be bound to furnish searches of incumbrances nor to purge the said subjects of any 5 incumbrances which may be disclosed by any search procured by the Third Parties. A.D. 1910.

Septimo.—On the Parliamentary sanction after-mentioned being obtained the First Parties shall with the consent and concurrence of the Second Parties immediately execute and deliver to the Third 10 Parties a disposition and conveyance in favour of the Third Parties of the said Sanatorium and equipment but always with and under and subject to the whole burdens conditions provisions stipulations obligations restrictions prohibitions and others specified and contained in the title to the said subjects or otherwise affecting the same The said 15 disposition shall contain a clause of warrandice by the First Parties from their own proper facts and deeds allenary The Second Parties shall grant no warrandice whatever The said disposition and conveyance shall contain all other usual and necessary clauses The First Parties shall with the consent and concurrence of the Second Parties 20 also execute and deliver to the Third Parties all dispositions assignments conveyances transfers or other deeds or writings necessary for transferring to the Third Parties the said endowment fund and the investments in which it has been laid out Such deeds shall also contain where appropriate a clause of warrandice on the part of the 25 First Parties from their own proper facts and deeds allenary but no warrandice will be granted or shall be implied against the Second Parties.

Octavo.—All expenses that have been or may be incurred by the First and Second Parties in connexion with the negotiations leading 30 up to this agreement or in connexion with this agreement or incidental thereto and all expenses that may be incurred in carrying the same into effect including the expense of obtaining Parliamentary sanction to this agreement and the expenses of transferring to the Third Parties the said Sanatorium and equipment and endowment fund and the 35 securities upon which the same is invested as also all debts due by the First and Second Parties in so far as the other funds of the Sanatorium are insufficient to meet the same shall be paid out of the income of the said endowment fund and in the event of the income accrued on the said endowment fund at the date when the same is 40 transferred to the Third Parties being insufficient to meet said expenses and others the Third Parties shall be bound to pay the same out of the first and readiest income accruing after said date.

Nono.—This Agreement is made subject to the sanction of Parliament and to such alterations and modifications as the Secretary for

A.D. 1910. — Scotland or Parliament may think fit to make thereon but if the Secretary for Scotland or Parliament make any material alterations or modifications on this Agreement it shall be competent to either the First and Second Parties or the Third Parties to abandon or withdraw from the same. 5

Decimo.—All questions and differences which may arise between the parties as to the true intent and meaning of these presents or the implement thereof are hereby submitted and referred to the amicable decision final sentence and decree arbitral of James Ferguson Esquire K.C. sheriff of Forfarshire whom failing to an arbiter to be appointed 10 by the sheriff of the county of Forfar whose decision shall be final and binding upon all parties.

Ultimo.—All the parties hereto consent to the registration hereof for preservation and execution.

In witness whereof

15

SCHEDULES referred to in the foregoing Agreement.

SCHEDULE No. 1.

All and whole that piece of ground consisting of twenty-one acres ten poles or thereby imperial measure part of the Hill of Auchterhouse and part of the Moor of Greenford in the parish of Auchterhouse and 20 county of Forfar all as delineated and coloured red on the plan or sketch thereof annexed and signed as relative to the deed of gift herein-after mentioned bounded the said piece of ground on all sides by land belonging to the Right Honourable David William Stanley Ogilvy Earl of Airlie Reserving always to the said Earl of Airlie and 25 his heirs and successors the whole coal limestone and mines and minerals other than freestone and slate within the bounds of the piece of ground hereby described and full power liberty and privilege to dig for work win and carry away the same But always with and under the burdens conditions provisions reservations declarations and prohibitions irritant 30 and resolute clauses and others specified and contained in a deed of gift granted by the said Earl of Airlie in favour of Alexander Hay Moncur manufacturer in Dundee Alexander Moncur manufacturer in Dundee William Hunter Lord Provost of Dundee William Doig senior

[1 GEO. 5.] *Sidlaw Sanatorium (Transfer) Order* 11
Confirmation.

bailie of Dundee William Brown Robertson Dean of Guild of Dundee and Robert Bogle Don President of the Dundee Chamber of Commerce and the successors in office of the said Lord Provost senior bailie Dean of Guild and President all as trustees for and on behalf of the Dundee Sanatorium for Consumption and kindred diseases and to the successors of the said trustees dated the fourteenth day of May and recorded in the division of the General Register of Sasines applicable to the county of Forfar the twenty-fifth day of July both in the year nineteen hundred. A.D. 1910

SCHEDULE No. 2.

	£	s.	d.	£	s.	d.
10				19,151	0	9
	Amount of endowment fund - -					
	Invested thus:—					
				5,705	15	0
	Whitehall Crescent feu duty of 202l. 10s. Cost - - - -					
15				2,880	12	3
	Whitehall Crescent feu duty of 105l. 16s. 10d. Cost and ex- penses - - - -					
				2,100	0	0
20						
	\$10,000 Atchison Topeka and Santa Fé Railway 4 per cent. first mortgage bonds - - - -					
				571	14	3
	550l. North British Railway Com- pany 3 per cent. debenture stock Cost after part realised - -					
25				624	16	10
	500l. Caledonian Railway Company 4 per cent. debenture stock Cost - - - -					
				6,000	0	0
30						
	Heritable loan at 3½ per cent. on the security of subjects at 38-52 Albert Street and 2-8 Arthur- stone Terrace Dundee - -					
				1,267	17	1
	Maryfield feu duties 52l. 16s. 6d. Cost - - - -					
				0	5	4
	Deposit receipt with North of Scot- land and Town and County Bank					
35				19,151	0	9

**Sidlaw Sanatorium
(Transfer) Order
Confirmation.**

A

B I L L

INTITLED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Sidlaw Sanatorium.

(Brought from the Commons 27th July 1910.)

Ordered to be printed 27th July 1910.

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[Price 1½d.]

(141)

**Small Dwelling-Houses in Burghs
Letting (Scotland) Bill. [H.L.]**

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Interpretation.
 3. Exceptions from provisions of Act.
 4. Time limit to missives.
 5. Lawful date for termination of let.
 6. Notice to terminate tenancy.
 7. Actions of removing.
 8. Notice of removal.
 9. Removal of occupier in arrear with rent.
 10. Summary application for removing.
 11. Delay in actions of removing.
 12. Exemptions from hypothec.
 13. Adoption of Act.
 14. Agreements contrary to Act to be void.
 15. Saving for Removal Terms (Scotland) Acts.
 16. Extent of Act.
-

[10 EDW. 7.] *Small Dwelling-Houses in Burghs Letting* 1
(Scotland). [H.L.]

A

B I L L

INTITULED

An Act to amend the Law as to the Letting of small Dwelling-houses in Burghs in Scotland; and for other purposes relating thereto. A.D. 1910.

BE it enacted by the King'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:—

5 **1.** This Act may be cited as the Small Dwelling-houses in Burghs Letting (Scotland) Act, 1910. Short title.

2. In this Act—

10 The expression "small dwelling-house" means a dwelling-house in a burgh entered on the valuation roll at a yearly rent or value of *ten pounds* or under, unless the burgh contained within the police boundaries thereof at the date of the census of nineteen hundred and one a population of twenty thousand or upwards, in which case it means a dwelling-house entered on the valuation roll at a yearly rent or value of *fifteen pounds* or under; and in the case of burghs with a population of fifty thousand or upwards means a dwelling-house entered in the valuation roll at a yearly rent or value of *twenty-one pounds* or under; Interpre-
tation.

20 The expression "magistrate" includes judge of police;

25 The expressions "owner" and "occupier" have the meanings assigned to them respectively in the Burgh Police (Scotland) Act, 1892; provided that section fifty-eight of the Burgh Police (Scotland) Act, 1903 (which limits the obligations of factors), shall apply for the purposes of (39.)

A 2

A.D. 1910.

this Act as if it were herein re-enacted with the substitution of this Act for the Burgh Police Acts specified in the said section.

Exceptions
from provi-
sions of Act.

3. This Act shall not apply to any dwelling-house occupied by the owner thereof, or in which the owner resides, or to any dwelling-house used as an inn or hotel, or to any dwelling-house let along with land for agricultural, pastoral, or horticultural purposes, or to any dwelling-house let in conjunction with a shop, workshop, stable, or byre; nor shall it apply to any dwelling-house let under any contract or lease current at the date when this Act comes into force in any burgh prior to the expiration of such contract or lease.

Time limit to
missives.

4. No agreement, whether verbal or written, for the let of a small dwelling-house shall be binding if the same has been made more than two months prior to the commencement of such let.

Lawful date
for termina-
tion of let.

5. Notwithstanding the date of entry to any small dwelling-house all lets of such dwelling-houses, except those for a shorter period than one month, shall terminate and shall be terminable under the provisions of this Act only on *the twenty-eighth day of a month*, or when that day is a Sunday, on the Monday next following, and all lets of small dwelling-houses for a shorter period than one month shall terminate and shall be terminable under the provisions of this Act only on a Monday.

Notice to
terminate
tenancy.

6. Either the owner or the occupier of a small dwelling-house shall be entitled, by giving notice of removal to terminate any tenancy thereof on the day upon which the next payment of rent falls due, or if that day is not a lawful date for the termination of a let under this Act, on the lawful date next following the said day, provided that—

(a) If the house be let for a period of more than three months the notice shall be given at least forty days before the said lawful date; and

(b) If the house be let for a period of three months or less the notice shall be given as many days before the said lawful date as shall be equivalent to at least one third of the said period; except in the case of a let for a shorter period than one month, in which case the notice shall be given at least five days before the said lawful date.

[10 Edw. 7.] *Small Dwelling-Houses in Burghs Letting* 3
(Scotland).

7. It shall be competent to raise any action of summary removing in respect of, or for ejection from, any small dwelling-house in the burgh police court, in which court the same procedure shall be competent as in the sheriff court in respect thereof:
5 Provided that this section shall only apply in burghs where at *the passing of this Act* the sheriff court is the only court exercising jurisdiction within the burgh in respect of such actions.

A.D. 1910.
Actions of removing.

8. Notice of removal from a small dwelling-house may be given by messenger-at-arms or sheriff officer, or other competent officer of court, or by registered letter signed by or on behalf of the owner or occupier, posted at any post office within the United Kingdom in time to admit of its being delivered at the address thereon prior to or on the last date upon which by this Act such notice of removal must be given, addressed to the
15 person entitled to receive such notice, and bearing the particular address of such person at the time, if the same be known, or if the same be not known, then at the last known address of such person, in terms of the Sheriff Courts (Scotland) Act, 1907.

Notice of removal.

7 Edw. 7.
c. 51.

9. Notwithstanding anything herein-before contained, if the occupier of a small dwelling-house shall be in arrear with the rent of the same for a period of seven days, the owner shall be entitled to give forty-eight hours' notice of removal to such occupier.

Removal of occupier in arrear with rent.

10. If any occupier shall fail to remove from a small dwelling-house upon the expiration of notice of removal in terms of this Act, any person authorised by law to pursue an action of summary removing may present to the sheriff or magistrate a summary application for removing, and a decree pronounced on such summary application shall have the full force and effect of a decree of removing and warrant of ejection. The production of a
30 post office letter registration receipt, or of a certificate from the messenger-at-arms or sheriff officer, or other competent officer of court shall be sufficient evidence of such notice having been duly given. The production of a certificate signed by the owner that the occupier is in arrear with rent for a period of seven days
35 shall be sufficient evidence thereof.

Summary application for removing.

11. In an action of summary removing no delay beyond forty-eight hours shall be granted by the sheriff or magistrate to the occupier of a small dwelling-house, unless on cause shown (which cause the sheriff or magistrate shall state in his order granting delay), or on caution for, or consignation of, the rent
40 due being found or made as the case may be.

Delay in actions of removing.

A.D. 1910.
—
Exemptions
from hypo-
thee.

12. All bedding material as well as all tools and implements of trade used or to be used by the occupier of a small dwelling-house or any member of his family, as the means of his, her, or their livelihood, which are in the dwelling-house, and furniture and plenishing in a small dwelling-house to the value according 5 to the sheriff officer's inventory, of *ten pounds*, shall be wholly exempt from the right of hypothec of the landlord.

Adoption of
Act.

13. Save as herein-after mentioned this Act shall apply from and after the *twenty-eighth day of May nineteen hundred and eleven* to all small dwelling-houses within the police boundaries of 10 every royal, parliamentary, and police burgh in Scotland, provided that this Act shall not come into operation in any such burgh which, at the date of the census of nineteen hundred and one, contained within the police boundaries thereof a population not exceeding ten thousand, until it has been adopted by a resolution 15 of the town council of such burgh, at a meeting called for the purpose at any time after *the passing of this Act*, after one month's previous notice in a newspaper published or circulating in the burgh.

Such resolution shall be intimated to the Secretary for 20 Scotland and published in the *Edinburgh Gazette*, and shall come into force as from *the twenty-eighth day of May* immediately following such publication.

Agreements
contrary to
Act to be void.

14. Any agreement contrary to or inconsistent with the provisions of this Act shall be, and is hereby declared to be, null 25 and void.

Saving for
Removal Terms
(Scotland) Acts,
49 & 50 Viet. c. 50,
53 & 54 Viet. c. 36.

15. Nothing in this Act shall prejudice or affect the provisions of the Removal Terms (Scotland) Act, 1886, or the Removal Terms (Scotland) Act, 1886, Amendment Act, 1890, except in so far as such provisions are inconsistent with this Act. 30

Extent of
Act.

16. This Act shall extend to Scotland only.

**Small Holdings (No. 3.)
Bill.**

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD DUNMORE (*E. Dunmore*).

18th July 1910.

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[*Price 3d.*]]

(77 a.)

A

B I L L

INTITULED

An Act to provide compensation to tenants on whom notice to quit is served with a view to the use of the land for the provision of Small Holdings under the Small Holdings and Allotments Act, 1908. A.D. 1910.

BE it enacted by the King'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:—

- 5 **1.**—(1) Where a council, or a landlord at the request of a council, terminates a tenancy of land by notice to quit, with a view to the use of the land or any part thereof by the council for the provision of small holdings, the tenant upon quitting shall be entitled to recover from the council compensation for
 10 the loss or expense directly attributable to the quitting which the tenant may unavoidably incur upon or in connection with the sale or removal of his household goods or his implements of husbandry, produce, or farm stock on or used in connection with the land:
- 15 Provided that no compensation under this section shall be payable—
- (a) unless the tenant has given to the council a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid; or
- 20 (b) if the claim for compensation is not made within three months after the time at which the tenant quits.

In the event of any difference arising as to any matter under this section the difference shall, in default of agreement, be settled by arbitration.

(77)

A.D. 1910. (2) The Board of Agriculture and Fisheries shall, out of the Small Holdings Account, repay to a council any compensation paid by the council under an award or with the consent or approval of the Board, and also any expenses which, in the opinion of the Board, have been necessarily or reasonably incurred by the council 5 in relation to any claim for compensation under this section.

(3) This section shall apply where a tenancy is terminated after the commencement of this Act, whether the notice to quit is given before or after such commencement.

Application to tenancies terminated before commencement of Act.

2. Where a tenancy has been terminated before the commencement of this Act, and the tenant proves to the satisfaction of the Board of Agriculture and Fisheries that he has incurred any loss or expense for which he would have been entitled to compensation under the foregoing section of this Act if the tenancy had terminated after the commencement of this Act, 15 the Board may, out of the small holdings account, pay to the tenant such compensation for such loss or expense as they think just: Provided that no compensation under this section shall be payable if the claim for compensation is not made before the first day of September nineteen hundred and ten. 20

Short title and construction.

3. This Act may be cited as the Small Holdings Act, 1910, and shall be construed as one with the Small Holdings and Allotments Act, 1908, and that Act and this Act may be cited together as the Small Holdings and Allotments Acts, 1908 and 1910. 25

Small Holdings (No. 3).

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to provide compensation to tenants on whom notice to quit is served with a view to the use of the land for the provision of Small Holdings under the Small Holdings and Allotments Act, 1908.

(Brought from the Commons 29th June 1910.)

Ordered to be printed 19th July 1910.

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[Price $\frac{1}{2}d.$]]

(119.)

Small Holdings (No. 3.) Bill.

COMMONS REASON FOR DISAGREEING TO THE LORDS AMENDMENT TO THE SMALL HOLDINGS (No. 3.) BILL.

[*The reference is to Bill No. (77.).*]

Lords Amendment.

Clause 2, page 2, line 20, leave out ("September") and insert ("November")

The Commons disagree to this amendment for the following reason—

Because it is not advisable to further extend the period during which claims under this section may be made.

(145.)

Small Holdings (No. 3.) Bill.

COMMONS REASON FOR DISAGREEING TO
THE LORDS AMENDMENT TO THE
SMALL HOLDINGS (No. 3.) BILL.

28th July 1910.

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[Price $\frac{1}{2}d.$]

(145.)

A

B I L L

INTITULED

An Act to provide for the appointment of two additional A.D. 1910.
Judges of the High Court.

BE it enacted by the King'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:—

5 **1.**—(1) It shall be lawful for His Majesty to appoint two judges of the High Court in addition to the number of judges of that court authorised to be appointed by the Judicature Acts, 1873 to 1902. Power to appoint two additional judges.

(2) The judges so appointed shall be attached to the King's 10 Bench Division of the High Court subject to such power of transfer as is in the Supreme Court of Judicature Act, 1873, mentioned, and the law relating to the appointment and qualification of judges of the High Court, to their duties and tenure of office, to their precedence, salary and pensions, and otherwise, 15 shall apply to any judge appointed under this section.

It shall be lawful for His Majesty, after the appointment of the said judges, to fill any vacancy occurring among the puisne judges of the King's Bench Division, provided that where the whole number of such puisne judges amounts to upwards of 20 fifteen such vacancy shall not be filled unless and until an address is presented from both Houses of Parliament representing that the state of business in the King's Bench Division requires that such vacancy should be filled.

2. This Act may be cited as the Supreme Court of Judicature Short title.
25 Act, 1910, and the Judicature Acts, 1873 to 1902, the Judicature (Rule Committee) Act, 1909, and this Act may be cited together as the Judicature Acts, 1873 to 1910.

(11.)

**Supreme Court of
Judicature. [H.L.]**

A

B I L L

INTITLED

An Act to provide for the appointment of two additional Judges of the High Court.

The Lord Chancellor.

Ordered to be printed 9th March 1910.

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[Price 3d.]

(11.)

Supreme Court of Judicature Bill.
[H.L.]

105

A M E N D M E N T
TO BE MOVED IN COMMITTEE
BY
THE LORD ALVERSTONE.

Clause 1, page 1, line 18, leave out ("where") and insert
("whenever after the first day of January one thousand nine
" hundred and twelve")

· (11 a.)

**Supreme Court of
Judicature Bill. [H.L.]**

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD ALVERSTONE.

14th March 1910.

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[Price 3d.]

(11 a.)

Supreme Court of Judicature Bill.
[H.L.]

C O M M O N S A M E N D M E N T S.

Clause 1, page 1, line 14, after (" precedence ") insert (" salary
" and pensions ") line 19, leave out (" January ") and insert
(" August ") line 21, leave out (" upwards of "), and after
(" fifteen ") insert (" or upwards ")

(107.)

Supreme Court of
Judicature Bill. [H.L.]

COMMONS AMENDMENTS.

18th July 1910.

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[Price 3d.]
(107.)

[1 GEO. 5.] *Thames Conservancy (Appointments and Tolls) Provisional Order.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the Port of London Act 1908 relating to the Thames Conservancy. A.D. 1910.

WHEREAS the Board of Trade have made the Provisional Order set forth in the schedule hereto under the Port of London Act 1908:

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King'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:—

10 **1.** The Provisional Order set out in the schedule to this Act shall be and the same is confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirma-
tion of
Order.

15 **2.** This Act may be cited as the Thames Conservancy (Appointments and Tolls) Provisional Order Act 1910. Short title.

A.D. 1910.

The SCHEDULE.

THAMES CONSERVANCY (APPOINTMENTS AND TOLLS)
PROVISIONAL ORDER.

*Provisional Order of the Board of Trade under the Port of
London Act 1908 regulating the term of office rotation 5
disqualification removal and appointment to casual
vacancies of the Conservators of the River Thames revising
the tolls fees and charges (except the sums which are
payable to the Conservators by the Metropolitan Water
Board or any Water Company) leviable by the Conservators 10
and for other purposes.*

- Short title. 1. This Order may be cited as the Thames Conservancy (Appoint-
ments and Tolls) Order 1910.
- Commence-
ment of
Order. 2. This Order shall come into force and have effect on the first
day of January one thousand nine hundred and eleven or such later 15
day as the Board of Trade may by order direct which date is in this
Order referred to as the commencement of this Order.
- Definitions. 3.—(1) In the Thames Conservancy Act, 1894 (hereinafter called
the Act of 1894) and this Order the expression “the Thames” where
used in or with reference to the expression “Conservators of the 20
Thames” means and includes so much of the rivers Thames and Isis
respectively as are between the town of Cricklade in the county of
Wilts and an imaginary straight line drawn from high-water mark on the
bank of the River Thames at the boundary line between the parishes
of Teddington and Twickenham in the county of Middlesex to high- 25
water mark on the Surrey bank of the river immediately opposite the
last hereinbefore mentioned point and so much of the River Kennet
as is between the common landing-place at Reading in the county of
Berks and the River Thames and all locks cuts and works within the
said portions of rivers Provided that no dock lock canal or cut 30
existing at the passing of the Act of 1894 and constructed under
the authority of Parliament and belonging to any body corporate
established under such authority and no bridge over the Thames or
the River Kennet belonging to or vested in any county council or
municipal authority or to or in any railway company or to or in any 35
other company body or person other than the Conservators shall be
deemed to form part of the Thames.

[1 GEO. 5.] *Thames Conservancy (Appointments and Tolls) Provisional Order.*

3

(2) In this Order if not inconsistent with the context:—

A.D. 1910.

The expression "dismantled houseboat" means a houseboat not fitted or furnished with furniture or other articles or things usual necessary or proper for the user thereof as a houseboat and not being so used ;

5

The expression "petrol motor launch" means any vessel in which motive power is supplied by petroleum to which the Petroleum Acts 1871-1879 apply whether such petroleum is used in an internal combustion engine or for the generation of steam or otherwise ;

10

The expression "pleasure boat for hire" means any pleasure boat let for hire or used or intended to be used for any purpose of profit except such pleasure boats as are let for hire for a period of not less than four weeks continuously to one and the same person ;

15

The expression "private pleasure boat" means any pleasure boat other than a pleasure boat for hire ;

The expression "the Corporation" means the Mayor Aldermen and Commons of the City of London in Common Council assembled ;

20

Except as herein-before otherwise provided expressions to which a special meaning is assigned by the Act of 1894 have respectively the same meaning in this Order as they have in that Act.

25

TERM OF OFFICE &C. OF CONSERVATORS.

4.—(1) Before the fifteenth day of March in the year one thousand nine hundred and twelve and before the fifteenth day of March in every third year thereafter persons shall be appointed to be the Conservators who shall come into office on the following first day of April Every person so appointed subject to his so long living and not refusing to act or resigning or being or becoming disqualified or being removed shall continue in office for three years and then retire.

30

Term of office of Conservators.

(2) The term of office of the persons who are the Conservators at the commencement of this Order shall expire on the thirty-first day of March one thousand nine hundred and twelve.

35

5. Notwithstanding anything in the Act of 1894 contained the Gloucestershire and Wiltshire County Councils may at any time enter into an agreement that they shall from time to time in any manner which may be prescribed by such agreement jointly appoint the person to be a Conservator to be appointed by those councils or by one of them

40

As to appointment of Conservators by Gloucestershire and Wiltshire County Councils.

(133)

A 2

A.D. 1910. and those councils respectively may from time to time do all things necessary for giving effect to any such agreement In default of such agreement the Gloucestershire County Council before the fifteenth day of March in the year one thousand nine hundred and twelve and in every sixth year thereafter shall and the Wiltshire County Council before the fifteenth day of March in the year one thousand nine hundred and fifteen and in every sixth year thereafter shall appoint the said person. 5

Notice to be given of appointments of Conservators.

6. Forthwith after every appointment by the Board of Trade or by the Metropolitan Water Board or by the Port of London Authority or by the Corporation or by any county council or by the council of any borough of any person to be a Conservator notice in writing of such appointment shall be sent to the secretary by a secretary or assistant secretary to the Board of Trade or by the clerk of the Metropolitan Water Board or by the secretary of the Port of London Authority or by the town clerk of the City of London or by the clerk to the county council or by the town clerk of the borough as the case may be. 10 15

In the event of a joint appointment by the Gloucestershire and Wiltshire County Councils the notice shall be sent by the clerk to the county council of which the person appointed to be a Conservator is a member. 20

Disqualifications for being Conservators.

7. The following persons shall subject as hereinafter provided be disqualified for being or continuing to be Conservators, namely:—

- (1) Every person appointed by a county council if he is not or ceases to be a member of such county council; 25
- (2) Every person appointed by the Gloucestershire and Wiltshire County Councils jointly if he is not or ceases to be a member of one of such councils;
- (3) Every person appointed by the council of a borough if he is not or ceases to be a member of such council; 30
- (4) Every person appointed by the Metropolitan Water Board if he is not or ceases to be a member of the Metropolitan Water Board;
- (5) Every person appointed by the Port of London Authority if he is not or ceases to be a member of the Port of London Authority; 35
- (6) Every person appointed by the Corporation if he is not or ceases to be a member of the Corporation;
- (7) Every person who has been adjudged bankrupt or has made a composition or arrangement with his creditors; 40
- (8) Every person who holds any office or place of profit under the Conservators;

[1 GEO. 5.] *Thames Conservancy (Appointments and Tolls) Provisional Order.*

5

- (9) Every person who is concerned in any contract entered into with the Conservators or participates in the profit of any such contract or of any work done under the authority of the Conservators :

A.D. 1910.

5 Provided that—

- (A) For the purposes of this section a person shall not be deemed to have ceased to be a member of a county council or a member of the council of a borough or a member of the Metropolitan Water Board or of the Port of London Authority or a member of the Corporation by reason only of his ceasing to be such by effluxion of time if he be re-elected or re-appointed a member of the same body at the election or appointment of members thereof next after such cessor ;
- 10
- (B) A person shall not be disqualified for being or continuing to be a Conservator by reason of his having been adjudged bankrupt or made a composition or arrangement with his creditors when in case of bankruptcy the adjudication has been annulled or he has obtained his discharge with a certificate that his bankruptcy was caused by misfortune without any misconduct on his part and in case of composition or arrangement his debts have been paid in full ;
- 15
- 20 and
- (c) A person shall not be disqualified for being or continuing to be a Conservator by reason of his being interested :—
- 25
- (i) in the sale or lease of any lands or in any loan of money to the Conservators or in any contract with the Conservators for the supply from land of which he is owner or occupier of stone gravel or other materials for work being done under the authority of the Conservators ; or
- 30
- (ii) in any newspaper in which any advertisement notice or byelaw is published by the Conservators ; or
- (iii) in any contract with the Conservators as a shareholder in any joint stock company if and so long as he does not act as a Conservator in any matter relating to such contract :
- 35

40 Provided further that nothing herein contained shall affect any of the provisions of the regulations made by the Board of Trade under the Port of London Act 1908 as to the mode of appointment and qualification of Conservators appointed by two or more councils other than the Gloucestershire and Wiltshire County Councils.

[A.D. 1910.
—
Conservators
removable by
the bodies
which ap-
pointed
them.

8. Every Conservator appointed by the Board of Trade the Metropolitan Water Board the Port of London Authority the Corporation any county council or the council of any borough shall be removable from his office of Conservator by the body which appointed him :

Provided that a Conservator shall not be so removed by the Metropolitan Water Board the Port of London Authority the Corporation a county council or the council of a borough unless notice in writing of the intention to propose the removal of such Conservator shall have been given to every member of such body seven days at least before the meeting of such body at which the removal is determined upon nor unless such removal be determined upon by a majority consisting of two-thirds of the members of such body present and voting at such meeting.

Filling up
casual vacan-
cies and
vacancies
from failure
to appoint

9.—(1) On a vacancy in the office of Conservator occasioned otherwise than by effluxion of time an appointment to fill the vacancy shall be made by the body which appointed the Conservator whose place is to be filled up.

(2) A Conservator appointed under this section shall continue in office only so long as the Conservator in whose place he is appointed would have been entitled to continue in office.

(3) If at any time there is a failure to appoint any person to be a Conservator there shall be deemed to be a vacancy in the office of a Conservator occasioned otherwise than by effluxion of time and such vacancy may be filled up accordingly and for that purpose the vacancy shall be deemed to be in the office of the Conservator who but for such failure would have been appointed.

Outgoing
Conservators
eligible for
re-appoint-
ment.

10. Every Conservator going out of office whether by effluxion of time or otherwise shall if not disqualified pursuant to this Order be eligible to be re-appointed.

LOCK TOLLS FOR PLEASURE BOATS AND PASSENGER STEAMERS.

Lock tolls or
annual pay-
ments for
pleasure
boats and
passenger
steamers

11. The Conservators may from time to time demand and receive in respect of pleasure boats and passenger steamers passing through by or over locks on the Thames the tolls or annual payments appointed by byelaws of the Conservators for the time being in force but not exceeding the amounts mentioned in the first part of the schedule to this Order annexed and all byelaws made by the Conservators and in force at the commencement of this Order and appointing the tolls and annual payments for passing through by or over locks on the Thames shall continue in force until repealed by byelaws hereafter to be made by the Conservators.

[1 GEO. 5.] *Thames Conservancy (Appointments and Tolls) Provisional Order.*

7

REGISTRATION OF PLEASURE BOATS.

A.D. 1910.

12.—(1) In lieu of the sums of one pound and two shillings and sixpence mentioned respectively in sections 138 and 140 of the Act of 1894 there shall be paid to the Conservators for the registration of steam launches of petrol motor launches and of pleasure boats (other than steam launches petrol motor launches or houseboats) the sums mentioned in the second part of the schedule to this Order annexed.

Sums payable for registration of pleasure boats.

(2) The registration of and the certificate for every pleasure boat (other than a steam launch petrol motor launch or houseboat) shall expire on the third thirty-first day of December next after the date of registration.

(3) The owner of every houseboat whether in use or not shall pay to the Conservators on the first day of January in every year the sum mentioned in the third part of the schedule to this Order annexed and such sum shall be in lieu of and recoverable in the same manner as the sum payable for the registration of the houseboat under section 139 of the Act of 1894. Provided that in the case of every houseboat kept stationary throughout the year and used only for dressing places or store rooms for boats gear or otherwise in connection with boating the annual sum payable for the registration thereof shall be such reduced sum not being less than one guinea as the Conservators may in their discretion in each case determine.

MISCELLANEOUS.

13. It shall be lawful for the Conservators at any meeting of the Conservators from time to time as occasion may require (it having been stated in the notices of such meeting that it is an object of such meeting to elect a vice-chairman of the Conservators) to elect from among themselves a vice-chairman who shall unless he ceases to be Conservator hold office for one year from the time of his election but shall be eligible to be re-elected. Such vice-chairman shall be an ex-officio member of all committees of the Conservators and shall also if he be present be chairman of every meeting of the Conservators at which the chairman of the Conservators is not present.

Election of vice-chairman of Conservators.

14. The following provisions of the Act of 1894 are hereby repealed namely:—

Repeal.

Sections 10 28 29 30 31 32 subsections (2) and (3) of section 139 subsection (3) of section 140 section 163 and the Fourth Schedule.

A.D. 1910.

SCHEDULE.

FIRST PART.

*Maximum Lock Tolls in respect of Pleasure Boats and Passenger
Steamers.*

	s.	d.	5
Class I. For every sculling boat pair-oared row-boat and skiff and for every randan canoe punt and dingey - - - - -	0	3	
Class II. For every four-oared row-boat (other than the boats enumerated in Class I.) and sailing boat - - - - -	0	6	10
Class III. For every row-boat shallop over four oars (other than the boats enumerated in Classes I. and II.) - - - - -	1	0	
For every steam launch petrol motor launch and passenger steamer—			15
Not exceeding 20 feet in length - - - - -	1	0	
Exceeding 20 feet in length but not exceeding 30 feet	1	6	
Exceeding 30 feet in length but not exceeding 40 feet	2	0	
Exceeding 40 feet in length but not exceeding 50 feet	2	6	20
Exceeding 50 feet in length but not exceeding 60 feet	3	0	
Exceeding 60 feet - - - - -	3	6	
For every houseboat not exceeding 40 feet in length -	2	6	
For every houseboat exceeding 40 feet in length -	3	6	

The above charges to be for passing once through by or over a lock and returning the same day. 25

Every vessel carried in or upon another vessel through by or over any lock to be charged as if separately navigated through by or over such lock but to an extent not exceeding one third of such maximum tolls. 30

In lieu of the above tolls row-boats steam launches petrol motor launches and passenger steamers shall on the payment to the Conservators of such sums as the Conservators may by byelaw appoint, but not exceeding the undermentioned sums and in consideration of such payment be entitled to pass the several locks free of such tolls until 35

[1 GEO. 5.] *Thames Conservancy (Appointments and Tolls) Provisional Order.*

9

the thirty-first day of December next following the date of such payment:— A.D. 1910.

		Per Annum.
		£ s. d.
5	For every row-boat of Class I. - - - - -	2 0 0
	Do. or yacht of Class II. - - - - -	2 10 0
	Do. of Class III. - - - - -	3 0 0
	For every steam launch petrol motor launch and passenger steamer—not exceeding 40 ft. in length -	5 0 0
10	Exceeding 40 ft. in length but not exceeding 50 ft.	7 10 0
	Exceeding 50 ft. in length but not exceeding 55 ft.	10 0 0
	Exceeding 55 ft. in length but not exceeding 60 ft.	12 10 0
	Exceeding 60 ft. - - - - -	15 0 0
15	For every passenger steamer certified by the Board of Trade to carry 200 or more passengers and over 60 ft. in length - - - - -	17 10 0

SECOND PART.

Sums to be paid for the Registration of Pleasure Boats (other than House-boats).

		Per Annum.
		£ s. d.
	For every steam-launch (other than a petrol motor launch)—not exceeding 20 feet in length - -	1 0 0
	Exceeding 20 ft. in length but not exceeding 25 ft.	1 5 0
25	Exceeding 25 ft. in length but not exceeding 30 ft.	1 10 0
	Exceeding 30 ft. in length but not exceeding 35 ft.	1 15 0
	Exceeding 35 ft. in length but not exceeding 40 ft.	2 0 0
	Exceeding 40 ft. in length but not exceeding 45 ft.	2 5 0
	Exceeding 45 ft. in length but not exceeding 50 ft.	2 10 0
30	Exceeding 50 ft. in length but not exceeding 55 ft.	2 15 0
	Exceeding 55 ft. in length - - - - -	3 0 0
	For every petrol motor launch—not exceeding 20 ft. in length - - - - -	2 0 0
	Exceeding 20 ft. in length but not exceeding 25 ft.	2 5 0
35	Exceeding 25 ft. in length but not exceeding 30 ft.	2 10 0
	Exceeding 30 ft. in length but not exceeding 35 ft.	2 15 0
	Exceeding 35 ft. in length but not exceeding 40 ft.	3 0 0
	Exceeding 40 ft. in length but not exceeding 45 ft.	3 5 0
	Exceeding 45 ft. in length but not exceeding 50 ft.	3 10 0
40	Exceeding 50 ft. in length but not exceeding 55 ft.	3 15 0
	Exceeding 55 ft. in length - - - - -	4 0 0

*Thames Conservancy (Appointments and [1 GEO. 5.]
Tolls) Provisional Order.*

A.D. 1910.

	Triennially.
	s. d.
For every private pleasure boat (other than a steam launch petrol motor-launch or houseboat) - -	5 0
For every pleasure boat for hire (other than a steam launch petrol motor-launch or houseboat) - -	2 6

THIRD PART.

Sums to be paid for the Registration of Houseboats.

	Per Annum.
	£ s. d. 10
For every houseboat (other than a dismantled houseboat)—	
Not exceeding 30 feet in length - - -	5 0 0
Exceeding 30 feet in length but not exceeding 35 feet - - -	6 0 0
Exceeding 35 feet - - -	6 0 0
And in addition thereto 1 <i>l.</i> for every 5 feet or fraction of 5 feet by which the same shall exceed the length of 35 feet.	
For every dismantled houseboat - - -	1 1 0

Provided that if in any year the owner of a dismantled houseboat in respect of which there shall have been duly paid to the Conservators in that year the sum of one guinea shall thereafter in the same year become liable to pay and shall pay the full fee in respect thereof as a houseboat the owner shall be entitled to deduct from the amount of such full fee the said sum of one guinea theretofore paid by him in the same year. 25

**Thames Conservancy
(Appointments and
Tolls) Provisional
Order.**

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the Port of London Act 1908 relating to the Thames Conservancy.

(Brought from the Commons 25th July 1910.)

Ordered to be printed 25th July 1910.

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[Price 1½d.]

(133)

Thrift and Credit Banks Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to certify thrift and credit banks.
 2. Provisions as to application of funds.
 3. Power to recover contributions from members and past members.
 4. Relation of thrift and credit bank and central institution.
 5. Joint committees of inspection.
 6. Liability of past member at dissolution of the society.
 7. Application of reserve fund on dissolution.
 8. Application of principal Act.
 9. Grant of certificate.
 10. Certificate of incorporation, in what cases to be given.
Incorporation of societies already registered. Provisions as to registry to apply to incorporation. Effect of acknowledgment (registry) or certificate of incorporation.
 11. Interpretation.
 12. Short title.
 13. Commencement of Act.
-

A.D. 1910.

maximum amount which may be lent during that year to any one member; and that the amounts so lent shall not in the year to which the resolution relates exceed the limits fixed by the resolution, except to the extent which may be permitted by 5 any amending resolution passed in accordance with the requirements of the rules;

(*f*) that no member of the committee of management or council of inspection, or other managing and responsible body (by whatever name), or chairman of the 10 society shall be paid for his services;

(*g*) whether it may accept grants or advances from councils of counties or county boroughs;

(*h*) whether it may keep money on deposit with or borrow money from any other company or society; 15

(*i*) whether it may join with other banks in appointing a committee of inspection and defraying the expenses thereof;

and if the rules provide for the carrying on of the business of trading on co-operative principles in 20 addition to banking, they shall also provide—

(*j*) that the surplus derived from such trading shall be distributed amongst the purchasers;

(*k*) that separate accounts shall be kept of its transactions in respect of— 25

(i) loans to and deposits from members;

(ii) any trading transactions;

(*l*) that the reserve fund so constituted as aforesaid shall not be available for making good any trade deficiency, except to such extent as the other assets 30 of the bank may be insufficient on its dissolution to meet the claims of trade creditors.

Power to recover contributions from members and past members.

3.—(1) The rules of every such society shall bind the society and the members thereof and all persons claiming through them respectively, to the same extent as if the member had subscribed 35 his name and affixed his seal thereto, and as if there were in the rules contained a covenant on the part of himself, his heirs, executors and administrators, to conform to the rules subject to the provisions of this Act.

[10 EDW. 7.]

Thrift and Credit Banks.

3

(2) All sums of money payable by a member or a past member to a thrift and credit bank shall be deemed to be a debt due from the member to the society, and shall be recoverable as such in the county court of the district in which the member resides. A.D. 1910.

(3) The liability of a past member for the debts of the society as they existed at the time when he ceased to be a member shall continue for a period of one year from the date of his ceasing to be a member.

10 (4) The estate of a deceased member shall be liable, for a period of one year from the time of his decease, for the debts of the society as they existed at the time of his decease.

4.—(1) A thrift and credit bank may, if the rules of the society so permit, borrow money from any county council and also borrow money from or keep money on deposit with any central institution, being a company registered under the Companies Acts, 1862 to 1900, with limited liability, or a society registered under the Industrial and Provident Societies Act, 1893, having for its object the creation of funds to be lent out to thrift and credit banks, and having a board of management elected wholly or in part by the bank or by the bank jointly with other similar banks. Relation of
thrift and
credit bank
and central
institution.
56 & 57 Vict.
c. 39.

(2) A thrift and credit bank may hold shares in or be a member of any such central institution or a wholesale co-operative society registered under either of the above-named Acts.

5. A thrift and credit bank may, if so authorised by its rules, concur with any such other bank or banks in appointing a joint committee for the purpose of conducting periodical inspections of and making reports upon the financial position and methods of business of the appointing banks, and may confer upon that committee all powers necessary for that purpose, and may pay to the committee such fees in respect of any such inspection and report as may be authorised by the rules and agreed to by the appointing banks: Provided that the fees so fixed shall not in total exceed such an amount as will reasonably provide for the necessary expenses of the committee. Joint com-
mittees of
inspection.

6. In the event of a thrift and credit bank being dissolved every person who has within twelve months of the date of the instrument of dissolution ceased to be a member of the society shall be liable to contribute to the assets of the society equally Liability of
past member
at dissolution
of the
society.

(29.)

A 2

A.D. 1910, with the persons who are members at the date of the dissolution, to an amount sufficient for payment of such of the debts and liabilities of the society as existed at the date when the member ceased to be such and are still existing at the date of the said dissolution, and the costs, charges, and expenses of the dissolution. 5

Application of reserve fund on dissolution.

7. Upon the dissolution of a thrift and credit bank, any surplus of the reserve fund after payment of the debts and liabilities of the society, and the costs, charges, and expenses of the dissolution and the winding-up (if any), shall be devoted to such object of public utility in the area in which the society carried on business as may be prescribed by rule, or, in default of the rules making any such provision, as may be determined by the chief registrar. 10

Application of principal Act.

8. The principal Act (with the exceptions and subject to the modifications in this Act specified) shall apply to societies registered in pursuance of this Act, and the provisions required by the section of this Act whereof the marginal note is "Provision as to application of funds" shall be in addition to the matters to be provided for by the rules as directed by the principal Act, and the following provisions shall also have effect:— 15 20

(i) Section twenty-three of the principal Act shall not apply to a society registered under this Act:

(ii) The limits imposed by section forty-six of the principal Act upon the amounts which may be lent by a society to its members, and which may be held by a friendly society on deposit by its members, shall not apply to a society registered under this Act. 25

Grant of certificate.

9.—(1) A certificate under this Act shall be granted by the chief registrar on being satisfied that the society has complied with the provisions of this Act as to registry, and shall (subject to the provisions of this Act with regard to a certificate of incorporation as herein-after provided) have the same effect as an acknowledgment of registry under the principal Act. 30 35

(2) A society to which a certificate under this Act has been issued shall be deemed for all purposes (subject to the provisions of this Act) a specially authorised society within the meaning of the principal Act.

10. The following provision as to incorporation shall apply to societies registered or about to be registered under this Act:—

A.D. 1910.
Certificate of incorporation, in what cases to be given.

- 5 (i) In lieu of a certificate of registry as herein-before provided, the chief registrar may, in case a society applies to be registered in pursuance of this Act as an incorporated body, and if he deems it expedient so to do, give to the society a certificate of incorporation which shall render the same a body corporate by the name therein described, having perpetual succession and a common seal, and by such name to sue and be sued in all courts of justice whatsoever, and the liability of whose members shall be the same as that by this Act provided in the case of members of an unincorporated society in the event of the same being wound up, and which shall vest in the society all property for the time being vested in any person in trust for the society, and shall also render the society a specially authorised society under the principal Act:
- 10
- 15
- 20 (ii) The chief registrar may at any time give a certificate of incorporation to any unincorporated society previously registered under this Act or the principal Act, and in such case all legal proceedings then pending by or against the trustees of such society may be prosecuted by or against the society in its corporate name without abatement:
- 25
- 30 (iii) Except so far as is herein-after in this Act specially mentioned, all provisions of the principal Act relating to acknowledgment of registry, the registry of societies, and registered societies, shall, unless inconsistent therewith, apply to the certificate of incorporation, the incorporation of societies and to incorporated societies respectively:
- 35
- 40 (iv) The certificate of incorporation shall be conclusive evidence that the society therein mentioned is duly incorporated in manner herein-before provided, unless it be proved that the certificate of incorporation of the society has been suspended or cancelled, but shall not be taken to imply that the rules of the society in respect of which the same may be given are legal or that the society is established on a sound basis:
- Effect of acknowledgment (registry) or certificate of incorporation.

- A.D. 1910. (v) The provisions of the principal Act for the investment of funds (section sixty-six) shall for the purposes of this Act be read as empowering the committee of management of an incorporated society under this Act to exercise the powers therein conferred on the committee or a majority of the members present and entitled to vote in general meeting, and the provisions of the principal Act with reference to holding land (section forty-seven), discharge of mortgages by receipt endorsed (section fifty-three), accounts of officers (section fifty-five), and the provision as to appointment and removal of trustees in clause four of the First Schedule to the principal Act, shall not apply to incorporated societies under this Act. 5 10
- Interpretation. **11.** In this Act— 15
 “The principal Act” means the Friendly Societies Act, 1896, and any other Act for the time being in force amending the same;
 “Chief registrar” means the chief registrar under the principal Act; 20
 “County court” means, for Scotland, the sheriff’s court of the county, and, for Ireland, the civil bill court;
 and expressions to which special meanings are attached in the principal Act have the same meaning in this Act.
- Short title. **12.** This Act may be cited as the Thrift and Credit Banks Act, 1910, and shall be construed with the Friendly Societies Act, 1896, and any other Act for the time being in force amending the same. 25
- Commencement of Act. **13.** This Act shall come into operation on the first day of January one thousand nine hundred and eleven. 30

**Thrift and Credit
Banks. [H.L.]**

A

B I L L

INTITLED

An Act to facilitate the formation of
Thrift and Credit Banks.

The Earl of Shaftesbury.

Ordered to be printed 18th April 1910.

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(29.)

[10 EDW. 7 & *Tramways Orders Confirmation.* [H.L.]
1 GEO. 5.]

1

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Huddersfield Corporation Tramways Milnrow Urban District Council Tramways and Rawtenstall Corporation Tramways.

A.D. 1910.

WHEREAS under the authority of the Tramways Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed:

33 & 34 Viet.
c. 78.

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

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

Be it therefore enacted by the King'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:—

1. This Act may be cited as the Tramways Orders Confirmation Act 1910.

Short title.

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

Confirmation
of Orders in
schedule.

(47.)

A

A.D. 1910.

SCHEDULE.LIST OF ORDERS.

HUDDESFIELD CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the County Borough of Huddersfield to construct additional tramways in the said borough and for 5 other purposes.

MILNROW URBAN DISTRICT COUNCIL TRAMWAYS.—Order authorising the Urban District Council of the Urban District of Milnrow to construct tramways in their district.

RAWTENSTALL CORPORATION TRAMWAYS.—Order authorising the Mayor 10 Aldermen and Burgesses of the Borough of Rawtenstall to construct additional tramways in the said borough.

[10 EDW. 7 & *Tramways Orders Confirmation.*
1 GEO. 5.]

3

HUDDERSFIELD CORPORATION.

A.D. 1910.

Order authorising the Mayor Aldermen and Burgesses of the Huddersfield County Borough of Huddersfield to construct additional Tramways in the said Borough and for other purposes.

- 5 1. This Order may be cited as the Huddersfield Corporation Short title.
Tramways Order 1910.
2. The provisions of the Tramways Act 1870 are hereby incor- Incorporation
porated with this Order except where the same are inconsistent with of Act.
or expressly varied by this Order.
- 10 3. The several words terms and expressions to which by the Interpreta-
Tramways Act 1870 meanings are assigned have in this Order the tion.
same respective meanings:
- Provided that in this Order—
- 15 The expression “the tramways” means the tramways and works
by this Order authorised;
- 20 The expression “the tramway undertaking” includes the tram-
way undertakings respectively authorised by the Huddersfield
Improvement Act 1880 the Huddersfield Corporation Act 1882
the Huddersfield Tramways and Improvement Act 1890 the
Huddersfield Corporation Act 1897 the Huddersfield Corporation
Tramways Order 1897 confirmed by the Tramways Orders
Confirmation (No. 2) Act 1897 the Huddersfield Corporation
Tramways Order 1898 confirmed by the Tramways Orders
Confirmation (No. 2) Act 1898 the Huddersfield Corporation
25 Tramways Order 1900 confirmed by the Tramways Orders
Confirmation (No. 1) Act 1900 the Huddersfield Corporation
Tramways Act 1900 the Huddersfield Corporation Tramways
Order 1903 confirmed by the Tramways Orders Confirmation
(No. 1) Act 1903 the Huddersfield Corporation Act 1906 and
30 the Huddersfield Corporation Tramway Order 1907 confirmed
by the Tramways Orders Confirmation Act 1907; and
- The expression “the corporation” means the mayor aldermen and
burgesses of the county borough of Huddersfield acting by the
council.
- 35 4. The corporation shall be the Promoters for the purposes of this Promoters.
Order and are in this Order referred to as “the Promoters.”
5. The Promoters may construct and maintain subject to the pro- Construction
visions of this Order and in accordance with the plans and sections of tramways.
deposited for the purposes of this Order at the office of the Board of
- 40 Trade the tramways herein-after described with all proper rails plates
offices weighbridges stables carriage-houses warehouses works and
conveniences connected therewith or for the purposes thereof;

(47.)

A 2

A.D. 1910. *Huddersfield.* Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section. 5

The tramways authorised by this Order will be wholly situate in the borough of Huddersfield and are—

Tramway No. 1 about 5 furlongs 5·41 chains in length commencing in Halifax Road at a point on the boundary of the borough passing thence along or over Halifax Road and there terminating by a junction with the existing tramway of the corporation at a point about 18 yards south-east of Holly Bank Road. 10

Tramway No. 1 will be laid as a single line except between the following points where it will be laid as a double line (that is to say):— 15

In Halifax Road from a point 119 yards north-west of Birchencliffe Road to a point opposite Holly Bank Road.

Tramway No. 5 about 2 furlongs 1·95 chains in length commencing in New Street by a junction with the existing tramway of the Corporation at a point about 15 yards north of Ramsden Street passing thence along or over New Street Ramsden Street and Queen Street South and there terminating by a junction with the existing tramway of the Corporation at a point about 15 yards south of East Parade: 20 25

Tramway No. 5 will be laid as a double line except between the following points where it will be laid as a single line (that is to say):—

In Queen Street South between two points respectively 1 yard north of Back Ramsden Street and 15 yards south of East Parade. 30

Tramway No. 6 about 3 furlongs 9·88 chains in length commencing in Newsome Road by a junction with the existing tramway of the Corporation at a point about 56 yards south of Stile Common Road passing thence along or over Newsome Road and there terminating at a point opposite the south-west side of Jack Royd Lane. 35

Tramway No. 6 will be laid as a double line except between the following points where it will be laid as a single line (that is to say):— 40

In Newsome Road from a point about 146 yards south-west of Tunnacliffe Road to the termination of the tramway.

The tramways shall be constructed on the same gauge as the existing tramways of the Promoters that is to say on a gauge of four feet seven and three quarter inches. 45

[10 EDW. 7 & *Tramways Orders Confirmation.*
1 GEO. 5.]

5

There shall not be run on the tramways carriages or trucks adapted for use on railways. A.D. 1910.

Huddersfield.

6. Subject to the provisions of this Order the tramways shall for all purposes form part of the tramway undertaking and the Promoters and their lessees and licensees may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the tramway undertaking or any part thereof and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are authorised to demand and take in respect of the tramways authorised by the Huddersfield Corporation Tramways Order 1897 Provided that nothing in this Order shall be deemed to extend the provisions of section 23 of the Huddersfield Corporation Tramways Act 1900 to the tramways by this Order authorised or to authorise the taking of lands otherwise than by agreement.

Tramways to form part of tramway undertaking.

7. Notwithstanding anything to the contrary contained in the Tramways Act 1870 or in the Huddersfield Corporation Act 1906 the Corporation may and are hereby empowered to run on and along Tramways Nos. 5 and 6 by the said Act of 1906 authorised carriages and trucks with an overhang of not exceeding one foot ten inches on each side thereof.

Power to run carriages and trucks of particular form on certain tramways.

8. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates tolls and charges authorised by this Order.

Saving for general Acts.

MILNROW URBAN DISTRICT COUNCIL.

Order authorising the Urban District Council of the Urban District of Milnrow to construct Tramways in their District.

Milnrow.

35

Preliminary.

1. This Order may be cited as the Milnrow Urban District Council Tramways Order 1910. Short title.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) Incorporation of Acts.

A.D. 1910. and of the Tramways Act 1870 are hereby incorporated with this Order
Milnrow. except where the same are inconsistent with or expressly varied by this
Order.

Interpreta-
tion.

3. The several words terms and expressions to which by the Acts
in whole or in part incorporated with this Order meanings are assigned 5
have in this Order the same respective meanings :

Provided that in this Order—

The expression “the district” means the urban district of Miln-
row in the county Palatine of Lancaster ;

The expression “the council” means the council of the district ; 10

The expression “the tramways” means the tramways and works
by this Order authorised or (as the case may be) any part
thereof ;

The expression “the undertaking” means the undertaking by
this Order authorised ; 15

The expression “mechanical power” includes steam electrical
and every other motive power not being animal power and
the word “engine” includes motor.

Promoters.

4. The council shall be the Promoters for the purposes of this
Order and are in this Order referred to as “the Promoters.” 20

Lands.

5. The Promoters may—

(A) Subject to the sanction of the Local Government Board and
under such conditions as they may prescribe from time
to time appropriate and use for any of the purposes of
this Order but subject to the provisions (if any) under 25
which such lands were respectively acquired any lands
not dedicated to public use from time to time vested in
them :

(B) By agreement from time to time purchase and acquire for
the purposes of the undertaking such lands as they may 30
require and may from time to time sell let or dispose of
any such lands which may not be necessary for such
purposes Provided that all sums received by the Promoters
from the sale of such lands or from fines or premiums on
leases of the same shall be applied solely in repayment 35
of outstanding loans and that such moneys shall not be
applied to the payment of instalments or to payments into
the sinking fund except to such extent and upon such
terms as may be approved by the Local Government
Board : 40

Provided that they shall not at any time hold for such purposes
more than five acres of land Provided also that nothing in this Order
shall exonerate the Promoters from any indictment action or other

[10 EDW. 7 & *Tramways Orders Confirmation.*
1 GEO. 5.]

7

proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section. A.D. 1910.
Milnrow.

Construction of Tramways.

- 5 6. The Promoters may subject to the provisions of this Order— Construction
of tramways.
- (A) Construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramways herein-
10 after described with all proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof:
- (B) Erect or construct on any lands taken or appropriated under the powers of this Order any offices stables sheds workshops
15 stores waiting-rooms or other buildings yards works and conveniences for the purposes of the undertaking:

20 Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

25 The tramways authorised by this Order will be wholly situate within the district and are as follows (that is to say):—

30 Tramway No. 1 (6 furlongs 6·07 chains in length whereof 4 furlongs 8·57 chains are single line and 1 furlong 7·50 chains are double line) commencing in Rochdale Road Firgrove in the township or parish and urban district of Milnrow by a junction with tramway No. 13 authorised by the Rochdale Corporation Act 1900 at the boundary of the urban district of Milnrow and the county borough of Rochdale and passing thence in a south-easterly direction into and along Rochdale Road Bridge Street and Dale Street and terminating therein by a junction with
35 Tramway No. 2 herein-after described at a point opposite the north-western side of Church Street.

The whole of the above-mentioned Tramway No. 1 will be laid as a single line except at the following places where it will be a double line (that is to say):—

40 In Rochdale Road—

- (A) Between the commencement of the tramway at the boundary of the urban district of Milnrow and a point 2·00 chains therefrom in a south-easterly direction:

A.D. 1910.
Milarow.

- (b) Between points respectively $\cdot 50$ chain and $4\cdot 50$ chains south-eastward from the south-eastern side of Uncouth Road :
- (c) Between points respectively $1\cdot 60$ chains and $8\cdot 10$ chains south-eastward from the south-eastern side of Whitehead Street :

In Bridge Street and Dale Street—

- (d) From a point $\cdot 80$ chain eastward from the western side of Shore Street to a point $4\cdot 20$ chains north-westward from the north-western side of Church Street. 10

Provided that Tramway No. 1 shall not be laid opposite No. 1 Belfield Lane and No. 272 Rochdale Road so as to leave a less space than nine feet six inches between the nearest rail of the tramway and the outside of the footpath or other road limit on either side of the road or opposite Nos. 26 to 36 Bridge Street (even numbers) so as to leave a less space than nine feet six inches between the nearest rail of the tramway and the outside of the footpath or other road limit on the side of the road upon which such properties abut. 15

Tramway No. 2 (7 furlongs $6\cdot 23$ chains in length whereof 5 furlongs $1\cdot 23$ chains are single line and 2 furlongs $5\cdot 0$ chains are double line) commencing in Dale Street by a junction with Tramway No. 1 at a point opposite the north-western side of Church Street and passing thence in a south-easterly direction into and along Dale Street and Newhey Road, and terminating in such last-mentioned road at a point opposite the south-eastern side of Huddersfield Road (Newhey). 25

The whole of the above-mentioned Tramway No. 2 will be laid as a single line except at the following places where it will be a double line (that is to say):—

In Dale Street— 30

- (A) Between points respectively $3\cdot 80$ chains and $9\cdot 80$ chains south-eastward from the north-western side of Church Street.

In Newhey Road—

- (B) Between points respectively opposite to and $3\cdot 00$ chains south-eastward from the north-western side of Stone Street : 35
- (c) Between points respectively opposite to and $4\cdot 00$ chains south-eastward from the north-western side of Schofield Street : 40
- (d) Between points respectively $2\cdot 10$ chains northward and $\cdot 90$ chain southward from the northern side of View Street :

[10 EDW. 7 & *Tramways Orders Confirmation.*
1 GEO. 5.]

9

(E) Between points respectively 2·60 chains northward and
·40 chain south-eastward from the south-eastern side of
Bentgate Street: A.D. 1910.
Milnrow.

5 (F) Between points respectively 7·30 chains and 1 furlong
3·30 chains south-eastward from the south-eastern side of
Bentgate Street.

7. The tramways shall be constructed on a gauge of four feet eight-
and-a-half inches but carriages and trucks adapted for use on railways Gauge of
shall not be run on the tramways. tramways.

10 8. In addition to the requirements of section 26 of the Tramways Provisions as
Act 1870 the Promoters shall lay before the Board of Trade a plan to construc-
showing the proposed mode of constructing laying down and renewing tion of tram-
the tramways and a statement of the materials intended to be used ways.
15 down and renewal of any of the tramways or part of any of the tramways
respectively until such plan and statement have been approved by the
Board of Trade and after such approval the works shall be executed in
accordance in all respects with such plan and statement and under the
superintendence and to the reasonable satisfaction of the surveyor of the
20 road authority as provided by the said section.

9. The rails of the tramways shall be such as the Board of Trade Rails of
may approve. tramways.

10.—(1) The Promoters shall at all times maintain and keep in good Penalty for
condition and repair and so as not to be a danger or annoyance to not maintain-
25 the ordinary traffic the rails of the tramways and the substructure upon ing rails and
which the same rest and if the Promoters at any time fail to comply roads.
with this provision or with the provisions of section 28 of the Tramways
Act 1870 they shall be liable to a penalty not exceeding five pounds
and to a penalty not exceeding five pounds for every day on which such
30 non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by
the road authority of any district in which the tramways or any portion
thereof are or is situate or by twenty inhabitant ratepayers of the district
that the Promoters have made default in complying with the provisions
35 in this section contained or with any of the requirements of section 28
of the Tramways Act 1870 the Board of Trade may if they think fit
direct an inspection by an officer to be appointed by the said Board
and if the officer reports that the default mentioned in such represen-
tation has been proved to his satisfaction then and in every such case
40 a copy of such report certified by a secretary or an assistant secretary
of the Board of Trade may be adduced as evidence of such default
and of the liability of the Promoters to such penalty or penalties in
respect thereof as is or are by this section imposed.

(47.)

B

A.D. 1910. 11. If the Promoters or any other road authority hereafter alter
 the level of any road along or across which any part of the tramways
 is laid or authorised to be laid the Promoters may and shall from
 time to time alter or (as the case may be) lay their rails so that the
 uppermost surface thereof shall be on a level with the surface of the
 road as altered. 5

Milnrow.
 Tramways to
 be kept on
 level of sur-
 face of road.

Crossovers
 to be con-
 structed in
 certain cases.

12. Where in any road in which a double line of tramway is laid
 there shall be less width between the outside of the footpath on either
 side of the road and the nearest rail of the tramway than nine feet
 six inches the Promoters shall if and where required by the Board of
 Trade construct a crossover or crossovers connecting the one tramway
 with the other and by the means of such crossover or crossovers the
 traffic shall when necessary be diverted from one tramway to the other. 10

Power to
 make addi-
 tional cross-
 overs and to
 double tram-
 way lines.

13.—(1) The Promoters may subject to the provisions of this Order
 with the consent of the Board of Trade make maintain alter and remove
 such crossovers passing places sidings junctions and other works in
 addition to those particularly specified in and authorised by this Order
 as they find necessary or convenient for the efficient working of the
 tramways or for providing access to any warehouses stables or carriage-
 houses or works of the Promoters. 15 20

(2) Notwithstanding anything shown on the deposited plans the
 Promoters may with the consent of the Board of Trade lay down double
 lines in lieu of single or interlacing lines or single lines in lieu of
 double or interlacing lines or interlacing lines in lieu of double or
 single lines on any of the tramways and may with the like consent
 at any time alter the position in the road of any of the tramways or
 any part thereof Provided that the uppermost surface thereof shall
 be on a level with the surface of the road. 25

(3) Provided that if in the construction of any works under this
 section any rail is intended to be so laid that for a distance of 30 feet
 or upwards a less space than nine feet six inches would intervene
 between it and the outside of the footpath on either side of the road
 the Promoters shall not less than one month before commencing the
 works give notice in writing to every owner and occupier of houses
 shops and warehouses abutting on the place where such less space
 would intervene and such rail shall not be so laid if the owners or
 occupiers of one-third of such houses shops or warehouses by writing
 under their hands addressed and delivered to the Promoters within
 three weeks after receiving the notice from the Promoters express their
 objection thereto. 30 35 40

(4) In places where the Promoters may not be the road authority
 the construction of any works under this section shall be subject to
 the approval of that authority.

[10 EDW. 7 & *Tramways Orders Confirmation.*
1 GEO. 5.]

11

14. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways are or is laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued subject in places in which the Promoters may not be the road authority to the approval of the road authority and to such regulations as that authority may make.
15. The Promoters may erect and maintain shelters or waiting-rooms for the accommodation of passengers and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads.
16. Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.
17. Section 30 of the Tramways Act 1870 shall extend and apply to the aqueducts conduits or lines of pipes authorised by section 6 of the Oldham Corporation Act 1909 in like manner as if the corporation of Oldham were a company or person owning water-mains pipes or apparatus and all works under the said thirtieth section of the Tramways Act 1870 involving interference with such aqueducts conduits or lines of pipes shall be made and executed by the corporation and not otherwise upon the request and at the cost of the Promoters.
18. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

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Milnrow.
Temporary tramways may be made when necessary.

Shelters or waiting-rooms.

Application of road materials excavated in construction of works.

For protection of Oldham Corporation.

Tramways not to be opened until certified by Board of Trade.

Motive Power.

19. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—
- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:
- (2) The Board of Trade shall make regulations (in this Order referred to as “the Board of Trade regulations”) for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power:

Provisions as to motive power.

(47.)

B 2

A.D. 1910.
Milnrow.

(3) The Promoters or any person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof: 5

(4) The Board of Trade if they are of opinion—

(A) that the Promoters or such person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or 10

(B) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public; may by order either direct the Promoters or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order. 15
20

Mechanical
power works

20. For the purpose of working the tramways by mechanical power the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may— 25

(A) construct provide maintain and use on any lands appropriated or acquired by them under the powers of this Order stations for transforming electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences: 30

(B) place construct erect lay down make and maintain on above or below the surface of any street or road within the borough posts (but as regards any post on the carriage-way not without the express approval of the Board of Trade and subject to such conditions as to removal as that Board may impose) brackets electric conductors wires boxes apparatus subways tunnels cables tubes and openings: 35

(C) with the consent of the owners and occupiers of any houses or buildings within the district affix to such houses or buildings or maintain brackets wires and apparatus. 40

Mechanical
power works
to be subject
to Tramways
Act 1870.

21. All works to be executed by the Promoters or their lessees in any street or road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of

[10 EDW. 7 & *Tramways Orders Confirmation.*
1 GEO. 5.]

13

a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as in this Order incorporated as if they had been therein expressly mentioned. Provided always that nothing in this Order contained shall authorise
5 the opening or breaking up of any street or road outside the district and that section 30 (except subsections 1 and 5 thereof) of the Tramways Act 1870 in its application to the undertaking shall have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a street road or footpath.

A.D. 1910.

Milnrow.

10 22. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

Byelaws.

15 For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;

For regulating the emission of smoke or steam from engines used on the tramways;

20 For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

25 For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

30 Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

35 23. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order but the byelaws of the local authority may restrict
40 the rate of speed to a lower rate than that so authorised.

Amendment
of Tramways
Act 1870 as
to byelaws
by local
authority.

24. The following provisions shall apply to the use of electrical power under this Order unless such power is entirely contained in and carried along with the carriages:—

Special pro-
visions as to
use of elec-
trical power.

45 (1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance:

A.D. 1910.
Milnrow.

- (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus: 5 10
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return: 15
- (4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expenses involved and to the effect thereof upon the commercial prospects of the undertaking: 20 25 30
- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintenance and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents: 35 40
- (6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board 45

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and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

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(7) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways.

5 25. Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways
10 Act 1870) to any such alteration.

Alteration of telegraph lines of Postmaster General.

26. In the event of any of the tramways being worked by electricity the following provisions shall have effect:—

For protection of Post Office telegraph lines.

15 (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the
20 working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration:

25 (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expenses of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

30 (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents
35 not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may
40 be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and

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the Promoters as to any requirement so made shall be referred to arbitration :

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :

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(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882: A.D. 1910.
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5 (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act:

10 (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid:

15 (12) In this section the expression "the Promoters" includes any person owning working or running carriages over any of the tramways of the Promoters.

20 27.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Promoters in connexion with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

Use of tramway posts by Postmaster-General.

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

30 (B) The Postmaster-General shall give to the Promoters not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided:

35 (c) Unless otherwise agreed between the Postmaster-General and the Promoters the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and

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- the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Promoters or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section : 5 10
- (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided : 15
- (E) Unless otherwise agreed with the approval of the Board of Trade no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper state of condition and repair : 20
- (G) The Postmaster-General shall make good to the Promoters and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Promoters their officers or servants : 25 30
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Promoters and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Promoters or failing agreement determined as herein-after provided : 35 40
- (I) The Promoters shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of

the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants:

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(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Promoters the value of the same Provided that if the Promoters or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

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(2) Nothing in this section contained shall prevent the Promoters from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramways or other undertakings or shall take away any existing right of the Promoters of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

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(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

30

(4) In this section—

The expression "the Promoters" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

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Other expressions have the same meaning as in the Telegraph Act 1878.

28. The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels. Traffic upon tramways.

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29. The Promoters' lessees shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight. Promoters' lessees not bound to carry animals goods &c.

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A.D. 1910. 30. In case the Promoters' lessees carry animals goods minerals or
Milnrow. parcels they may and when required by the Promoters shall carry the
 Provisions as same in separate carriages or separate parts of carriages set apart
 to carriage of for that purpose Provided that this provision shall not apply to the
 animals carriage of passengers' luggage not exceeding twenty-eight pounds in 5
 goods &c. weight.

Rates.

Passengers' 31.—(1) The Promoters' lessees may demand and take for every
 fares. passenger travelling upon the tramways including every expense inci-
 dental to such conveyance any rates or charges not exceeding one penny 10
 per mile and for this purpose a fraction of a mile shall be deemed
 a mile.

(2) Provided that the Promoters' lessees may appoint stages upon
 the tramways not less than half a mile in length and may demand and
 take for every passenger travelling upon the tramways including every 15
 expense incidental to the conveyance of such passenger any rates or
 charges not exceeding one penny for each two stages (or portion of that
 distance) travelled and for this purpose the fraction of a stage shall be
 deemed a stage.

As to fares on 32. The Promoters' lessees shall not take or demand on Sunday or 20
 Sundays and any public or local holiday any higher rates or charges than those levied
 holidays. by them on ordinary week days.

Passengers' 33. Every passenger travelling upon the tramways may take with
 luggage. him his personal luggage not exceeding twenty-eight pounds in weight
 without any charge being made for the carriage thereof All such luggage 25
 is to be carried by hand and not to occupy any part of a seat nor to be
 of a form or description to annoy or inconvenience other passengers.

Cheap fares 34.—(1) The Promoters' lessees at all times after the opening of the
 for labouring tramways for public traffic shall and they are hereby required to run
 classes. a proper and sufficient service of carriages for artizans mechanics and 30
 daily labourers each way every morning and every evening (Sundays
 Christmas Day Good Friday and public holidays always excepted) at
 such hours not being later than eight in the morning or earlier than
 five in the evening respectively as may be most convenient for such
 workmen going to and returning from their work at fares not exceeding 35
 one halfpenny for every mile or fraction of that distance On Saturdays
 the Promoters' lessees in lieu of running such carriages after five o'clock
 in the evening shall run the same at such hours between noon and two
 o'clock in the afternoon as may be most convenient for the said
 purposes. 40

(2) If complaint is made to the Board of Trade that such proper
 and sufficient service is not provided the Board after considering the
 circumstances of the locality may by order direct the Promoters' lessees
 to provide such service as may appear to the Board to be reasonable.

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(3) The Promoters' lessees shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section. A.D. 1910.
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35. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained. Rates and
charges for
animals
goods &c.

10 36. The rates and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Promoters' lessees may by notice to be annexed to the list of rates and charges appoint. Payment of
rates.

15 37. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty ratepayers of the district that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the rates and charges should be revised the said Board may make an order in writing ordering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees. Periodical
revision of
rates and
charges.

Miscellaneous.

38. Notwithstanding anything in the Tramways Act 1870 to the contrary the Promoters may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in Power to
Promoters
to work
tramways.

- A.D. 1910. *Milnrow.* such case the several provisions in this Order contained relating to the working of the tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Promoters and the Promoters may work such tramways and demand and recover such rates and charges accordingly but nothing 5
in this section shall empower the Promoters to create or permit a nuisance or to manufacture any such plant appliances and conveniences required for the working or user of the said tramways.
- Regulations. 39. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with 10
respect to any tramways or portions of tramways for the time being belonging to and worked by the Promoters be made by the Promoters alone.
- Working agreements. 40.—(1) Subject to the provisions of this Order the Promoters may— 15
- (A) Enter into and carry into effect contracts and agreements with any person authorised (whether expressly or otherwise) to enter into such contracts or agreements and owning or working any tramways connecting with any of the tramways of the Promoters with respect to— 20
- (i) the construction and equipment of the tramways by this Order authorised ;
- (ii) the formation of junctions between the tramways and the tramways belonging to such person ;
- (iii) the working running over using maintaining and 25
managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom or of a rent for the same ; 30
- (iv) the supply under any agreement for the tramways of either of the contracting parties being worked and used by the other of motive power or of engines carriages and plant necessary for the purpose of such agreement 35
Provided that no electrical energy shall be supplied or shall continue to be supplied by the Promoters under this section in any district in which any local authority company or person shall be supplying energy under statutory authority without the consent in writing of such local authority company or person ; 40
- (v) the management regulation interchange collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting parties ;

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(vi) the appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connexion: A.D. 1910.
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- 5 (B) Confirm subject to this section any such contracts and agreements entered into before the confirmation of this Order.
- (2) Any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade.
- (3) During the continuance of any agreement under this section
10 for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramways of one party and partly over those of the other be considered as one
15 tramway and the maximum charge for conveyance over the tramways of each such party shall be calculated at the maximum rate or fare which would be applicable if the conveyance took place for the entire distance over those tramways only.
- (4) In this section the word "tramways" includes light railways
20 and parts of tramways and light railways.
41. The Promoters may include in any mortgage of the local rate made by them under section 20 of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of the Tramways Act 1870 or this Order and the rates
25 charges and sums authorised to be taken or received by them under the provisions of this Order. Mortgages to include rents and rates.
42. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the
30 Board and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly. Orders &c. of Board of Trade.
43. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided
35 by the Summary Jurisdiction Acts. Recovery of penalties.
44. Sections 246 and 250 of the Public Health Act 1875 and section 58 (1) of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their
40 committees and officers with respect to the tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875. Audit of accounts.

- * A.D. 1910. 45. Section 265 (Protection of local authority and their officers
· *Milnrow.* from personal liability) of the Public Health Act 1875 is hereby
Protection of local authority. incorporated with this Order and in construing that section for the
purposes of this Order the expression "this Act" where used in that
section shall mean this Order. 5
- Power to hold patent rights. 46. The promoters may subject to the provisions of this Order
(but only for the purposes of the undertaking and not so as to acquire
any exclusive rights therein) acquire and hold any patent or other
rights and any licences to use patent rights relating to the use of
electrical power. 10
- Form and delivery of notices. 47. With respect to notices and to the delivery thereof by or to
the Promoters the following provisions shall have effect (that is to
say) :—
- (1) Every notice consent or approval shall be in writing and if
given by the Promoters or by any local or road authority 15
or company shall be signed by their clerk or secretary :
 - (2) Notices and other documents required or authorised to be
served under this Order may be served in the same
manner as notices under the Public Health Act 1875 are
by section 267 of that Act authorised to be served 20
Provided that in the case of any authority or company
any such notice or other document shall be delivered or
sent by post in a prepaid letter addressed to the clerk
to the authority at his office or to the secretary of the
company at their registered or principal office. 25
- Provisions as to arbitration. 48. Subject to the provisions of this Order where under the
provisions of the Tramways Act 1870 and this Order any matter in
difference is referred to the arbitration of any person nominated by
the Board of Trade the provisions of the Arbitration Act 1889 shall
apply to every such arbitration as if the arbitration were pursuant 30
to a submission.
- Saving for general Acts. 49. Nothing in this Order contained shall exempt the Promoters
or any person using the tramway or the tramways from the provisions
of any general Act relating to tramways passed before or after the
commencement of this Order or from any future revision or alteration 35
under the authority of Parliament of the maximum rates and charges
authorised by this Order.

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SCHEDULE.

A.D. 1910.

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MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS &c.

		Per mile.	
		s.	d.
<i>Animals.</i>			
5	For every horse mule or other beast of draught or burden		
	per head	0	4
	For every ox cow bull or head of cattle - - -	0	3
	For every calf pig sheep or other small animal - - -	0	1½
<i>Goods and Minerals.</i>			
10	For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways - - - - -	per ton	0 2
15	For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled-iron brick slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs - - - - -	per ton	0 2½
20	For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - -	per ton	0 3
25	For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - - - - -	per ton	0 4
	For every carriage of whatever description - - - - -		1 0

		Any distance.	
		s.	d.
<i>Small Parcels.</i>			
	For any parcel not exceeding seven pounds in weight - - - - -	0	3
30	For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0	4
	For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	0	6
35	For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - -	0	9
	For any parcel exceeding fifty-six pounds in weight such sum as the Promoters may think fit:		

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags

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A.D. 1910. of sugar coffee meal and the like shall not be deemed small
Milnrow. parcels but that term shall apply only to single parcels in
separate packages.

<i>For the Carriage of Single Articles of Great Weight.</i>	Per mile.
	s. d. 5
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Promoters may think fit not exceeding - per ton	1 0 10
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the Promoters may think fit.	

Regulations as to Tolls.

- A fraction of a mile beyond an integral number of miles shall be deemed a mile. 15
- For a fraction of a ton the Promoters may demand and take tolls and charges according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton. 20
- With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight.
- With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity. 25

RAWTENSTALL CORPORATION.

Rawtenstall. Order authorising the Mayor Aldermen and Burgesses of the Borough of Rawtenstall to construct additional Tramways in the said Borough. 30

Short title. 1. This Order may be cited as the Rawtenstall Corporation Tramways Order 1910.

Incorporation of Acts. 2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order. 35

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3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings:

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Interpreta-
tion.

Provided that in this Order—

5 The expression “the Act of 1907” means the Rawtenstall Corporation Act 1907;

The expression “the tramways” means the tramways and works by this Order authorised;

10 The expressions “the borough” “the corporation” and “the corporation tramways” have the meanings assigned thereto respectively by the Act of 1907.

4. The corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.”

Promoters,

15 5. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramways herein-after described with all necessary and proper rails
20 plates sleepers channels tubes cables mains wires and electric lines junctions turntables turnouts crossings passing-places poles posts conduits section boxes tramway plant machinery apparatus appliances works and conveniences connected therewith or as may be necessary or proper therefor and for connecting and using the same with the
25 Corporation tramways:

Construction
of tramways.

30 Provided that nothing in this Order or in any Act wholly or in part incorporated herewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramways will be wholly situate within the borough and are as follows:—

35 Tramway No. 1 2 miles 6 furlongs and 0·80 chain or thereabouts in length (whereof 2 miles 2 furlongs and 3·30 chains will be single line and 3 furlongs and 7·50 chains will be double line) commencing by a junction with Tramway No. 3 constructed under the powers of the Act of 1907 at a point in Bacup Road 0·36 chains or thereabouts measured in a westerly direction
40 from the east side of the Manchester and County Bank on the north side of Bacup Road passing thence in a northerly direction into and along Burnley Road East towards Burnley and
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Rawtenstall.

terminating at a point in that road 1·00 chain or thereabouts measured in a northerly direction from the junction of the said Burnley Road East with Dean Lane :

Tramway No. 1 shall be laid as a single line except between the points herein-after specified where it shall be laid as a double line (that is to say):—

Between the junction of Bacup Road with Burnley Road East and a point about 2·00 chains north thereof;

Between the junction of Thornfield Road with Burnley Road East and a point about 4·00 chains north-east thereof; 10

Between points respectively situate about 1·75 chains south-east and 1·75 chains north-west of the junction of Hippines Lane with Burnley Road East;

Between points respectively situate about 2·30 chains south and 1·20 chains north of the junction of Ashworth Road with Burnley Road East; 15

Between points respectively situate about 8·75 chains and 5·25 chains south-east of the junction of Brock Clough Road with Burnley Road East;

Between the junction of West View Road with Burnley Road East and a point about 3·50 chains north-west thereof; 20

Between points respectively situate about 8·50 chains and 12·00 chains north-east of the junction of Albert Street with Burnley Road East;

Between points respectively situate about 4·25 chains and 0·75 chain south-west of the south corner of the Hargreaves Arms Inn premises; 25

Between the junction of Hargreaves Fold Lane with Burnley Road East and a point about 3·50 chains north-east thereof;

Between the junction of Isle of Man Street with Burnley Road East and a point 3·50 chains north-east thereof; 30

Between points respectively situate about 3·00 chains south-west and 0·50 chain north-east of the junction of Dean Lane with Burnley Road East :

Tramway No. 2 1·30 chains or thereabouts in length of single line throughout its length commencing by a junction with Tramway No. 3 constructed under the powers of the Act of 1907 at or about a point at the junction of Victoria Parade with Bacup Road passing thence in a northerly direction into and terminating in Burnley Road East by a junction with the intended Tramway No. 1 at a point 1·00 chain or thereabouts measured in a northerly direction from the junction of the said Burnley Road East with Bacup Road. 35 40

6. Subject to the provisions of this Order the tramways shall for all purposes from part of the Corporation tramways and the Promoters and their lessees and licensees may in respect of the tramways exercise and enjoy all the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject to all the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the Corporation tramways within the borough and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are now authorised to demand and take in respect of the Corporation tramways within the borough.

A.D. 1910.
Rawtenstall.
Tramways to
form part of
Corporation
tramways.

Provided that nothing in this Order shall authorise—

15 (A) The affixing of posts brackets wires or apparatus to any house or building without the consent of the owners and occupiers thereof;

(B) The taking of lands otherwise than by agreement:

20 Provided also that section 13 of the Act of 1907 shall not apply to the tramways and that subsection (3) of section 23 of the Act of 1907 in its application to the tramways shall be read as if the words “(except with the consent of the Board of Trade)” were omitted therefrom and that for the purposes of this Order no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade.

25 7. Notwithstanding anything in this Order the provisions of this section shall apply for the protection of the council of the administrative county of the County Palatine of Lancaster (herein-after called “the county council”) and the ratepayers and inhabitants of the administrative county unless otherwise agreed in writing between the county council and the Corporation (that is to say):—

For protec-
tion of Lan-
cashire
County
Council.

35 (1) In constructing the tramways the Corporation shall at their own expense pave so much of any main road wherein the tramways are laid as lies between the rails and where two tramways are laid the portion of such road between the tramways and also in any case so much of such road as extends one foot six inches beyond the rails of and on each side of the tramways with granite cubes or setts to the satisfaction of the county surveyor:

40 (2) The Corporation shall in constructing Tramway No. 1 by this Order authorised over Lumb Bridge and Chapel Bridge respectively in order to strengthen each bridge for the purpose of the tramways lay the rails on a bed of concrete

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of such thickness as the county bridgemaster may reasonably require and in a manner that will insure of no joint in the rails being placed over the structural length of each bridge:

- (3) If any question arises under this section between the Corporation and the county council that question shall be referred to arbitration and the provisions of section 64 (Reference to arbitration) of the Act of 1907 shall apply accordingly.

Tramways Orders Confirmation. [H.L.]

A

B I L L

INTITLED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Huddersfield Corporation Tramways Milnrow Urban District Council Tramways and Rawtenstall Corporation Tramways.

The Lord Hamilton of Dalzell.

Ordered to be printed 8th June 1910.

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[Price 3d.]

(47.)

[10 EDW. 7 &
1 GEO. 5.]

Trusts (Scotland).

1

A

B I L L

INTITULED

An Act to amend the Trusts (Scotland) Acts,
1861 to 1898.

A.D. 1910.

BE it enacted by the King'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:—

5 **1.** This Act may be cited as the Trusts (Scotland) Act, 1910, Short title.
and the Trusts (Scotland) Acts, 1861 to 1898, and this Act may
be cited as the Trusts (Scotland) Acts, 1861 to 1910.

10 **2.** In this Act the expressions "trust" and "trustee" have Interpreta-
respectively the same meanings as are assigned thereto in the tion.
Trusts (Scotland) Amendment Act, 1884.

15 **3.** In addition to the powers of investment conferred upon Powers of
trustees by the Trusts (Scotland) Amendment Act, 1884, and the investment.
Trusts (Scotland) Act, 1898, trustees under any trust may, unless
specially prohibited by the constitution or terms of the trust,
invest the trust funds in the purchase of consolidated stock
created by the Metropolitan Board of Works or by the London
County Council and of Metropolitan Water Stock created by the
Metropolitan Water Board.

Trusts (Scotland).

A

B I L L

INTITLED

An Act to amend the Trusts (Scotland)
Acts, 1861 to 1898.

(Brought from the Commons 18th July 1910.)

Ordered to be printed 18th July 1910.

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OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. POWSONY, Ltd., 116, Grafton Street, Dublin.

[*Price 4d.*]]

(109)

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Barnstaple Water Chelsham and Woldingham Water East Kent District Water and South Kent Water. A.D. 1910.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas the limits of supply as defined by the Chelsham and Woldingham Water Order 1910 hereby confirmed include a portion of the area within which the Limpsfield and Oxted Water Company were by the Limpsfield and Oxted Water Act 1888 authorised to supply water but the said company have not in fact supplied water within the portion aforesaid and it has been agreed between the said company and the Undertakers for the purposes of the said Order that the said Undertakers shall be authorised by the said Order to supply water therein and that so much of the said Act as authorises the said company to supply water therein shall be repealed:

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

20 And whereas it is expedient that the Provisional Orders made by the Board of Trade and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and

A.D. 1910. 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 Water Orders Confirmation Act 1910.

Confirmation of Orders in schedule. **2.** The Orders as set out in the schedule to this Act shall 5
be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect.

Amendment of 51 & 52 Vict. c. cvi. **3.** So much of the Limpsfield and Oxted Water Act 1888 10
as authorises the Limpsfield and Oxted Water Company to supply water within so much of the parishes of Oxted Limpsfield and Titsey as is included within the limits of supply as defined by the Chelsham and Woldingham Water Order 1910 hereby confirmed is hereby repealed and as from the passing of this 15
Act all the powers duties and obligations of the Limpsfield and Oxted Water Company with reference to the supply of water within those portions of the parishes of Oxted Limpsfield and Titsey aforesaid shall absolutely cease and determine and the said Order shall have as full validity and effect as if those 20
portions of the said parishes had never been included within the limits within which the Limpsfield and Oxted Water Company were authorised to supply water.

SCHEDULE.

A.D. 1910.

LIST OF ORDERS.

- BARNSTAPLE WATER.—Order empowering the Barnstaple Water Company to extend their limits of supply and for other purposes.
- 5 CHELSHAM AND WOLDINGHAM WATER.—Order authorising the maintenance of waterworks and the supply of water in the parishes of Chelsham and Woldingham and parts of the parishes of Oxted Limpsfield and Titsey in the rural district of Godstone in the county of Surrey.
- 10 EAST KENT DISTRICT WATER.—Order empowering the East Kent District Water Company to extend their limits of supply to raise additional capital and for other purposes.
- SOUTH KENT WATER.—Order empowering the South Kent Water Company to raise additional capital and for other purposes.

A.D. 1910.

BARNSTAPLE WATER.

Barnstaple.

Order empowering the Barnstaple Water Company to extend their limits of supply and for other purposes.

Short title.

1. This Order may be cited as the Barnstaple Water Order 1910 the Barnstaple Waterworks Act 1858 (in this Order referred to as "the Act of 1858") and the Barnstaple Waterworks Act 1888 (in this Order referred to as "the Act of 1888") and this Order may be cited collectively as the Barnstaple Waterworks Acts and Order 1858 to 1910. 5

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." 10

Incorporation of Acts.

3. The Waterworks Clauses Acts 1847 and 1863 are except where expressly varied by this Order incorporated with and form part of this Order Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom. 15

Interpretation.

4. The several words terms and expressions to which by any Act incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction. 20

"The limits of supply" means the limits of the Act of 1858 as extended by the Act of 1888 and by this Order; 25

"The extended limits of supply" means the parish of Instow in the county of Devon;

"The council" means the Barnstaple Rural District Council.

Undertakers.

Undertakers.

5. The Barnstaple Water Company incorporated by the Act of 1858 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." 30

Extension of Limits.

Extension of limits of supply.

6. The Undertakers shall have and may exercise subject to the provisions of this Order within the extended limits of supply for or in relation to the supply of water all the like powers privileges and authorities and be subject to all the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits 35

of the Act of 1858 as extended by the Act of 1888 and from and after the commencement of this Order the limits of supply shall be deemed to include the limits of the Act of 1858 as extended by the Act of 1888 and the extended limits of supply. Provided that the Undertakers may
 5 demand and take in respect of the supply of water within the extended limits of supply an additional rate or charge not exceeding one-fifth part of the rates or charges authorised by the Act of 1858.

A.D. 1910.
 Barnstaple.

7. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared
 10 on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the extended limits of supply the local authority of such district may provide a supply in the whole or any part
 15 of their district within those limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purposes of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no Undertakers authorised
 20 by this Order to supply water therein.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

8. Notwithstanding anything in this Order the Act of 1858 the
 25 Act of 1888 or the Acts incorporated therewith contained the Undertakers shall not be required to supply water within any part of the district of the council which is within the limits of supply unless the council shall enter into an agreement with the Undertakers binding
 30 the council to make good to the Undertakers any difference between the rates payable annually to the Undertakers in respect of such supply and one-tenth part of the expense to be incurred by the Undertakers in affording such supply including the construction and laying down of the works mains and pipes required for that purpose and the council
 35 are hereby authorised subject to the approval of the Local Government Board to enter into such agreements from time to time accordingly and to charge any expenses incurred by them thereunder as special expenses within the meaning of section 229 of the Public Health Act 1875 upon any of the contributory places or any part thereof which
 40 are situate in that part of the district of the council which is within the limits of supply. If any difference shall arise between the Undertakers and the council as to the amount of the rates payable to or of the expense incurred or to be incurred by the Undertakers under this section that difference shall be settled by an arbitrator to be appointed
 45 by the Board of Trade on the application of either party.

As to supply in Barnstaple rural district.

- A.D. 1910. 9. The Undertakers may on any lands for the time being belonging
Barnstaple. to them make and maintain all such mains pipes culverts service
 Power to reservoirs tanks apparatus machinery and appliances as may be necessary
 make sub- or convenient for the purposes of this Order. 5
 sidiary works.
- Limiting 10. The Undertakers shall not sink any well upon or construct 5
 powers to any works for taking or intercepting water from any land acquired
 abstract by them after the commencement of this Order unless the works and
 water. the lands upon which the same are to be constructed are specified
 in this Order or some other Provisional Order or Act of Parliament.
- Contracts for 11. The Undertakers may enter into and carry into effect agree- 10
 supply of ments with any local authority company or person for the supply of
 water in bulk. water beyond the limits of supply to any such authority company or
 person respectively in bulk for any purpose and for such remuneration
 and on such terms and conditions and for such period as may be
 agreed upon Provided that such supply shall not be given except 15
 with the consent of any company or person supplying water under
 parliamentary authority within the district to be supplied and of
 the local authority of that district nor if and so long as such supply
 would interfere with the supply of water for domestic purposes within
 the limits of supply. 20
- Rates pay- 12. Where a house supplied with water is let to monthly or
 able by weekly tenants or tenants holding for any other period less than a
 owners of quarter of a year the owner instead of the occupier shall if the Under-
 small houses. takers so determine pay the rate for the supply but the rate may be
 recovered from the occupier and may be deducted by him from the 25
 rent from time to time due from him to the owner Provided that
 no greater sum shall be recovered at any one time from any such
 occupier than the amount of rent owing by him or which shall have
 accrued due from him subsequent to the service upon him of a notice
 to pay the rate. 30
- Notice of dis- 13. A notice to the Undertakers from a consumer for the discon-
 continuance. tinuance of a supply of water shall not be of any effect unless it be
 in writing signed by or on behalf of the consumer and be left at or
 sent by post to the office of the Undertakers.
- Supply to 14. The Undertakers shall not be bound to supply with water 35
 houses partly otherwise than by measure any building used by an occupier as a
 used for dwelling house whereof any part is used by the same occupier for
 trade &c. any trade or manufacturing purpose for which water is required.
- Power to 15.—(1) The Undertakers may if required by any person supplied
 supply fit- or about to be supplied by them with water furnish to him and 40
 tings. repair or alter but shall not manufacture any such pipes valves cocks
 cisterns baths meters soil-pans water-closets and other fittings as
 are required or permitted by their regulations and may provide all

materials and work necessary or proper in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such work shall be paid by the person requiring the same. A.D. 1910.
Barnstaple.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

16. The Undertakers may but only with the consent of the owner of the soil of street or road on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing of such supply. Power to lay pipes in streets not dedicated to public use.

17. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall unless otherwise agreed between the Undertakers and the South Western Company apply and have effect, viz. :— For protection of London and South Western Railway Company.

(A) In laying down repairing or removing any water mains or pipes or executing any other works within the extended limits of supply in the exercise of the powers contained in this Order relative to the supply of water upon across over under or in any way affecting the railway of the South Western Company or any bridge over or under such railway or any approaches to any such bridge maintained by or within the South Western Company's boundary (herein-after called "the railway works") the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the engineer of the South Western Company and according to such plans sections and specifications and (except in case of urgent necessity) at such times as shall be previously submitted to and shall be reasonably approved in writing by him or in the event of disapproval then in such manner as shall be determined by arbitration in manner herein-after provided and all such works shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the railway works nor alter the existing level of the roadway or prevent any improve-

A.D. 1910.
 ———
Barnstaple.

ment or widening of such railway or bridge or the introduction of side openings to such bridge Provided that if the said engineer does not in writing express his approval or disapproval of the said plans sections and specifications within one month after the same have been submitted to 5 him he shall be deemed to have approved thereof Provided also that where there is not sufficient space on any bridge to lay any mains or pipes between the road surface and the structure of any such bridge the South Western Company may require such mains or pipes to be carried 10 outside the structure of any such bridge and shall afford all reasonable facilities for the purpose subject to the conditions herein-before contained so far as the same may be applicable thereto The Undertakers shall bear and on demand pay to the South Western Company all reasonable 15 costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the railway works with reference to and during such construction and repairs.

- (B) The Undertakers shall (except in the case of urgent necessity) 20 give one month's notice in writing to the South Western Company before commencing any works affecting the railway works or within ten feet of the South Western Company's boundary.
- (c) If any injury or damage to the railway works or property 25 of the South Western Company or any interruption to the South Western Company's traffic shall be in any way occasioned by the construction maintenance or user of the works of the Undertakers or their contractors agents or workmen the Undertakers shall forthwith make full com- 30 pensation to the South Western Company in respect thereof and the amount of such compensation shall failing agreement be determined by arbitration in manner herein-after provided.
- (D) All water mains or pipes and other works of the Undertakers 35 constructed laid down or executed by the Undertakers or their contractors under the powers contained in this Order upon across over under or in any way affecting the railway works shall be at all times maintained in good repair by 40 the Undertakers and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put the same into good repair and if the Undertakers for fourteen days after the receipt 45

of such notice refuse or neglect to proceed with the repair of the same the South Western Company may without any further notice to the Undertakers repair the same and all costs and expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers provided that in case of accidents happening or immediate danger being apprehended to the railway works by reason of any such water main pipe or other work as aforesaid being in want of repair the South Western Company may without giving such notice as aforesaid execute such repairs as may be immediately necessary and any reasonable costs and expenses to which the South Western Company may be put by reason of any such repairs shall be repaid to them as herein-before provided.

A.D. 1910.
Barnstaple.

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(E) If the South Western Company at any time hereafter require to construct any additional or other works upon their lands or railway or to widen or alter their railway or to widen lengthen strengthen reconstruct alter repair lift or support any bridge over or under such railway or the approaches to such bridge at any place where any works of the Undertakers may have been constructed or laid the Undertakers shall afford to the South Western Company all reasonable and proper facilities for the purpose.

20

25

(F) Any difference which may arise between the South Western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference.

30

18. If any difference arise between the Undertakers and any road authority or railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works or to the facilities to be afforded for the same such difference shall unless otherwise provided by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Differences
with road
authority.

35

19. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of
Order.

40

A.D. 1910.

CHELSHAM AND WOLDINGHAM WATER.

*Chelsham and
Woldingham.*

Order authorising the maintenance of waterworks and the supply of water in the parishes of Chelsham and Woldingham and parts of the parishes of Oxted Limpsfield and Titsey in the rural district of Godstone in the county of Surrey. 5

Short title.

1. This Order may be cited as the Chelsham and Woldingham Water Order 1910.

Commence-
ment of
Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." 10

Incorporation
of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 (except the words "with the consent in writing of the owner or reputed 15
"owner of any such house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847) are except where the same are expressly varied by this Order hereby incorporated with and form part of this Order and the said provisions of the last-mentioned Acts shall apply as well to the pipes and works of the Undertakers laid down or 20
constructed before the passing of the Act confirming this Order as to any pipes or works which may be laid down or constructed under the authority of this Order.

Interpreta-
tion.

4. The several words and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and 25
Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction.

Limits of
Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of 30
supply") shall be the parishes of Chelsham and Woldingham and the portions of the parishes of Oxted Limpsfield and Titsey which lie to the north and west of an imaginary line drawn from the point where the boundary of the parish of Woldingham intersects the boundary of the parish of Oxted at a point $16\frac{1}{4}$ chains or thereabouts 35
measured in a south-easterly direction from the south-western corner of the Undertakers' reservoir in the parish of Woldingham situate on the enclosure No. 116 on the $25\frac{1}{100}$ ordnance map Surrey sheet XXVII—8 (2nd edition 1896) thence proceeding in an easterly direction at a distance of 500 feet from and parallel with the southern boundary 40
of the road leading from Woldingham to Westerham to the point

[10 EDW. 7.]

Water Orders Confirmation.

11

where the eastern boundary of White Lane intersects the said road thence across Clarks Lane thence along the eastern boundary of the road leading from White Lane to Tatsfield to the point where the boundary of the parish of Tatsfield intersects the said road thence
 5 along the boundary of the parishes of Tatsfield and Titsey to the boundary of the parish of Chelsham:

A.D. 1910.

Chelsham and Woldingham.

Provided always that if within three years from the commencement of this Order any local authority company or person shall be authorised by Act of Parliament or Provisional Order confirmed by
 10 Parliament to supply water throughout any part of the portions of the parish of Chelsham shown on the map signed in duplicate by the Honourable Thomas Henry William Pelham one copy whereof has been deposited at the offices of the Board of Trade and the other at the offices of the Undertakers such part or parts of the said parish shown
 15 on the said map as may be included within the limits of supply of such local authority company or person as aforesaid shall as from the passing of the Act authorising such supply cease to be within the limits of supply of the Undertakers.

6. If at any time after the expiration of five years from the
 20 commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any
 25 part of their district within those limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purposes of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish
 30 a sufficient supply of water as if in either case there were no Undertakers authorised by this Order to supply water therein.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be
 35 settled on the application of either party by the Board of Trade.

Undertakers.

7. The Chelsham and Woldingham Waterworks Company Limited
 shall be the Undertakers for the purposes of this Order and are in
 this Order referred to as "the Undertakers."

Undertakers.

40

Capital.

8. The share capital of the Undertakers shall not exceed twenty
 thousand pounds consisting of the original share capital already raised
 by the Undertakers of seven thousand and sixty pounds (in this Order

Capital.

(46.)

B 2

A.D. 1910. referred to as "the original capital") and of additional capital (in
Chelsham and this Order called "the additional capital") to be issued subject to the
Woldingham. provisions of this Order not exceeding twelve thousand nine hundred
 and forty pounds including any premium that may be obtained on the
 sale of any shares or stock under the provisions of this Order unless 5
 the Undertakers are hereafter authorised to raise for the purposes of the
 undertaking further additional capital by Provisional Order under the
 Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional
 capital to
 be sold by
 auction or
 tender.

9.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section. 10

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers shall by special resolution determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk of every local authority within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply: 15 20

(B) A reserve price shall be fixed and notice thereof shall be sent by the directors of the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be: 25

(C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds: 30

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

(E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be. 35

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of the ordinary shares or stock of the Undertakers in such manner as may be prescribed in a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportion as the directors of the Undertakers may think fit or to one or more of these classes of persons 40 45

only provided that in case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

A.D. 1910.

*Chelsham and
Woldingham.*

(4) Any shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

10. All money raised under this Order including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend. Provided that all such sums shall be deemed to be part of the paid-up capital of the Undertakers for the purpose of determining the amount which the Undertakers may borrow under this Order and part of the nominal capital for the purpose of determining the amount which the Undertakers may accumulate for the formation of a reserve fund.

Application
of money.

11. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends than seven pounds per centum upon the original capital and the amount for the time being actually paid up of the additional capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate.

Limits of
dividend on
capital.

12. In case in any year or in any half year (if the Undertakers declare a dividend half yearly) the net revenue of the Undertakers applicable to dividend is insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original capital and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividends on
different
classes of
ordinary
shares or
stock to be
paid propor-
tionately.

13. So long as the share capital of the Undertakers actually raised by the issue of shares or stock including premiums does not exceed fourteen thousand two hundred pounds the amount of money borrowed

Limit of
borrowing
powers.

A.D. 1910. by the Undertakers and secured by mortgage of the undertaking shall
 Chelsham and be increased beyond the sum owing by the Undertakers upon the
 Woldingham. security of mortgages of the undertaking at the commencement of this
 Order In the event of the share capital aforesaid being increased to 5
 an amount exceeding fourteen thousand two hundred pounds the amount
 of all moneys borrowed by the Undertakers and secured by mortgage
 of the undertaking shall not at any time exceed in the whole one-third
 of the amount of the capital of the Undertakers at the time actually
 raised by the issue of shares or stock including any premium that
 may be obtained on the sale of any shares or stock under the provi- 10
 sions of this Order and no higher rate of interest than five pounds
 per centum per annum shall be paid by the Undertakers without the
 consent of the Board of Trade in respect of any moneys borrowed by
 the Undertakers after the commencement of this Order and secured as
 aforesaid. 15

Lands.

Power to
 acquire lands.

14. The Undertakers may by agreement purchase take on lease
 acquire and use any lands and any easements rights or privileges (not
 being an easement right or privilege to take water in which persons
 other than the grantors have an interest) in over or affecting any 20
 lands which they may require for the purposes of their undertaking
 Provided that they shall not create or permit a nuisance on any lands
 so held by them and that they shall not at any time hold for such
 purposes more than five acres of land in addition to the lands held by
 them at the commencement of this Order. 25

Persons
 under dis-
 ability may
 grant ease-
 ments &c.
 to Under-
 takers.

15. Persons empowered by the Land Clauses Acts to sell and
 convey or release lands may if they think fit subject to the provisions
 of the said Acts grant to the Undertakers any easement right or
 privilege (not being an easement right or privilege of water in which
 persons other than the grantors have an interest) in over or affecting 30
 any such lands and the provisions of the said Acts with respect to
 lands and rentcharges so far as the same are applicable in this behalf
 shall extend and apply to such grants or to such easements rights or
 privileges as aforesaid.

Power to
 erect &c.
 cottages for
 officers and
 servants.

16. The Undertakers may on any land for the time being belonging 35
 to or leased by them erect fit up maintain and let houses cottages and
 buildings for the officers and servants employed by the Undertakers
 for the purposes of their undertaking.

Maintenance of Waterworks.

Power to
 maintain
 existing
 works and
 to supply
 water.

17. The Undertakers may on the lands upon which the same are 40
 situate if and so long as they are possessed of the said lands or so
 long as they may be entitled so to do under any agreement maintain
 and continue their existing waterworks herein-after described and
 subject as aforesaid may alter enlarge renew and improve the same

with all mains pipes machinery and other works connected therewith and necessary for the supply of water and they may subject to the provisions of this Order supply and sell water for domestic and other purposes within the limits of supply. A.D. 1910.
Chelsham and Woldingham.

5 The existing waterworks herein-before referred to are—

- (A) The works machinery and apparatus at present used for utilising and distributing a supply of water from the existing well and pumping station in the parish of Chelsham situate on the enclosure numbered 291 on the 25^{100} ordnance map Surrey sheet XX—16 (2nd edition 1896);
- 10 (B) A tank in the parish of Woldingham at Nether Court on the enclosure numbered 64 on the 25^{100} ordnance map Surrey sheet XXVII—4 (2nd edition 1896);
- 15 (C) A covered reservoir also in the parish of Woldingham on the enclosure numbered 116 on the 25^{100} ordnance map Surrey sheet XXVII—8 (2nd edition 1896).

18. If any difference arise between the Undertakers and any road authority railway canal or other company whose lands or works the As to pipes crossing works of a railway or other company.

20 Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon any road under the jurisdiction of such road authority or in over or upon such lands

25 or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade.

19. The Undertakers shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired Limiting powers of Undertakers to abstract water.

30 by them after the commencement of this Order unless the works and the lands upon which the same are to be constructed are specified in this Order or some other Provisional Order or Act of Parliament.

Supply.

20. The water supplied by the Undertakers shall be constantly Limits of pressure.

35 laid on under pressure but need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or tank from which the supply is taken and it shall be in the discretion of the Undertakers in every case to determine the particular service reservoir or tank from which the supply is to be taken.

21. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of Rates for domestic supply

A.D. 1910. water for such domestic purposes at rates not exceeding the rates per
Chelsham and annum herein-after specified (that is to say):—
Woldingham.

Where the gross estimated rental of the premises so supplied with
 water does not exceed five pounds the sum of eight shillings
 and eightpence ; 5

Where such gross estimated rental exceeds five pounds but does
 not exceed thirty pounds a rate per annum not exceeding ten
 pounds per centum of such gross estimated rental ;

Where such gross estimated rental exceeds thirty pounds but does
 not exceed fifty pounds a rate per annum not exceeding nine 10
 pounds ten shillings per centum of such gross estimated rental ;

Where such gross estimated rental exceeds fifty pounds but does
 not exceed seventy pounds a rate per annum not exceeding nine
 pounds per centum of such gross estimated rental ;

Where such gross estimated rental exceeds seventy pounds but 15
 does not exceed one hundred pounds a rate per annum not
 exceeding eight pounds ten shillings per centum of such gross
 estimated rental ;

Where such gross estimated rental exceeds one hundred pounds
 a rate per annum not exceeding eight pounds per centum of 20
 such gross estimated rental ;

and so on in proportion for any shorter period than a year :

Provided that the Undertakers shall not be compellable to furnish
 any such supply as aforesaid for any less sum than eight shillings and
 eightpence in any one year nor for a less period than twelve months 25
 and that the Undertakers shall in no case be entitled to charge at a
 higher rate in respect of any house or part of a house included in
 any division of the above scale than that at which they would be
 entitled to charge if such house or part of a house were of just
 sufficient rateable value to bring it within the next higher division of 30
 the said scale :

Provided also that at any time after the expiration of five years
 from the commencement of this Order the Board of Trade may if
 they think fit upon the application of any local authority having
 jurisdiction within the limits of supply or of twenty or more inhabitant 35
 householders within the limits of supply or of the Undertakers by
 order in writing signed by a secretary or assistant secretary of the
 said Board after hearing the parties alter the said rates by substituting
 any other rates for the said rates and as from the date specified in
 such Order the rates at which the Undertakers may charge for water 40
 supplied by them for domestic purposes shall be in accordance with
 such Order.

A copy of any such Order made by the Board of Trade shall be
 published in the London Gazette and a copy of the said Gazette

containing such Order shall be primâ facie evidence of the due making and validity of the same and of the contents thereof. A.D. 1910.

The gross estimated rental of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues or if there is no such rate in force by the last rate made for the relief of the poor : *Chelsham and Woldingham.*

Provided that where the water rate is chargeable on the gross estimated rental of a part only of any hereditament entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

22. In addition to the foregoing charges the Undertakers may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply to which a supply of water is furnished by the Undertakers a sum not exceeding five shillings per annum and for every fixed bath an additional sum not exceeding fifteen shillings per annum . Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of fifteen shillings increased in proportion to the size of such bath but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water and such additional sums are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Rates for water-closets and baths.

23. The Undertakers shall not be bound to supply with water otherwise than by measure any workhouse hospital or other large public institution. Supply by meter in certain cases.

Where the Undertakers refuse to supply with water any workhouse hospital or other large public institution as aforesaid otherwise than by measure they shall on the application of the occupier or other person having the charge thereof supply the same with sufficient water for domestic or any other purposes at a rate not exceeding one shilling and ninepence for every thousand gallons and the moneys payable to the Undertakers under this section shall be recoverable in the same manner as rates due to the Undertakers for water . Provided that the Undertakers shall not be compelled to afford to any premises a supply of water by measure for a less sum in any one quarter of a year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure.

24. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in (46.) Regulations for preventing waste &c. of water.

A.D. 1910. force and have effect but only within the district in which the Under-
Chelsham and takers are bound to afford and do in fact afford or are prepared on
Woldingham. demand to afford a constant supply.

The said provisions are as follows:—

- (1) The Undertakers may from time to time make regulations for 5
the purpose of preventing the waste undue consumption
or misuse or contamination of water and may by such
regulations prescribe the size nature materials workman-
ship and strength and the mode of arrangement connection
disconnection alteration and repair of the pipes meters 10
cocks ferrules valves soil-pans water-closets baths tanks
cisterns and other apparatus fittings means contrivances
receptacles or appliances whatsoever to be used and forbid
any arrangements and the use of the several things before
mentioned or any or either of them which may allow or 15
tend to waste or undue consumption misuse erroneous
measurement or contamination :
- (2) No such regulation shall be of any force or effect unless and
until the same shall have been submitted to and confirmed
by the Local Government Board who are hereby empowered 20
to confirm the same :
- (3) No such regulations shall be confirmed until after the
expiration of one month after notice in writing to submit
the same for confirmation together with a copy of the
proposed regulations shall have been given by or on behalf 25
of the Undertakers to the local authorities within the limits
of supply who may within the said period of one month
make such representations to the Local Government Board
as they see fit :
- (4) Any such regulations in force for the time being shall be 30
published by a copy thereof being kept at the office of the
Undertakers which copy shall be open to the inspection of
all persons at all reasonable times without payment and the
Undertakers shall also furnish a printed copy of all such
regulations to every person applying for the same on 35
payment of a sum not exceeding sixpence for each copy :
- (5) A printed copy of any such regulations purporting to be made
and to have been confirmed by the Local Government
Board as aforesaid shall be evidence (until the contrary is
proved) in all legal proceedings of the due making con- 40
firmation publication or existence of such regulations
without further or other proof :
- (6) In case of failure of any person to observe such regulations
as are for the time being in force the Undertakers may if
they think fit after twenty-four hours' notice in writing 45

5 enter and by and under the direction of their duly qualified officer repair replace or alter any pipes cocks cisterns or other apparatus whatsoever belonging to or used by any person supplied by them and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and shall be recoverable by the Undertakers as the water rates in respect of the premises are recoverable.

A.D. 1910.
*Chelsham and
Woldingham.*

10 25. The Undertakers may by agreement supply any local authority company or person without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such local authority company or person but notwithstanding any such agreement no such local authority company or person shall be entitled to such a supply whenever and as
15 long as the Undertakers are of opinion that the same would interfere with the proper supply of water within the limits of supply for domestic purposes under this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on not less than one month's notice in writing Provided always that nothing herein contained shall
20 authorise the Undertakers to lay down or place any pipe or conduit or to break up any road or street or to execute any work in any district beyond the limits of supply without the consent in writing of the local authority and the road authority of such district or to supply or to continue to supply water within the limits of supply of any local authority company
25 or person now or hereafter empowered by Act of Parliament or by Provisional Order confirmed by Act of Parliament to supply water without the consent in writing of such local authority company or person first had and obtained.

Water sup-
plied by
agreement.

30 26. The Undertakers may supply water for other than domestic purposes on such terms and conditions as the Undertakers think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates
35 Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Supply by
measure.

27. It shall not be lawful for the Undertakers to supply water derived from any source in the county of Surrey in bulk or otherwise beyond or for use beyond the limits of the county of Surrey.

For protec-
tion of Surrey
County
Council.

40 28. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default
45 continues The Undertakers shall for the purposes aforesaid have

Undertakers
to keep
meters &c. in
repair.

A.D. 1910. access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Chelsham and Woldingham.

Register of meters &c. to be evidence.

29. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers Provided always that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

When several houses supplied by one pipe each to pay.

30. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of such houses had been separately supplied with water from the works of the Undertakers by a distinct pipe:

Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of water to tenements in a row.

31. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless the tenant or occupier so taking or using the water be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Undertakers not bound to supply several houses by one pipe. Notice of discontinuance.

32. The Undertakers shall not be bound to supply more than one house by means of the same communication pipe and may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

33. A notice to the Undertakers from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and left at the principal office for the time being of the Undertakers.

Penalties.

Injuring meters &c.

34. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fittings belonging to the Undertakers or who fraudulently alters the index to any meter or prevents any meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of

- the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or prevented any meter from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Undertakers by the offender and may be recovered by them as water rates are recoverable and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter or fittings.

A.D. 1910.

Chelsham and Woldingham.

35. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

Misuser where supply to several houses is by a pipe common to all.

Miscellaneous.

36. In case any person supplied with water by the Undertakers leaves the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.
37. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums.
38. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such

Incoming tenant not liable to pay arrears.

Several sums one summons.

Warrant of distress to include costs.

A.D. 1910. justice and shall be included in the warrant of distress for the recovery of such money.

Chelsham and Woldingham.
Liability to water rate not to disqualify justices from acting.
Costs of Order.

39. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order. 5

40. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

EAST KENT DISTRICT WATER.

10

East Kent District.

Order empowering the East Kent District Water Company to extend their limits of supply to raise additional capital and for other purposes.

Short title.

1. This Order may be cited as the East Kent District Water Order 1910 and the East Kent District Water Act 1889 (in this Order referred to as "the Act of 1889") and may be cited collectively as the East Kent District Water Act and Order 1889 and 1910. 15

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." 20

Incorporation of Acts.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

25

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the Company against the shareholders;

30

The borrowing of money by the Company on mortgage or bond;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

35

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

And Part I. (relating to cancellation and surrender of shares) Part II. A.D. 1910.
 (relating to additional capital) and Part III. (relating to debenture
East Kent
 stock) of the Companies Clauses Act 1863 the Companies Clauses Act
District.
 1869 and the Waterworks Clauses Acts 1847 and 1863 are (except where
 5 expressly varied by this Order) incorporated with and form part of this
 Order :

10 Provided that section 44 of the Waterworks Clauses Act 1847
 shall for the purposes of this Order have effect as if the words "with
 the consent in writing of the owner or reputed owner of any such
 house or of the agent of such owner" were omitted therefrom.

For the purpose of such incorporation the term "special Act" in
 the said Acts shall be construed to mean this Order and the term
 "Company" shall mean the Undertakers.

15 4. The several words terms and expressions to which by any Act
 incorporated with this Order and by the Gas and Water Works Facilities
 Act 1870 meanings are assigned have in this Order the same respective
 meanings unless there be something in the subject or context repugnant
 to such construction. *Interpreta-
tion.*

20 5. The East Kent District Water Company incorporated by the
 Act of 1889 shall be the Undertakers for the purposes of this Order
 and are in this Order referred to as "the Undertakers." *Undertakers.*

25 6. The Undertakers shall have and may exercise subject to the
 provisions of this Order within the following new limits namely the
 parishes of Wootton Swingfield Acrise Poulton and Hougham Without
 all in the county of Kent (herein-after referred to as "the new limits")
 for or in relation to the supply of water all the like powers privileges
 and authorities and be subject to all the like duties liabilities and
 obligations in respect thereof as they now have and are subject to
 within the limits of the Act of 1889 and from and after the com-
 30 mencement of this Order the limits of the Act of 1889 shall be
 deemed to include the new limits. *Extension of
limits of sup-
ply.*

35 7. The Undertakers shall not sink any well upon or construct any
 works for taking or intercepting water from any lands acquired by them
 after the commencement of this Order unless the works and the lands
 upon which the same are to be constructed are specified in some Act
 of Parliament or Provisional Order. *Limiting
powers of
Undertakers
to abstract
water.*

40 8. If at any time after the expiration of three years from the
 commencement of this Order the Undertakers are not furnishing or
 prepared on demand to furnish a sufficient supply of water in accord-
 ance with the provisions of this Order in any part of the district of
 any local authority within the new limits the local authority of such
 part of the said district may provide a supply in the whole or any
 part of their district within the new limits in accordance with the
 provisions of the Public Health Act 1875 or any company body or
 45 person may apply for an Act of Parliament or Provisional Order for
*Where
Undertakers
not furnish-
ing sufficient
supply local
authority or
company may
supply.*

A.D. 1910.

*East Kent
District.*

the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein. If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade. 5

For protec-
tion of Dover
Corporation.

9. For the protection of mayor aldermen and burgesses of the borough of Dover (herein-after called the "the corporation" the following provisions shall apply and have effect (that is to say):— 10

(1) If at any time hereafter the parishes of Poulton and Hougham Without or either of them or any part of such parishes respectively in which the Undertakers may under this Order have power to supply water shall be included within the borough of Dover and the corporation shall give to the Undertakers six months' notice of the corporation's desire to purchase the portion of the undertaking of the Undertakers in any such parish or part thereof and shall obtain the consent of the Local Government Board or Parliament to such purchase, and shall also obtain power to supply water within such parish or part thereof the Undertakers shall not oppose the application to the Local Government Board or to Parliament except as to the details thereof and shall sell to the corporation the portion of their undertaking within such parish or part thereof (except the mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the Undertakers for the supply of water) at a price equal to twenty-seven and one half years' purchase of the net profits earned by the Undertakers in such parish or part thereof during the year immediately preceding the service of the notice by the corporation. And the corporation shall also pay to the Undertakers such fair and sufficient compensation for extra main laying or other works or obligations necessary in case of severance to enable the Undertakers to carry out its obligations to supply water in the rest of their district or area as may be agreed or as failing agreement may be determined by arbitration under the provisions of the Land Clauses Acts: 20 25 30 35

(2) After the completion of any such purchase all rights and obligations of the Undertakers within any such parish or part thereof shall cease and determine except that the Undertakers shall retain their right to lay and repair any necessary mains pipes and apparatus within such parish or part thereof for the purpose of supplying any other part of the limits of supply of the Undertakers. 40 45

[10 Edw. 7.]

Water Orders Confirmation.

25 A.D. 1910.

10. The provisions of section 29 of the Act of 1889 shall be deemed to apply to any works constructed by the Undertakers under the authority of this Order and the exercise of the powers of this Order as if the said provisions were re-enacted in this Order.

*East Kent.
District.*
For protec-
tion of Kent
County
Council.

5 11. The provisions of section 27 of the Act of 1889 shall be deemed to apply to any works constructed by the Undertakers under the authority of this Order and the exercise of the powers of this Order as if the said provisions were re-enacted in this Order. Provided
10 that the provisions of that section shall so far as regards any works constructed by the Undertakers under the authority of this Order and the exercise of the powers of this Order also enure for the protection and benefit of the South Eastern Railway Company as if that company had been expressly mentioned in the said section.

For protec-
tion of South
Eastern and
London
Chatham and
Dover Rail-
way Com-
panies.

15 12.—(1) The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges
20 of the Undertakers in providing such materials and executing such work shall be paid by the person requiring the same.

Power to
supply fit-
tings.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court
25 or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as
30 the actual owners thereof.

(3) Section 46 (Power for company to supply materials &c.) of the Act of 1889 is hereby repealed.

13. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1889 (in this Order referred to as "the
35 original capital") they may—

Additional.
capital.

(1) Raise any further sums not exceeding in the whole twenty thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of these modes respectively (in this
40 Order referred to as "the new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the
45 full nominal amount of such share or stock together with

(46.)

D

A.D. 1910.

*East Kent
District.*

any premium obtained on the sale thereof as herein-after provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including 5 any premiums which may be obtained on the sale thereof the sum of twenty thousand pounds:

- (2) Borrow on mortgage in respect of the new capital any sum or sums not exceeding in the whole one-fourth part of the amount of the new capital at the time actually issued by 10 shares or stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the shares or stock in respect of which the power of borrowing is being exercised including the premiums (if any) realised on the sale thereof shall have 15 been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock including the premiums (if any) realised on the sale thereof have been fully paid up 20 and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence 25 thereof.

As to conversion of borrowed money into capital.

14. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order. 30

Except as otherwise provided new shares or stock to be subject to same incidents as other shares or stock.

15. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that new capital were part 35 of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

New capital to be sold by auction or tender.

16.—(1) All shares or stock forming part of the new capital shall be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by 40 public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers shall determine Provided as follows :—

- (A) Notice of the intended sale shall be given in writing to the clerk of every local authority within the limits of supply 45

and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply :

A.D. 1910.
East Kent
District.

- 5 (B) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened until after the day of auction or last day for the receipt of tenders as the case may be :
- 10 (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds :
- 15 (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid :
- 20 (E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the Undertakers may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

- A.D. 1910.
East Kent District.
Application of money. 17. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend. 5
- Power to create debenture stock. 18. The Undertakers may create and raise debenture stock subject to the provisions of the Companies Clauses Act 1863 and of section 14 of the Act of 1889. 10
- Existing mortgages to have priority. 19. All mortgages granted by the Undertakers under the authority of the Act of 1889 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of that Act have priority over any mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers. 15
- Appointment of receiver. 20. Section 13 (For appointment of a receiver) of the Act of 1889 is hereby repealed as from the commencement of this Order but without prejudice to any appointment which may have been made or to the continuance of any proceeding pending under any such provisions. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole. 25
- Limits of dividend on new capital. 21. The Undertakers shall not in any one year make out of their profits any larger dividend on the new capital than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be raised as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the ordinary share capital which shall have fallen short of of the said sum of seven pounds per centum per annum. 30 35
- Preference shares or stock may be created subject to redemption. 22. Any preference shares or stock created and issued under the powers of this Order may be issued subject to the conditions that the same may be redeemed by the Undertakers at such times and on such terms and conditions as shall be expressed on the certificates of such shares or stock. 40

23. The Undertakers may apply to any of the purposes of the Act of 1889 or this Order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the Act of 1889 or this Order or which may be under their control and which are not required for the purposes to which they are by the said Act or Order made specially applicable.

A.D. 1910.

East Kent District.

Power to apply funds.

24. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

10

SOUTH KENT WATER.

South Kent.

Order empowering the South Kent Water Company to raise additional capital and for other purposes.

1. This Order may be cited as the South Kent Water Order 1910 and the South Kent Water Act 1889 (in this Order referred to as "the Act of 1889") and this Order may be referred to collectively as the South Kent Water Act and Order 1889 and 1910.

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commencement of Order.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the following matters (that is to say):—

Incorporation of Acts.

The distribution of the capital of the company into shares;

The transfer or transmission of shares;

25 The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the company against the shareholders;

30 The borrowing of money by the company on mortgage or bond;
The consolidation of shares into stock;

The general meetings of the company and the exercise of the right of voting by the shareholders;

The making of dividends;

35 The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested.

A.D. 1910. And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 and the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Order) incorporated with and form part 5
South Kent. of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "company" shall mean the Undertakers.

**Interpreta-
tion.** 4. The several words terms and expressions to which by any Act 10
 incorporated with this Order and by the Gas and Waterworks Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction.

Undertakers. 5. The South Kent Water Company incorporated by the Act of 15
 1889 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

**Additional
capital.** 6. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1889 (in this Order referred to as "the original capital") they may— 20

(1) Raise any further sums not exceeding in the whole twenty thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of these modes respectively (in this Order referred to as "the new capital") but the Undertakers 25
 shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any 30
 premium obtained on the sale thereof as herein-after provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any 35
 premiums which may be obtained on the sale thereof the sum of twenty thousand pounds :

(2) Borrow on mortgage in respect of the new capital any sum or sums not exceeding in the whole one-fourth part of the amount of the new capital at the time actually issued by 40
 shares or stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the shares or stock in respect of which the power of borrowing is being exercised including the premiums

(if any) realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock including the premiums (if any) realised on the sale thereof have been fully paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

A.D. 1910.
South Kent.

7. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of the debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order.

As to conversion of borrowed money into capital.

8. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

Except as otherwise provided new shares or stock to be subject to same incidents as other shares or stock.

9.—(1) All shares or stock forming part of the new capital shall be issued in accordance with the provisions of this section.

New capital to be sold by auction or tender.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers shall determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk of every local authority within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(B) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened until after the day of auction or last day for the receipt of tenders as the case may be:

(c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

A.D. 1910.
South Kent.

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid :

(E) It shall be one of the conditions of sale that the total sum 5 payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of 10 ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the Undertakers may think fit or to one or more of these classes 15 of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively. 20

(4) Any shares or stock which have been offered for sale in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such 25 price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the 30 total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

(6) Notwithstanding anything contained in the Act of 1889 the provisions of this section shall apply to the issue of any capital authorised to be issued under the Act of 1889 but remaining unissued 35 at the commencement of this Order and such capital may be issued accordingly.

**Application
of premium
arising on
issue of
shares or
stock.**

10. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any 40 shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital entitled to dividend.

[10 EDW. 7.]

Water Orders Confirmation.

33

A.D. 1910.

11. The Undertakers may create and raise debenture stock subject to the provisions of the Companies Clauses Act 1863 and of section 14 of the Act of 1889. *South Kent.* Power to create debenture stock.
12. All mortgages granted by the Undertakers under the authority of the Act of 1889 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of that Act have priority over any mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers. Existing mortgages to have priority.
13. Section 13 (For appointment of a receiver) of the Act of 1889 is hereby repealed as from the commencement of this Order but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending under any such provisions. Appointment of receiver.
14. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.
15. The Undertakers shall not in any one year make out of their profits any larger dividend on the new capital than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the ordinary share capital which shall have fallen short of the said sum of seven pounds per centum per annum. Limits of dividend on new capital.
16. Any preference shares or stock created and issued under the powers of this Order may be issued subject to the conditions that the same may be redeemed by the Undertakers at such times and on such terms and conditions as shall be expressed on the certificates of such shares or stock. Preference shares or stock may be created subject to redemption.
17. The Undertakers may apply to any of the purposes of the Act of 1889 or this Order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the Act of 1889 or this Order or which may be under their control and which are not required for the purposes to which they are by the said Act or Order made specially applicable. Power to apply funds.
- 17.—(1) The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks Power to supply fittings.

(46.)

E

A.D. 1910. cisterns baths meters soil pans water-closets and other fittings as
South Kent. are required or permitted by their regulations and may provide
 all materials and work necessary or proper in that behalf and the
 reasonable charges of the Undertakers in providing such materials
 and executing such work shall be paid by the person requiring the 5
 same.

(2) Any fittings let for hire under the provisions of this section
 shall not be subject to distress or to the landlord's remedy for rent
 or be liable to be taken in execution under any process of any court 10
 or any proceedings in bankruptcy against the persons in whose posses-
 sion the same may be Provided that such fittings have upon them
 respectively a distinguishing metal plate affixed to a conspicuous
 part thereof or a distinguishing brand or other mark conspicuously
 impressed or made thereon sufficiently indicating the Undertakers as
 the actual owners thereof. 15

(3) Section 46 (Power for company to supply materials &c.) of the
 Act of 1889 is hereby repealed.

Agreements
 with Mid
 Kent Water
 Company as
 to supply of
 water in bulk.

18. The Undertakers may enter into and carry into effect agree-
 ments with the Mid Kent Water Company for the supply to the 20
 Undertakers by the Mid Kent Water Company of water in bulk for
 any purpose and for such remuneration and on such terms and conditions
 and for such period as may be agreed upon.

Costs of
 Order.

19. All the costs charges and expenses of and incidental to the
 applying for preparing obtaining and confirming this Order and other-
 wise in relation thereto shall be paid by the Undertakers. 25

**Water Orders
Confirmation. [H.L.]**

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Barnstaple Water Chelsham and Woldingham Water East Kent District Water and South Kent Water.

The Lord Hamilton of Dalzell.

Ordered to be printed 28th April 1910.

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(46.)

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Sutton District Waterworks. A.D. 1910.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Order set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

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

And whereas it is expedient that the Provisional Order made by the Board of Trade and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King'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:—

1. This Act may be cited as the Water Provisional Order Act 1910. Short title.

2. The Order as amended and as set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect. Confirmation
of Order in
schedule.

A.D. 1910.

SCHEDULE.

SUTTON DISTRICT WATERWORKS.

- Sutton.* *Order empowering the Sutton District Water Company to extend their Limits of Supply to sanction and confirm the Construction of existing Works to construct new Works and for other purposes.* 5
- Short and collective title. 1. This Order may be cited as the Sutton District Waterworks Order 1910 and the Sutton District Waterworks Act 1871 (in this Order referred to as "the Act of 1871") and the Sutton District Waterworks Act 1887 (in this Order referred to as "the Act of 1887") and the Sutton District Waterworks Act 1903 (in this Order referred to as "the Act of 1903") and the Sutton District Waterworks Act 1906 (in this Order referred to as "the Act of 1906") and this Order may be cited together as "the Sutton District Waterworks Acts and Order 1871 to 1910." 10 15
- Commencement of Order. 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." 15
- Incorporation of Acts. 3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Order) incorporated with and form part of this Order: 20
- Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom. 25
- For the purposes of such incorporation the term "special Act" in the said Acts shall mean this Order and the term "the Company" shall mean the Undertakers. 30
- Interpretation. 4. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction. 35
- In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

[10 EDW. 7.]

Water Provisional Order.

3

A.D. 1910.

5. The Sutton District Water Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Sutton.

Undertakers.

Limits of Supply.

5 6. The Undertakers may supply water and shall have and may exercise subject to the provisions of this Order within the parish of Kingswood in the rural district of Reigate in the county of Surrey (herein-after referred to as "the new limits") all and the like powers privileges and authorities for or in relation to lands and the supply of
 10 water including the levying of rents rates and charges and shall be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Act of 1871 and the expression "the limits of supply" in the Act of 1871 shall from and after the commencement of this
 15 Order be deemed to include the new limits and the expression "the limits of supply" in this Order means the district within which the Undertakers are by virtue of the Act of 1871 and this Order authorised to supply water.

Extension of limits of supply.

20 7. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the new limits the local authority of such district may provide a supply in the whole or any part of
 25 their district within those limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purposes of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient
 30 supply of water as if in either case there were no Undertakers authorised by this Order to supply water therein.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall
 35 be settled on the application of either party by the Board of Trade.

Acquisition of Lands.

8. In addition to any other lands which the Undertakers are under the Act of 1871 the Act of 1887 and the Act of 1903 authorised to take or purchase the Undertakers may by agreement purchase take
 40 on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of their water undertaking and they may by agreement purchase take on lease acquire and use

Further powers to acquire lands by agreement.

A.D. 1910. and hold for the purposes of this Order and for the general purposes
 of the water undertaking authorised by the said Acts and this
 Order any lands and any easements rights or privileges (not being an
 easement right or privilege of water in which persons other than the
 grantors have an interest) in over or under any lands which they 5
 may require for the purposes of the said undertaking Provided that
 they shall not create or permit a nuisance on any lands so held by
 them and that they shall not at any time hold for such purposes
 more than three acres of land in addition to the lands which they are
 by the said Acts authorised to hold for those purposes Provided also 10
 that no building shall be erected on such lands except such as are
 required for or are connected with the purposes of the undertaking.

Persons
 under dis-
 ability may
 grant ease-
 ments &c. to
 Undertakers.

9. Persons empowered by the Lands Clauses Acts to sell and
 convey or release lands may if they think fit subject to the provisions
 of the said Acts grant to the Undertakers any easement right or 15
 privilege (not being an easement right or privilege of water in which
 persons other than the grantors have an interest) in over or affecting
 any such lands and the provisions of the said Acts with respect to
 lands and rentcharges so far as the same are applicable in this behalf
 shall extend and apply to such grants and to such easements rights 20
 and privileges as aforesaid respectively.

Works.

Maintenance
 and construc-
 tion of works.

10. The Undertakers may in the roads and lands on or in which
 the same are situate hold maintain use alter extend enlarge and renew
 the following existing waterworks in the parish of Kingswood in the 25
 county of Surrey (that is to say):—

Work No. 1—A line of pipes commencing on the boundary
 between the parishes of Banstead and Kingswood at Garden
 Farm on the road between Burgh Heath and Kingswood Station
 on the Epsom Downs branch of the South Eastern and 30
 Chatham Railway and terminating in Waterhouse Lane at the
 boundary of the parishes of Kingswood and Chipstead:

Work No. 2—A line of pipes commencing on the boundary
 between the parishes of Banstead and Kingswood close to the
 sixth milestone from Sutton on the road between Sutton and 35
 Reigate and terminating at a point in the said road opposite
 Holly Lodge three hundred and nineteen yards or thereabouts
 measured along that road in a southerly direction from its
 junction with the road known as Hogden Bottom

together with any branch or other mains service or other pipes 40
 filters meters valves fittings and other works apparatus and con-
 veniences connected therewith or constructed laid down or used by

[10 Edw. 7.]

Water Provisional Order.

5

the Undertakers for the purposes of a supply of water by them within the new limits. A.D. 1910.

Sutton.

The Undertakers may in the roads and also upon the lands shown on the deposited plans if and when the same shall have been acquired by them and so long as they may be entitled to do so under any agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the following new waterworks situate in the parish of Kingswood in the county of Surrey (that is to say) :—

10 Work No. 3—A line of pipes commencing at the point herein before described as the termination of Work No. 2 and terminating at the water-tower Work No. 4 herein-after described :

15 Work No. 4—A water-tower (not exceeding sixty feet in height) situate in the south-eastern corner of the enclosure numbered 197 on the $\frac{1}{25000}$ Ordnance Map (Second Edition 1896) of the parish of Kingswood

together with all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices bye-washes water-towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embank-
20 ments piers approaches engines machinery and appliances as may be necessary or convenient for conveying and distributing water within the limits of supply from any of the before-mentioned works.

11. The Undertakers shall not sink any well upon or construct any works for taking or intercepting water from any land acquired by them for the purposes of the water undertaking after the commencement of this Order unless the works and the lands upon which the same are to be constructed are specified in this Order or some other Provisional Order or Act of Parliament. Limiting powers to abstract water.

12. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or ten feet downwards
30 Provided always that the Undertakers may in constructing such works or any of them in or upon the lands shown on the deposited plans and which for the time being belong to or are leased to or have been acquired by them under the provisions of this Order but subject to the provisions of any agreement under which such lands have been
40 leased to or acquired by the Undertakers deviate beyond such limits laterally and vertically to such extent as they may think necessary Provided that the Undertakers shall not raise any aqueduct or line of pipes above the surface of the ground unless the same be so shown on the deposited sections and then only to the extent so shown. Lateral and vertical deviation.

- A.D. 1910. 13. The works authorised by this Order shall be commenced
 Sutton. constructed and completed within the time and subject to the condi-
 Limit of tions prescribed by section 11 of the Gas and Water Works Facilities
 time for con- Act 1870 Provided that subject to the restrictions and provisions of
 struction of this Order the Undertakers may alter enlarge renew deepen and 5
 works. improve their tanks wells pipes filters filter-beds machinery and other
 works in such way and manner as may be requisite or advisable for
 supplying water within the limits of supply.
- Works to 14. Subject to the provisions of this Order the existing works
 form part of and the new works of the Undertakers described in the section of 10
 undertaking. this Order of which the marginal note is "Maintenance and construc-
 tion of works" and any pipes and other works purchased by the
 Undertakers under the section of this Order of which the marginal
 note is "Acquisition of pipes &c. of Kingswood Water Company
 Limited" shall for all purposes whatsoever form part of and be 15
 comprised in their undertaking and the construction of the said existing
 works and the expenditure of capital thereon is hereby sanctioned and
 confirmed.
- Differences 15. If any difference arises between the Undertakers and any
 with road road authority railway canal or other company whose lands or works 20
 authority or the Undertakers have power to cross under the authority of this Order
 railway or for the purposes of meeting the demands for water within the limits
 other com- of supply as to the mode of laying down repairing altering or
 pany. enlarging their conduits mains pipes or works in over or upon such 25
 lands or works or the facilities to be afforded for the same such
 difference shall be settled by an engineer or other fit person to be
 appointed by the Board of Trade at the request of either party.
- Supply.*
- Limits of 16. The water supplied by the Undertakers within the new limits
 pressure. shall be constantly laid on under pressure but need not at any time 30
 be delivered at a greater height than can be reached by gravitation
 from the water-tower (Work No. 4) authorised by this Order.
- Contracts for 17. The Undertakers may enter into and carry into effect agree-
 supplying ments with any local authority company or person for the supply of
 water in bulk. water beyond the limits of supply to any such authority company or 35
 person respectively in bulk for any purpose and for such remuneration
 and on such terms and conditions and for such period as may be
 agreed upon Provided that such supply shall not be given except
 with the consent of any local authority company or person authorised
 to supply water under parliamentary authority within the area in which 40
 such supply is to be given or used and of the local authority of the
 district comprising that area nor for use outside the administrative

[10 EDW. 7.]

Water Provisional Order.

7

county of Surrey nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply. A.D. 1910.
Sutton.

Miscellaneous.

- 5 18. And whereas certain water pipes and other works of the Kingswood Water Company Limited (hereinafter referred to as "the Kingswood Company") are situate within the parish of Kingswood and it is expedient that provision should be made for the purchase by the Undertakers of such portion or portions of the said pipes and other works
- 10 as may be of value to the Undertakers for use for the supply by them under the provisions of this Order of water within the said parish. Be it enacted that the Undertakers shall if required by the Kingswood Company by notice in writing under the hand of their secretary within
- 15 Kingswood Company such portion or portions of the said pipes and works within the said parish as may be of value to the Undertakers for the purposes aforesaid and were in existence on the twenty-seventh day of June one thousand nine hundred and ten. The portion or portions of such pipes and other works to be purchased by the Undertakers
- 20 and the price to be paid by them therefor shall failing agreement between the Kingswood Company and the Undertakers be determined in accordance with the provisions of the Arbitration Act 1889 by an arbitrator to be appointed on the application of either party by the Board of Trade and the arbitrator in determining such price shall not make any
- 25 allowance for goodwill but shall have regard only to the value to the Undertakers of the portion or portions of the pipes and other works so to be purchased by them.
19. The Undertakers may apply to any of the purposes of this Order to which capital is properly applicable any sums of money
- 30 which they have already raised or are authorised to raise under the Act of 1871 the Act of 1887 and the Act of 1903 or which may be under their control and which are not required for the purposes to which they are by the said Acts made specially applicable.
20. All costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise
- 35 in relation thereto shall be paid by the Undertakers.

Acquisition
of pipes &c.
of Kings-
wood Water
Company
Limited.

Power to
apply funds.

Costs of
Order.

Water Provisional Order.

A

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Sutton District Waterworks.

(Brought from the Commons 4th July 1910.)

Ordered to be printed 4th July 1910.

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[Price 1d.]

Water Supplies Protection Bill. [H.L.]

MEMORANDUM.

The objects of the Bill are as follows :—

1. To provide that no water undertakers shall sink wells or construct works for obtaining their supply unless such wells and works and the sites thereof have been expressly approved by Parliament.

2. To amend the law with regard to underground water by providing that wherever private supplies are injured by the abstraction of water for public supply (by means of future works) the owner shall be entitled to compensation.

3. To provide that where (by means of future works) water is taken from any district for supply to communities outside that district, the district whence the water is taken and through which it is conveyed, shall be entitled to demand a share of such water for its own needs upon terms to be agreed or fixed by the Local Government Board.

Water Supplies Protection Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Application and extent of Act.
3. Restriction on user of land for wells.
4. Compensation for injury by abstraction of water.
5. Right of supply in bulk from water in transit.
6. As to existing obligations.
7. Definitions.

SCHEDULE.

A

B I L L

INTITULED

An Act to determine the rights and liabilities of persons supplying water under the authority of Parliament in certain cases. A.D. 1910.

BE it enacted by the King'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:—

5 **1.** This Act may be cited as the Water Supplies Protection Act, 1910. Short title.

2. This Act shall not extend to Scotland or Ireland.

Application and
extent of Act.

3. Notwithstanding anything contained in any Act of Parliament or Provisional Order, no authorised undertaker shall, after the passing of this Act, sink any well upon or construct any other works for taking or intercepting water from any land unless those works and the lands upon which the same are to be constructed are specified in an Act of Parliament. Restriction
on user of
land for
wells.

4.—(1) Notwithstanding anything contained in any Act of Parliament or Provisional Order, if any private water supply situate within any protected area (as defined by this Act) shall be diminished, or injured subsequently to the construction or enlargement after the passing of this Act of any works of an authorised undertaker, that authorised undertaker shall (in default of proof that such diminution or injury has not been caused by such works) make full compensation for such diminution or injury and for any loss or damage occasioned thereby to the owner of such supply and to all persons entitled to use the same, and such compensation may be by money payment or by the reinstatement or improvement of the water supply or by

Compensa-
tion for in-
jury by ab-
straction of
water.

(10.)

A 2

A.D. 1910. — affording a new supply, or partly by one and partly by another or others of such methods as (in default of agreement) may be determined by arbitration as herein-after provided.

(2) For the purposes of this section authorised undertakers shall have power to supply water outside their limits of supply 5 and to execute and do all such works and things as may be necessary.

(3) Any difference or question arising under this section shall be referred to and determined by arbitration in manner provided by the Arbitration Act, 1889. 10

(4) Any award made by an arbitrator under this section ordering the reinstatement or improvement of the water supply, or the affording of a new supply, may be enforced by mandamus.

Right of supply in bulk from water in transit.

5.—(1) Where an authorised undertaker by works constructed or enlarged after the passing of this Act takes water from or 15 conveys water through any county district or any part of a county district for supply outside such county district, the district council of such county district may demand a supply of water in bulk for use and for supply for use within the county district or any part thereof, and the authorised undertaker shall, subject 20 as herein-after provided, afford such supply in such quantity and at such price and upon such terms and conditions as (in default of agreement) may be determined as herein-after directed :

Provided that water so supplied shall not be used or supplied for use in such part (if any) of the county district as is within 25 the limits of supply of any authorised undertaker (not being the authorised undertaker upon whom the demand is made) except with the consent in writing of such authorised undertaker, which consent shall not be unreasonably withheld.

(2) Any difference or question arising under this section 30 shall be determined upon the application of any party concerned by the Local Government Board, who shall hold an inquiry into the subject-matter at which all parties concerned shall be entitled to be heard, and the said Board, after holding such inquiry and considering all the circumstances of the case, may make such 35 order as they think fit.

(3) Any such order may (in particular) determine all or any of the following matters so far as the same or any of them are in question (that is to say) :—

(a) May determine whether a supply of water is or is not 40 to be afforded under this section, and in the former case

in what quantity, at what price, and upon what terms and conditions the same is to be afforded; and A.D. 1910.

5 (b) May determine whether any consent required by this section is or is not being unreasonably withheld, and may dispense with such consent either absolutely or upon terms; and

(c) May determine how the costs of any of the parties attending the inquiry shall be borne.

10 (4) The provisions of sections two hundred and ninety-four, two hundred and ninety-five, and two hundred and ninety-six of the Public Health Act, 1875, as set out in the schedule to this Act, shall apply to inquiries and orders under this section.

(5) Any order made by the Local Government Board under this section may be enforced by mandamus.

15 **6.** Except so far as is expressly by this Act provided nothing in this Act shall operate to relieve any authorised undertaker from any obligation or disability or from any action, suit, claim, demand, or liability to which but for the passing of this Act he would be or become liable. As to existing obligations.

20 **7.** In this Act, if not inconsistent with the context,— Definitions.

The expression “authorised undertaker” means any local authority, company, body, or person authorised by Act of Parliament, or Provisional Order confirmed by Act of Parliament, to take water for purposes of distribution and supply;

25 The expression “private water supply” includes rivers, springs, streams, ditches, ponds, wells, and bore pipes, and the water flowing or percolating into or being therein and owned or used by any person not being an authorised undertaker;

30 The expression “owner” includes a lessee or tenant;

The expression “protected area” means the area within a radius of two and a half miles from the works constructed or enlarged as in subsection (1) of section four of this Act mentioned;

35 The expression “county district” includes every urban district, whether a county borough or not, and every rural district;

40 The expression “district council” includes the council of every county district.

A.D. 1910.

SCHEDULE.**THE PUBLIC HEALTH ACT, 1875, SECTIONS 294, 295, AND 296.**

294. The Local Government Board may make orders as to the costs of inquiries or proceedings instituted by, or of appeals to the said Board under this Act, and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein. 5

295. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct. 10

296. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts. 15

**Water Supplies
Protection. [H.L.]**

A

B I L L

INTITLED

An Act to determine the rights and liabilities of persons supplying water under the authority of Parliament in certain cases.

The Lord Desborough.

Ordered to be printed 8th March 1910.

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(10.)

[10 EDW. 7 & *Wemyss and District Water Order* 1
1 GEO. 5.] *Confirmation.* [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1910.
Legislation Procedure (Scotland) Act 1899 relating to —
Wemyss and District Water.

WHEREAS His Majesty's Secretary for Scotland has after
inquiry held before Commissioners made the Provisional
Order set forth in the schedule hereunto annexed under the
provisions of the Private Legislation Procedure (Scotland) Act 62 & 63 Vict.
5 1899 and it is requisite that the said Order should be confirmed c. 47.
by Parliament:

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

1. The Provisional Order contained in the schedule hereunto
annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Wemyss and District Short title.
Water Order Confirmation Act 1910.

A.D. 1910.

S C H E D U L E.

WEMYSS AND DISTRICT WATER.

*Provisional Order to incorporate a public trust for better
supplying with water the parish of Wemyss including the
burgh of Buckhaven Methil and Innerleven and districts 5
and places adjacent to abolish the special water supply
districts of Wemyss of Buckhaven Methil and Innerleven
and of Windygates and Balcurvie to transfer the existing
waterworks to the Trustees to be incorporated to sanction 10
the construction and maintenance of new and additional
waterworks and for other purposes.*

WHEREAS in the year one thousand eight hundred and sixty-eight the village of Buckhaven and in the year one thousand eight hundred and seventy the village of East Wemyss both within the parish of Wemyss and county of Fife were respectively 15 formed into special water supply districts under the Public Health (Scotland) Act 1867 and such districts were managed and administered by the parochial board of the parish of Wemyss then the local authority in the said parish under and for the purposes of the said Act: 20

And whereas the supply of water for those districts being unsatisfactory and the supply of water to the other parts of the parish of Wemyss not included in those districts being insufficient the said parochial board of the parish of Wemyss under and by virtue of the Public Health (Scotland) Act 1867 Order Confirmation (Wemyss) Act 1876 were authorised to and did provide a supply of water for the whole of the parish of Wemyss from sources at Carriston lying beyond the confines of the parish: 25

And whereas under and by virtue of section 11 of the Local Government (Scotland) Act 1889 the whole powers and duties 30 of the said parochial board of the parish of Wemyss as local authority in respect of the supply of water within the parish of Wemyss were transferred to and vested in the county council of the county of Fife by that Act established:

And whereas in pursuance of the provisions of section 77 35 of the said Act of 1889 the said county of Fife was for public health purposes divided into districts one of which (the district

[10 EDW. 7 & *Wemyss and District Water Order* 3
1 GEO. 5.] *Confirmation.*

of Kirkcaldy) comprised the said parish of Wemyss and there were delegated to the district committee of the said county council for the district of Kirkcaldy all the rights and duties of the said county council for the supply of water within the said
5 parish of Wemyss : A.D. 1910.

And whereas by an order of date twenty-fourth November one thousand eight hundred and ninety of the Boundary Commissioners constituted by section 45 of the said Act of 1889 a detached portion of the parish of Markinch known as Innerleven
10 which had on the thirty-first August one thousand eight hundred and eighty-five been formed by the parochial board of the parish of Markinch into a special water supply district under the provisions of the said Act of 1867 was added to the said parish of Wemyss :

15 And whereas in the year one thousand eight hundred and ninety-one in pursuance of the provisions of the General Police and Improvement (Scotland) Act 1862 the parts of the said parish of Wemyss known as Buckhaven Methil and Innerleven were formed into the police burgh of Buckhaven Methil and
20 Innerleven (herein-after called "the burgh") and the boundaries of the burgh were fixed and defined by the sheriff of the county of Fife in an interlocutor of fourth March one thousand eight hundred and ninety-one and the burgh was made to consist of the said special water supply district of Buckhaven and a portion
25 of the said special water supply district of Innerleven and the burgh came under the government for municipal purposes of the police commissioners of the burgh (herein-after called "the commissioners") established by the said Act of 1862 as local authority for the purposes of water supply and other purposes :

30 And whereas by a resolution of date thirtieth July one thousand eight hundred and ninety-two the Kirkcaldy District Committee (herein-after called "the district committee") extended the boundaries of the said special water supply district of East Wemyss so as to include that portion of the said special water
35 supply district of Innerleven not included in the burgh and the remainder of the said parish of Wemyss not included within the burgh under the name of the combined special water supply district of Wemyss :

And whereas by resolution of date twenty-third August one
40 thousand eight hundred and ninety-two the commissioners acting as the local authority of the burgh under and by virtue of

A.D. 1910. section 2 of the Public Health (Scotland) Act 1867 Amendment
Act 1882 formed the said special water supply district of Buck-
haven and that portion of the said special water supply district
of Innerleven included within the burgh into the combined special
water supply district of Buckhaven Methil and Innerleven : 5

And whereas in the year one thousand eight hundred and
ninety-eight the liabilities of the said county council and of the
commissioners in respect of the said waterworks used for the
supply of water to the said combined special water supply districts
constituting the parish of Wemyss were ascertained and appor- 10
tioned by the sheriff of the county of Fife between the said
county council and the commissioners and thereafter the adminis-
tration of the said waterworks was delegated to a joint committee
acting under the Local Government (Scotland) Act 1889 :

And whereas the Provisional Order scheduled to and con- 15
firmed by the Wemyss and Buckhaven Methil and Innerleven
Water Supply Confirmation Act 1894 (herein-after called "the
Order of 1894") (after reciting that a petition had been presented
to the Secretary for Scotland under the provisions of the said 20
Act of 1867 setting forth that the supply of water to the said
two combined special water supply districts was insufficient and
that it would be of great local advantage and conducive to the
public health if the district committee and the commissioners were
enabled to provide and obtain a more abundant and better supply 25
of water for the domestic use of the inhabitants and occupiers of
houses and lands within the said two combined special water
supply districts and adjoining or near to those districts and for
public baths and washhouses and for trading or manufacturing
purposes within the said two combined special water supply 30
districts or adjoining or near thereto and for a supply to the
inhabitants and occupiers of houses and lands adjoining or near
to any part of the intended works and to the local authority of
the burgh of Markinch and to any other special water supply
district or districts adjoining or near to the intended works for 35
domestic trading manufacturing and other purposes) authorised
the district committee and commissioners to construct a reservoir
on the Conland Burn and an aqueduct therefrom into the said
parish of Wemyss and empowered the district committee and
commissioners to afford the said supply of water for such purposes 40
in and outwith the said two combined special water supply
districts of Buckhaven Methil and Innerleven :

[10 EDW. 7 & *Wemyss and District Water Order*
1 GEO. 5.] *Confirmation.*

5

A.D. 1910.

And whereas the commissioners of the burgh became under the Town Councils (Scotland) Act 1900 the provost magistrates and councillors of the burgh (herein-after called "the town council") and are the local and sanitary authority for the burgh :

And whereas by an interlocutor of the sheriff of the county of Fife of date the fourth March one thousand eight hundred and ninety-one and again by the Buckhaven Methil and Innerleven Burgh Extension Act 1906 the boundaries of the burgh have been successively extended and there has been included in the burgh for municipal and public health purposes other than for the purpose of water supply part of the combined special water supply district of Wemyss :

And whereas that part of the burgh which includes the said portion of the combined special water supply district of Wemyss is now so far as relates to water supply under the control of the district committee and is assessed for water by the said county council thus leading to dual control and to differences and anomalies in assessing within the burgh :

And whereas the said joint committee appointed under the provisions of the Local Government (Scotland) Act 1889 as amended by the Local Government (Scotland) Act 1894 to maintain and manage the waterworks for the supply of water within the combined special water supply districts of Wemyss and Buckhaven consists of members of the town council and of members of the district committee and of the parish council of the said parish of Wemyss and the division of responsibility between the constituent authorities leads to difficulty and inconvenience :

And whereas the original water supply at Carriston was introduced for the benefit of the parish of Wemyss as a whole and the division of the parish into two separate districts for water supply has proved inexpedient and disadvantageous to the parish and the said districts :

And whereas the said joint committee have insufficient powers for the proper and adequate administration of the said water supply and as a consequence thereof the said parish and districts and the burgh and the industries therein have suffered great inconvenience and the supply of water is inadequate and insufficient for the wants and requirements of the inhabitants

A.D. 1910. and for the large and increasing industries carried on in and
— in places adjoining the burgh:

And whereas it is expedient that the said special water supply districts should be abolished and the powers authorities and jurisdiction relating to water supply therein of the said 5 county council and of the district committee and of the said joint committee should cease and determine and that the waterworks and water supply of the area included within the said districts including therein the burgh should subject to the liabilities attaching thereto be transferred to and vested in and 10 placed under the control regulation and management of the Trustees incorporated by this Order (herein-after called "the Trustees"):

And whereas that portion of the parish of Markinch adjoining the said parish of Wemyss comprises the special 15 water supply district of Windygates and Balcurvie and is under the jurisdiction for water supply purposes of the district committee and is supplied with water from the said existing waterworks under the control of the said joint committee and it is expedient that such special water supply district should be 20 abolished and the duty of supplying such district with water transferred to the Trustees:

And whereas it is necessary for the health comfort and convenience of the inhabitants of the said parish of Wemyss and of the burgh and of the said portion of the parish of 25 Markinch that a better and more abundant supply of water should be provided for the said parishes and for the burgh and for the increasing shipping and manufacturing industries of the burgh and that the Trustees should be authorised to introduce a new and additional supply of water and to construct 30 and maintain the waterworks in this Order mentioned:

And whereas there are as in the case of the works authorised by the Order of 1894 districts and houses and lands adjoining and near to the waterworks in this Order mentioned to which it is expedient that the Trustees should be authorised 35 to afford a supply of water:

And whereas certain burghs villages and places within the said county are some of them without a pure and sufficient supply of water and others are inadequately supplied and the waterworks by this Order authorised are so designed as to be 40

[10 EDW. 7 & *Wemyss and District Water Order*
1 GEO. 5.] *Confirmation.*

7

capable of affording an additional supply of water to all or some of such burghs villages and places and it is expedient that the Trustees should be enabled as in this Order provided to enter into agreements for the supply by the Trustees of
5 water in bulk or otherwise for use within such burghs villages and places :

A.D. 1910.

And whereas estimates have been prepared showing that the Trustees will or may require to borrow the following sums for the following purposes (that is to say):—

10	For permanent works :—	£
	Purchase of lands and servitudes - - -	15,000
	Storage reservoirs - - - - -	42,000
	Service reservoirs tanks and filters - -	15,000
	Trunk conduits mains and catchwaters -	65,000
15	Roads of access - - - - -	3,000
	For subsidiary works - - - - -	10,000

And it is expedient that the cost thereof should be spread over a term of years :

And whereas the water rates charges and assessments within
20 the said parish of Wemyss have hitherto been imposed levied and assessed partly by the county council under the provisions of the Public Health (Scotland) Act 1897 and partly by the town council and it is expedient that the same should be imposed levied and assessed by one assessing authority under
25 this Order :

And whereas it is expedient that the Trustees should be authorised to raise money by rates rents and charges and by borrowing for the purposes of this Order :

And whereas it is expedient that provision should be made as
30 in this Order provided for the transfer to the Trustees of all the debts liabilities and obligations affecting the water supply of the said special water supply districts :

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also a book of reference
35 containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands houses and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited in the offices at Cupar Kirkcaldy and Dunfermline respectively of the principal
40 sheriff clerk of the county of Fife and in the office at Kinross

- A.D. 1910. of the principal sheriff clerk of the county of Kinross and in the offices at Perth and Dunblane respectively of the principal sheriff clerk of the county of Perth and are herein-after respectively referred to as the deposited plans sections and book of reference: 5
- And whereas it is expedient that the further powers in this Order contained should be conferred on the Trustees:
- And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure 10 (Scotland) Act 1899:
- Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—
- Short title. 1. This Order may be cited for all purposes as the Wemyss and District Water Order 1910. 15
- Commence-
ment of
Order. 2. This Order shall (except as otherwise in this Order provided) commence and have effect on and from the date of the passing of the Act confirming the same which date is herein-after referred to as “the commencement of this Order.”
- Interpreta-
tion. 3. In this Order unless there be something in the subject 20 or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the following expressions shall have the meanings respectively herein assigned to them (namely):— 25
- “The burgh” means the burgh of Buckhaven Methil and Innerleven;
- “The town council” means the provost magistrates and councillors of the burgh;
- “Magistrates” mean the magistrates of the burgh and 30 include the provost and bailies;
- “Town clerk” means the town clerk of the burgh;
- “The Town Councils Acts” mean the Town Councils (Scotland) Acts 1900 and 1903;
- “County” means the county of Fife; 35
- “The county council” means the county council of the county;
- “The district committee” means the Kirkealdy district committee of the county council;

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- “The joint committee” means the joint committee for the Wemyss and Buckhaven Methil and Innerleven special water supply districts appointed under the Local Government (Scotland) Acts; A.D. 1910.
- 5 “The parish” means the parish of Wemyss and includes the burgh;
- “The parish council” means the parish council of the parish of Wemyss;
- 10 “The water districts” mean the combined special water supply district of Wemyss the combined special water supply district of Buckhaven Methil and Innerleven and the special water supply district of Windygates and Balcurvie;
- 15 “The Water Acts” mean the Provisional Orders confirmed by the Public Health (Scotland) Act 1867 Order Confirmation (Wemyss) Act 1876 and the Wemyss and Buckhaven Methil and Innerleven Water Supply Confirmation Act 1894 respectively;
- 20 “The date of transfer” means the second day of January one thousand nine hundred and eleven;
- “The Trustees” mean the Trustees incorporated under this Order;
- 25 “The clerk” “the treasurer” “the collector” respectively mean the clerk and treasurer and collector for the time being appointed by the Trustees for the purposes of this Order;
- 30 “The water undertaking” means and includes the waterworks and water undertaking and all the lands property assets rights powers and privileges by this Order transferred to the Trustees and all lands works and property rights powers and privileges for the time being relating to the water districts and also the waterworks authorised by this Order and all the powers rights authorities and privileges conferred on the Trustees by this Order;
- 35 “The Valuation Acts” mean the Lands Valuation (Scotland) Act 1854 and any Acts amending and extending the same;
- 40 “Valuation roll” or “valuation rolls” means the valuation rolls for the county and the burgh respectively made up in terms of the Valuation Acts;

A.D. 1910.

“The sheriff” means the sheriff of Fife and Kinross or the sheriff of Perth as the case may be and includes their substitutes respectively;

“Land” and “house” shall have the meaning assigned to these expressions in the Public Health (Scotland) Act 1897.

Incorporation of Acts.

4. The following Acts and parts of Acts (so far as the same are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order:—

The Commissioners Clauses Act 1847 except the clauses 10 thereof—

(a) with respect to the qualification of commissioners (but not including in such exception sections 8 9 10 and 11);

(b) with respect to the election and rotation of the 15 commissioners where the commissioners are to be elected by the ratepayers or other like class of electors;

(c) with respect to the meetings and other proceedings of the commissioners and their liabilities (but not including in such exception sections 36 38 40 41 42 43 20 44 47 49 50 51 52 53 and 55);

(d) with respect to the accounts to be kept by the commissioners (but not including in such exception sections 89 90 and 91); and

(e) also except sections 66 84 86 and 87: 25

The Lands Clauses Acts:

The Waterworks Clauses Act 1847 except the sections and provisions thereof with respect to—

(a) the communication pipes within the limits of compulsory supply to be laid by the Undertakers; 30

(b) the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit;

(c) the words in section 44 thereof “with the consent “ in writing of the owner or reputed owner of any such 35 “ house or of the agent of such owner”; and

(d) also except sections 68 70 71 and 72:

The Waterworks Clauses Act 1863:

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The sections 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 and the crossing of roads and other interference therewith and in construing the said sections and provisions "the Company" means the Trustees "the railway" means the reservoirs and embankments authorised by this Order and the works immediately connected therewith and "the centre of the railway" means any part of those works:

A.D. 1910.

This Order shall be deemed a special Act within the meaning of the provisions of the said Acts wholly or partly incorporated herewith.

5. The Trustees shall be twelve in number and shall consist of four members of and appointed by the town council (hereinafter called "the burgh members") and eight members of the county council or district committee appointed by the county council (hereinafter called "the county members") of whom two shall be members of the county council representing thereon electoral divisions of the parish of Wemyss:

Constitution
of Trustees.

Provided that the Secretary for Scotland may on the application of the town council or of the county council after the expiration of five years from the commencement of this Order and of every subsequent period of five years by order under his hand alter the number of the county members and burgh members in such manner as he may having regard to all the then circumstances of the case think fair and reasonable.

6. The Trustees shall be a body corporate under the name and style of the "Wemyss and District Water Trustees" with perpetual succession and a common seal and shall have power to sue and be sued and to purchase take hold and dispose of lands and other property for the purposes of this Order and shall have all the other powers and privileges of a body corporate.

Incorporation of
Trustees.

7. The county council and the town council respectively shall appoint annually in the month of December the county members and the burgh members who shall come into office on the first day of January next following their appointment and shall respectively remain in office for one year from the said first day

Election of
Trustees.

A.D. 1910. of January or until the first day of January next following the next appointment of their successors The first appointment of the county members and of the burgh members shall be made by the county council and by the town council respectively on or before the thirty-first day of December one thousand nine hundred 5 and ten.

County member becoming burgh member to vacate office. 8. If any person shall after his appointment and during his term of office as a county member become a burgh member he shall thereupon cease to be a county member and the county council shall in every such case appoint a qualified person in 10 the room and place of such person.

Appointment at meetings of councils. 9. The county council and the town council respectively may appoint the county members and the burgh members at any stated or ordinary or special meeting of the county council or of the town council as the county council and the town 15 council may determine.

Any Trustees may act although other Trustees not appointed. 10. If the county council or the town council as the case may be fail to appoint the county members or burgh members as by this Order provided it shall be competent nevertheless for the other Trustees to carry the purposes of this Order into 20 execution and the acts and deeds of the Trustees so acting shall not be challengeable by reason of the non-appointment of any other Trustees.

Intimation of names of Trustees. 11. Upon every appointment of Trustees the clerk to the county council or the town clerk as the case may be shall by 25 writing under his hand send to the clerk the names of the persons appointed to be Trustees by the county council and the town council respectively.

Trustee neglecting to act &c. to cease to be one. 12. If any county member or burgh member shall intimate in writing to the clerk that he refuses to accept the office of 30 Trustee or if any county member or burgh member shall for the period of six months at any one time neglect to attend or abstain from attending the meetings of the Trustees (not being prevented by reasonable cause to be allowed by the Trustees at any of their meetings) or shall intimate to the clerk in writing 35 that he resigns his office of Trustee (which he may do on giving three weeks' written notice thereof to the clerk) every such intimation or non-attendance shall be taken and held to be a refusal to act and such member shall cease to be a Trustee after such is minuted by the Trustees. 40

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13

13. If any county member or burgh member shall decline to accept the office of Trustee or shall die resign or become incapable of continuing or shall cease to be a Trustee from any cause other than the expiry of the period for which he was appointed the county council or the town council as the case may be shall as soon as may be appoint another qualified person to be a county member or a burgh member in his place and any county member or burgh member so appointed shall continue in office for such time only as the person in whose place he is appointed would have been entitled to continue in office Provided always that it shall be competent notwithstanding any vacancy or vacancies at any time in the office of Trustee or any informality in the appointment of county members or burgh members for the other Trustees to carry this Order into execution until such vacancy or vacancies have been filled up.

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Appointment of Trustee for person declining or ceasing to be one.

14. At all meetings of the Trustees five shall be a quorum.

Quorum of meetings of Trustees.

15. At the first meeting of the Trustees in each year the Trustees shall elect from their own number a Chairman If at any meeting of the Trustees the Chairman be absent one of the Trustees present shall be elected Chairman of such meeting by the majority of the votes of the Trustees present at such meeting and should a vacancy occur in the office of Chairman during his term of office such vacancy shall be supplied by a new appointment and the Chairman so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

Chairman of meetings of Trustees.

16. The first meeting of the Trustees shall be held within the municipal buildings at Buckhaven on the second Thursday of January following the commencement of this Order at two o'clock in the afternoon The annual meeting of the Trustees shall be held on the second Thursday of January in each year or as soon thereafter as may be practicable and at such place and hour as the Trustees may determine Any three Trustees may require a special meeting of Trustees to be held within seven days after the receipt of the requisition by the chairman Provided always that with the exception of the annual meeting the Trustees may notwithstanding anything to the contrary in any of the Acts herewith incorporated hold meetings monthly or otherwise as they may deem necessary.

Meetings of Trustees.

A.D. 1910.
Extract
from minute
books to be
evidence.

17. A copy of or an extract from the minutes or minute book of the Trustees authenticated by the signature of the clerk shall be received as evidence in all legal or other proceedings in the same way and to the same effect as the original minutes or minute book themselves.

5

Committees.

18. The Trustees may appoint one or more committees for carrying out any of the purposes of this Order except as to the borrowing of money and imposing water rates rents and charges and undertaking capital expenditure and may fix the quorum of any committee and prescribe the manner in which the business of a committee shall be conducted.

10

Power to
appoint
officers &c.

19. The Trustees may appoint officers and servants at such salaries and remuneration and on such terms as they may think fit and may from time to time remove any such officers and servants and may make regulations for defining the duties of any officers or servants of the Trustees Provided that the Trustees may if they think it expedient appoint the same person to be clerk treasurer and collector.

15

Appoint-
ment of
auditor.

20. The accounts of the Trustees shall be audited by an auditor to be appointed every year by the Secretary for Scotland and the Trustees may pay him such remuneration for his services as they think reasonable and in the event of any dispute as to such remuneration the amount thereof shall on the application of either party be fixed by the Secretary for Scotland.

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Abolition of
water dis-
tricts and
transfer of
waterworks.

21. Subject to the provisions of this Order the water districts shall from and after the date of transfer cease to exist as combined special water supply districts or as special water supply districts as the case may be and shall cease to be assessed for the purpose of water supply by the county council or district committee or the town council and all the rights powers jurisdictions and authorities of the county council and the district committee and town council or any of them or of the joint committee with regard to the water supply and to the imposing levying and collecting and recovery of water rates charges and assessments within the water districts shall cease and determine and all the waterworks reservoirs lands and property and the whole water undertaking of the water districts together with the main pipes plant and apparatus of and connected with the same and all outstanding accounts rates assessments balances moneys funds and debts which shall at the date of transfer belong to or be

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vested in or held by the county council or the district com- A.D. 1910.
mittee or town council or by the joint committee or other the
water authority within the water districts together with all the
powers rights privileges and authorities pertaining thereto under
5 the Water Acts or any Acts or Orders or agreements decrees
arbitral or contracts so far as relating to the water districts
shall at the date of transfer be and are by virtue of this Order
transferred to and vested in the Trustees and may subject to
the provisions of this Order and the Acts incorporated herewith
10 be held exercised used and disposed of by the Trustees for
the purposes of this Order subject to all debts liabilities and
obligations affecting the same and the provisions of this Order
and the Acts incorporated herewith shall be applicable to the
said waterworks in the same manner and to the same effect as
15 if the said waterworks had been authorised by this Order.

22. From and after the date of transfer all feu contracts feu Conveyances
charters leases dispositions conveyances bonds securities contracts &c. to remain
agreements and obligations granted made or entered into in favour in force.
of or by or with the county council or district committee or town
20 council or the joint committee or their predecessors in so far as
regards the waterworks transferred to and vested in the Trustees
by virtue of this Order shall remain in full force and effect and
shall be available to or against the Trustees in the same manner
as the same were or might have been available to or against
25 the county council or district committee or town council or joint
committee or their predecessors before the said date.

23. All water rates charges and assessments or any proportion Water rates
thereof and all arrears thereof penalties debts and sums of money and arrears.
owing to the county council town council or the district committee
30 or the joint committee of or relating exclusively to the water
districts for the supply of water therein on the date of transfer
shall be due and payable to the Trustees with all interest (if any)
due or accruing due for the same and may (unless otherwise
agreed between the Trustees and the county council with respect
35 to the collection of such arrears) be recovered and enforced by
the Trustees in like manner and as effectually as they could have
been recovered and enforced by the county council town council
or district committee or the joint committee.

24. No action suit prosecution or other proceeding commenced Actions not
40 on or before the date of transfer by or against the county council to abate.
or district committee or town council or joint committee or their

A.D. 1910. predecessors in so far as regards the supply of water within the water districts shall abate or be discontinued or be prejudicially affected by the transfer to the Trustees but all such actions suits prosecutions and other proceedings shall continue and take effect in such and the like manner as the same would have 5 continued and taken effect if such transference had not been made and the Trustees shall come in room and place of the county council or the town council or district committee or joint committee therein in all respects.

Transfer of debts.

25. All debts and sums of money which on the date of 10 transfer are due and owing by the county council or the district committee or town council or joint committee whether by mortgage bond debenture annuity or otherwise so far as they relate to the water supply and water undertaking of the water districts shall be and are by this Order transferred to and 15 shall be undertaken and be payable by the Trustees with all interest due or accruing due for the time and may be recovered and enforced from and against the Trustees in like manner and as effectually as they could have been recovered and enforced for and against the county council and district committee and town 20 council and joint committee And from and after the date of transfer the county council and the district committee and town council and joint committee shall be freed and relieved of any claim or demand made by any creditor holding such security or securities and of any expenses incurred by the 25 county council and town council in connexion therewith and the Trustees may apply any of their funds or the rates and charges authorised by this Order in payment of any such claims or demands if so made.

Accounting between county council &c. and Trustees.

26. All sums of money in the hands or under the control 30 of the county council town council district committee or joint committee or the treasurer or treasurers thereof exclusively applicable or in part applicable to the water supply of the water districts shall in whole or in part as the case may be belong to and be handed over to the Trustees subject to payment of any 35 debts that may be outstanding in connexion therewith (other than money owing on mortgage bond debenture or annuity) and all questions of and relating to accounting between the county council or district committee or town council or joint committee and the Trustees for the ascertainment of the sums so due (if 40 any) to the Trustees shall failing agreement be referred to a

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duly qualified accountant to be mutually appointed by the Trustees the county council and the town council and failing such appointment within one month after the date of transfer to an accountant to be appointed by the Secretary for Scotland
5 on the application of either the Trustees the county council or the town council and the accountant so appointed shall have full right of access to the books accounts and vouchers of the county council district committee joint committee and town council for the purpose of such accounting and shall certify the amount
10 (if any) due to or by the Trustees The amount so certified (if any) as payable to or by the Trustees shall be paid to or by the Trustees within one month after the date of such certificate The fees payable to such accountant shall be paid by the Trustees.

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27. Subject to the provisions of this Order nothing in this
15 **O** rder contained shall prejudice or affect any mortgages bonds or assignments or other writs granted in security for money borrowed (whether repayable by instalments or otherwise) by the county council or the town council or district committee or their
20 **p** redecessors for and in respect of or relating exclusively to the water districts and the supply of water therefor and subsisting at the date of transfer and the same shall during the continuance thereof be as valid and effectual in all respects as if this Order had not been confirmed Provided always that the water rates
25 **c** harges and assessments authorised by this Order shall be substituted for and shall come in lieu and place of the water rates charges and assessments levied and imposed for the supply of water by the county council or the district committee or the town council or joint committee within the water districts as security for money borrowed as aforesaid and the moneys
30 borrowed as aforesaid shall have priority on the rates charges and assessments authorised by this Order over any money borrowed by the Trustees under the powers of this Order.

Priority of existing mortgages.

28. Subject to the provisions of this Order on and after the date of transfer everything before that time done or suffered
35 in relation to the existing water supply to the water districts shall be as valid as if such transfer had not been made and such transfer shall accordingly be subject and without prejudice to anything so done or suffered and to all rights liabilities claims and demands which if the said transfer had not been
40 made would be incident to or consequent on any and everything so done or suffered.

Proceedings saved.

A.D. 1910.
Mainten-
ance of
existing
waterworks.

29. The Trustees may maintain manage and work the existing waterworks for the supply of water within the limits of compulsory supply and to such persons and such places beyond the same as the Trustees are authorised by this Order to supply with water. 5

Power to
make works.

30. The Trustees may subject to the provisions of this Order make and maintain in the lines and according to the levels shown on the deposited plans and sections the additional waterworks herein-after described The waterworks herein-before referred to and authorised by this Order will be situate in the counties of Fife Kinross and Perth and are— 10

(1) A storage reservoir (Reservoir No. 1) situate in the parishes of Forteviot Forgandenny and Arngask or one or more of them commencing at a point in the boundary between the said parishes of Arngask and Forgandenny 450 yards or thereby measured in a westerly direction from the south-west corner of Wester Deuglie farmstead and terminating in the parish of Arngask in an embankment (Embankment No. 1) herein-after described crossing the River Farg 1,000 yards or thereby measured in a westerly direction from the westmost point of Abbots Deuglie farmstead and terminating in the parishes of Forteviot and Forgandenny in an embankment (Embankment No. 2) herein-after described crossing the stream or ditch forming the boundary between the parishes of Forgandenny and Forteviot 450 yards or thereby measured in a north-easterly direction from the eastmost corner of Woodside farmstead. 15 20 25

(2) An embankment (Embankment No. 1) crossing the River Farg and situate in the parish of Arngask commencing at a point in the field or enclosure No. 224 on the 25-inch ordnance survey map (edition 1895) of the parish of Arngask 150 yards or thereby measured in an easterly direction from the south-west corner of the said field or enclosure No. 224 and terminating at a point in the field or enclosure No. 185 in the said parish of Arngask 110 yards or thereby measured in a south-westerly direction from the north-east corner of the said field or enclosure No. 185. 30 35 40

- (3) An embankment (Embankment No. 2) crossing the stream or ditch forming the boundary between the parishes of Forgandenny and Forteviot commencing at a point in the field or enclosure No. 682 on the 25-inch ordnance survey map (second edition 1901) of the parish of Forgandenny 140 yards or thereby measured in a north-easterly direction from the south-west corner of the said field or enclosure No. 682 and terminating at a point in the field or enclosure No. 630 on the 25-inch ordnance survey map (first edition 1896) of the parish of Forteviot 80 yards or thereby measured in a north-easterly direction from the south-west corner of the said field or enclosure No. 630. A.D. 1910.
- (4) A catchwater aqueduct conduit or line of pipes (Catchwater No. 1) situate in the parish of Forteviot commencing at the intake in the Slateford Burn herein-after described and terminating at a point in the reservoir (Reservoir No. 1) herein-before described at a point at or near the embankment (Embankment No. 2) herein-before described.
- (5) An intake (Intake No. 1) in the parish of Forteviot situate at a point on the Slateford Burn 170 yards or thereby measured in a south-easterly direction from the centre of the bridge known as the Slateford Bridge carrying the public road over the aforesaid Burn.
- (6) A conduit aqueduct or line of pipes (Conduit No. 1) commencing in the parish of Arngask at a point in the said River Farg 1010 yards or thereby measured in a westerly direction from the westmost point of Abbots Dèuglie farmsteading and terminating in the parish of Portmoak in the centre of the road or highway at Scotlandwell where the road from Mawcarse Station to Leslie joins the road from Ballingry to Mawcarse Station and Leslie.
- (7) A conduit aqueduct or line of pipes (Conduit No. 2) commencing in the parish of Portmoak at the point of termination of conduit aqueduct or line of pipes (Conduit No. 1) herein-before described and terminating in the parish of Markinch at a point in the village of Windygates where the road from Milton
- (126.) C 2

A.D. 1910.

- of Balgonie to Lundin Links crosses the road from Kennoway by Balcurvie to Kirkcaldy.
- (9) A conduit aqueduct or line of pipes (Conduit No. 4) commencing at the point of termination of conduit aqueduct or line of pipes (Conduit No. 2) herein-before 5 described in the parish of Markinch and terminating at a point in the burgh where the road or street known as Methil Brae crosses the tramways of the Wemyss and District Tramways Company Limited.
- (10) A conduit aqueduct or line of pipes (Conduit No. 5) 10 commencing in the parish of Portmoak at the point of termination of conduit aqueduct or line of pipes (Conduit No. 1) herein-before described and terminating in the parish of Auchterderran in the road or highway leading from Scotlandwell to Lochgelly at a 15 point in the northern boundary of the burgh of Lochgelly.
- (12) Filters and pure water tank (Work No. 12) wholly situate in the parish of Arngask in the fields or enclosures Nos. 185 and 224 on the said ordnance 20 map of the parish of Arngask.
- (13) Filters and pure water tank (Work No. 13) wholly situate in the parish of Kennoway in the field or enclosure No. 30 on the 25-inch ordnance survey map (edition 1894) of the parish of Kennoway adjoining 25 the existing Carriston Reservoir.
- (14) A road of access (Road of Access No. 1) in the parish of Arngask commencing by a junction with the highway immediately to the north of Hayfield Mill and terminating at the embankment (Embankment 30 No. 1) herein-before described.
- (15) A road of access (Road of Access No. 2) wholly situate in the parish of Arngask commencing at the highway near Glendy Mill and terminating in the embankment (Embankment No. 1) herein-before described. 35
- (18) A catchwater aqueduct conduit or line of pipes (Catchwater No. 2) wholly situate in the parish of Kennoway commencing at the stream on the western boundary of the field or enclosure No. 46 on the 25-inch ordnance survey map (edition 1894) of the parish of Kennoway 40 at a point one hundred and twenty yards or thereby measured in a south-westerly direction from the

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northern corner of the said enclosure No. 46 and terminating in the eastern end of the existing overflow channel of the existing Carriston Reservoir. A.D. 1910.

- 5 (19) An intake (Intake No. 2) wholly situate in the parish of Kennoway on the stream at the commencement of the catchwater aqueduct conduit or line of pipes (Catchwater No. 2) herein-before described.
- 10 (20) A road of access (Road of Access No. 3) wholly situate in the parish of Kennoway commencing at the western boundary of the field or enclosure No. 36 on the 25-inch ordnance survey map (edition 1894) of the parish of Kennoway at a point one hundred and sixty-six yards or thereby measured in a southerly direction from the north-west corner of the said enclosure No. 36 and terminating at or near the eastern filter adjoining the existing Carriston Reservoir.
- 15 (22) An enlargement (Enlargement No. 2) by raising the embankment of the existing reservoir known as the Coul Reservoir authorised by the Wemyss and Buckhaven Methil and Innerleven Water Supply Order Confirmation Act 1894 situate in the parishes of Falkland Leslie and Markinch or some of them commencing at a point in the Conland Burn eight hundred and thirty yards or thereby measured in a southerly direction from the south corner of East Conland and terminating at the said embankment.
- 20 (23) Service Reservoir A situate in the parish of Ballingry in the field or enclosure No. 247 on the 25-inch ordnance survey map (edition 1896) of the parish of Ballingry one hundred and eighty yards or thereby north of the most northerly corner of Navitie farmstead.
- 30 (25) A conduit aqueduct or line of pipes (Conduit No. 7) situate in the parish of Ballingry commencing in the public road or highway between Scotlandwell and Lochgelly by a junction with conduit aqueduct or line of pipes (Conduit No. 5) herein-before described at or near the point where the said road or highway is intersected by the county boundary between the counties of Fife and Kinross and terminating in the Service Reservoir A herein-before described.
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- 40

A.D. 1910. 31. In addition to the waterworks by this Order authorised
 Power to and in connexion therewith the Trustees may upon or in the
 make sub- lands delineated on the deposited plans and described in the
 sidiary deposited book of reference make erect and maintain all such
 works. embankments dams weirs intake weirs by wash channels bridges 5
 roads accesses approaches wells tanks gauges filter beds sluices
 outlets drains aqueducts culverts channels cuts mains pipes engines
 machinery buildings telegraphs telephones posts wires and other
 works and conveniences as may be necessary or convenient in
 connexion with or subsidiary to the waterworks or any of them 10
 but nothing in this section shall exonerate the Trustees from any
 action or other proceeding for nuisance in the event of any
 nuisance being caused or permitted by them Provided that any
 telegraphs telephones posts wires and other works made erected
 or maintained by the Trustees shall not be used in contravention 15
 of the exclusive privilege conferred upon the Postmaster-General
 by the Telegraph Act 1869.

Power to 32. The Trustees may in constructing the works by this
 deviate. Order authorised deviate laterally from the lines and position
 thereof as shown on the deposited plans to the extent of the limits 20
 of lateral deviation shown thereon and may deviate vertically from
 the levels of the various works as shown on the deposited sections
 to any extent not exceeding five feet upwards and to any extent
 downwards Provided always that except for the purposes of
 crossing over a stream no part of any pipe shall be raised above 25
 the surface of the ground unless and except so far as is shown
 on the deposited sections Provided that the Trustees shall
 not 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 in the case of 30
 the corresponding embankment or wall and five feet in
 addition.

As to trans- 33. In order that the county council on behalf of the district
 fer of portion committee may have an opportunity if so advised of lodging an
 of water application with the Secretary for Scotland for a Provisional 35
 undertaking Order under the Private Legislation Procedure (Scotland) Act
 to county 1899 not later than the seventeenth day of April one thousand
 council. nine hundred and twelve for the transfer to and vesting in the
 county council of the part of the water undertaking consisting
 of the works authorised by this Order for appropriating and 40
 conveying through the district of the district committee other

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than so much thereof as is situate within the limits of compulsory supply under this Order the waters of the streams called the River Farg Miln Burn Plains Burn and Slateford Burn on such terms and in such manner as Parliament may determine the powers contained in this Order with regard to the said part of the water undertaking shall not except with the consent of the county council be exerciseable until the lapse of two years from the commencement of this Order. A.D. 1910.

34. For the purposes and during the execution of the several works which the Trustees are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Trustees may temporarily from time to time break up or cross over or under alter or stop up any streets highways roads lanes paths bridges passages sewers drains watercourses and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such highway street road lane path bridge or passage or the flow of water sewage or electricity or telephonic communication in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster-General 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 Acts 1882 to 1890 to which the provisions of section 15 of the Electric Lighting Act 1882 apply. Power to
open roads
&c.

35. The Trustees may from time to time subject to the provisions of this Order maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) mains pipes filters filter beds tanks channels and other works and conveniences from time to time in use or required for filtering storing conveying and distributing water for the purposes of their undertaking Provided always that such extension enlargement or increase shall be executed only on lands or property belonging to the Trustees or which may be acquired by them by agreement or in any roads or streets which they may Trustees
may enlarge
or increase
number
of pipes.

A.D. 1910. be by the Waterworks Clauses Acts 1847 and 1863 authorised to open and break up.

Laying
mains on
public roads.

36. The Trustees may subject to the consent of the road authority at any time for the purposes of conveying water from any of the works by this Order authorised or for distributing and supplying water beyond the limits of compulsory supply lay down make maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway and renew alter enlarge duplicate and increase the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all persons injuriously affected by anything done under the provisions of this section.

Trustees to
have powers
of a local
authority
for laying
mains.

37. The Trustees shall within the limits of compulsory supply have and may exercise for the purpose of laying water mains and pipes other than the works described in the section of this Order whereof the marginal note is "Power to make works" elsewhere than in any public road or street all the powers of a local authority under the Public Health (Scotland) Act 1897 with respect to the laying of water mains and pipes inside the district of such local authority.

Power to
take water.

38. Subject to the provisions of this Order the Trustees may by means of the works by this Order authorised or some of them or some part or parts thereof divert impound take appropriate store use and distribute the waters of the streams called Mildeans Burn Carriston Burn Conland Burn River Farg Plains Burn Miln Burn and Slateford Burn and all affluents streams springs and waters flowing into or arising within the said streams and the Trustees may from the said works authorised by this Order and the waterworks transferred by this Order or some of them supply water within the limits of compulsory supply as defined by this Order and to such persons and places beyond the same as the Trustees are authorised by this Order to supply with water.

As to com-
pensation
water.

39.—(1) Until the date of the completion of the Reservoir No. 1 and the Embankments Nos. 1 and 2 and the first filling of the said reservoir the following provisions shall apply:—

The Trustees shall not divert into their works the waters of the River Farg by the Conduit No. 1 by this Order

authorised unless a flow of water at the rate of one hundred and twenty-five thousand gallons per diem is passing the compensation gauge referred to in subsection (2) (B) of this section and the Trustees shall be entitled to take and divert into the said conduit No. 1 the remainder of the water flowing in the River Farg up to an amount not exceeding two hundred and fifty thousand gallons per diem and in the event of the whole flow of the River Farg before such last-mentioned abstraction exceeding the rate of three hundred and seventy-five thousand gallons per diem the Trustees shall be entitled to take and divert into the said conduit No. 1 two-thirds of such excess in addition to the two hundred and fifty thousand gallons before provided and shall leave in the River Farg as compensation water to flow past the compensation gauge one-third of such excess in addition to the one hundred and twenty-five thousand gallons per diem herein-before provided.

(2) After the date of the completion of the reservoir No. 1 and the Embankments Nos. 1 and 2 and the first filling of the said reservoir the following provisions shall apply:—

(A) The Trustees shall during every day of twenty-four hours discharge or deliver into the stream known as the River Farg at a point therein situate not more than two hundred yards below the foot of the embankment No. 1 not less than four hundred and twenty thousand gallons of water in a continuous flow:

(B) For the purpose of measuring the quantity of water to be so discharged or delivered into the said stream the Trustees shall erect and maintain at a point on the said stream below the said embankment No. 1 not more than two hundred yards from the foot of the embankment a proper and suitable measuring gauge over or through which the said compensation water shall flow and such gauge shall be under the sole management and control of the Trustees and shall be open to the inspection and examination at all reasonable times of all persons interested therein or of persons duly authorised by them in that behalf:

(c) In case of any neglect on the part of the Trustees to maintain the gauge in a state of efficiency and in case of any

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other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Trustees shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the 5 sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them :

(D) If any difference arises between the Trustees and any person so interested with respect to the construction 10 or use of the gauge or the state of repair or condition thereof or as to the quantity of compensation water such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the sheriff of 15 the county of Perth :

(E) The provisions of this and the immediately succeeding section shall be accepted and taken by all persons interested as full compensation for all water which the Trustees can divert collect impound or appropriate 20 by means of the works authorised by this Order on the River Farg Plains Slateford and Miln Burns except in respect of any lands situate between the foot of the said embankment No. 1 and the said point of discharge of water into the River Farg. 25

Limiting
abstraction
of water from
Slateford and
Miln Burns.

40. The Trustees shall not divert into their reservoir at Glenfarg the waters of the Slateford Burn or Miln Burn by the intake No. 1 and the catchwater No. 1 authorised under this Order unless a flow at the rate of one hundred thousand gallons per diem is passing down the course of the Slateford Burn past 30 the point of intake and the Trustees shall then be entitled to take and divert into their reservoir the remainder of the water flowing in the Burn up to an amount not exceeding two hundred thousand gallons per diem and in the event of the whole flow of the Burn before abstraction exceeding the rate of three hundred 35 thousand gallons per diem the Trustees shall be entitled to take and divert into their reservoir two-thirds of such excess in addition to the two hundred thousand gallons before provided and shall leave in the Burn to flow past the point of intake one-third of such excess in addition to the one hundred thousand gallons before 40 provided :

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1 GEO. 5.]

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Confirmation.

Provided that during the months of July August and September in any year the Trustees shall not divert into their reservoir at Glenfarg the waters of the Slateford Burn or Miln Burn unless a flow at the rate of three hundred thousand gallons per diem is passing down the course of the Slateford Burn past the point of intake and the Trustees shall then be entitled to take and divert into their reservoir the remainder of the water flowing in the burn up to an amount not exceeding six hundred thousand gallons per diem and in the event of the whole flow of the burn before abstraction exceeding the rate of nine hundred thousand gallons per diem the Trustees shall be entitled to take and divert into their reservoir two thirds of such excess in addition to the six hundred thousand gallons before provided and shall leave in the burn to flow past the point of intake one third of such excess in addition to the three hundred thousand gallons before provided For the purpose of measuring the flow of water in the said burn and the amount of water which the Trustees shall be entitled to take therefrom under the provisions of this section the Trustees shall place in the said burn at or near the intake (Intake No. 1) a proper measuring gauge chamber sufficient for that purpose and such gauge chamber shall be under the control of the Trustees and shall be open to the inspection and examination at all reasonable times of all parties interested therein or of persons duly authorised by them in that behalf.

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41. Subject to the provisions of this Order the Trustees may purchase acquire hold enter upon appropriate take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of the existing waterworks or the works by this Order authorised.

Power to
take lands.

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

For protec-
tion of
North
British Rail-
way Com-
pany.

(1) The Trustees shall not under the powers of this Order take or acquire by compulsion any lands or property of the North British Company but shall be entitled to acquire such servitudes in and under the land and property of the North British Company as may be required for making and maintaining in accordance

(126.)

D 2

A.D. 1910.

with the provisions of this Order the conduits Nos. 1
2 4 and 5 by this Order authorised :

- (2) Before commencing the construction under the powers of this Order of the said conduits aqueducts or lines of pipes in so far as affecting the lands or property 5 of the North British Company the Trustees shall submit plans sections and specifications of their works to the North British Company for their approval and the said works shall be constructed and carried out in conformity only with such plans sections and specifi- 10 cations as approved and at the sight and to the reasonable satisfaction of the engineer of the North British Company and such works shall thereafter be maintained by the Trustees to the reasonable satis- 15 faction of such engineer Provided that the approval of the North British Company shall not be unreasonably withheld and that it shall be deemed to have been given unless the North British Company signify their disapproval within twenty-eight days after submission of the said plans sections and specifications Provided 20 also that any expenses which the North British Company may reasonably incur for inspection or superintendence of the said works during execution or in connexion with the maintenance or repair of these works at any time or in protecting their property 25 during or in connection with the construction maintenance or repair of the said works shall be repaid to them by the Trustees :
- (3) All the works and operations of the Trustees under this Order shall be constructed executed and completed 30 so as not to injuriously affect the structure of any bridge of the North British Company or to cause any injury thereto or to any railway of that company or any interruption to the passage or conduct of traffic on any such railway and if any injury or interruption 35 shall arise from or be in any way owing to the works or operations of the Trustees or the bursting leakage or failure of the said conduits aqueducts or lines of pipes or other works or any of them the Trustees shall forthwith make good or remove such 40 injury or interruption at their own expense or the North British Company may do the same and the

Trustees shall pay to the North British Company all costs and expenses loss or damage including loss of traffic incurred or sustained by them in respect thereof: A.D. 1910.

- 5 (4) The North British Company may repair and when
necessary alter or reconstruct their railways or any
bridge under or over which the said conduits aqueducts
or lines of pipes or any of them may be laid but not so
10 as to injuriously affect the conduits aqueducts or lines
of pipes or works of the Trustees or to interrupt the
water supply otherwise than may be reasonably neces-
sary in connexion with any work of repair alteration
or reconstruction by the North British Company and
15 if any injury or other interruption shall arise to the
said conduits aqueducts or lines of pipes or any of
them from or be owing in any way to any works or
operations of the North British Company on any rail-
way or on any such bridge the North British Com-
pany shall forthwith make good or remove such injury
20 or interruption at their own expense or failing their
doing so the Trustees may do the same and the
North British Company shall pay to the Trustees all
costs and expenses loss or damage incurred or sustained
by them in respect thereof Provided that any such
25 works of the North British Company shall so far as
they may interfere with the works of the Trustees be
done to the reasonable satisfaction of the engineer of
the Trustees Any extra expense which the North
British Company may incur in such repair alteration
30 or reconstruction by reason of the construction or
existence of the said conduits or lines of pipes shall
be paid by the Trustees and such extra expense if
any shall failing agreement be determined by the
arbitrer to be appointed as after mentioned:
- 35 (5) Nothing contained in this Order shall prejudice or affect
the provisions of section 29 of the North British
Railway Act 1907 and the Trustees shall be included
amongst the water authorities for the purposes of the
said section:
- 40 (6) If any difference shall arise between the Trustees and
the North British Company or between their respective
engineers as to the meaning of this section or any

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matter arising under the provisions of this section or as to any plans or sections or the mode of executing any works or as to any costs or expenses loss or damage provided for in this section such difference shall be determined by an arbiter to be appointed 5 by the sheriff on the application of either the Trustees or the North British Company.

For protection of Wemyss Coal Company Limited.

43. The provisions of the section of this Order whereof the marginal note is "For protection of North British Railway Company" shall (unless otherwise agreed upon between the 10 Wemyss Coal Company Limited and the Trustees) so far as applicable extend and apply to the mineral railways of the Wemyss Coal Company Limited.

For protection of National Telephone Company Limited.

44. For the protection of the National Telephone Company Limited (in this section referred to as "the telephone company") 15 the following provisions shall apply and have effect (that is to say):—

(1) The Trustees shall not at any time during the currency of the telephone company's licence from the Postmaster-General to conduct telephonic business remove 20 or interfere with any poles wires pipes conduits or other apparatus (in this section referred to as "apparatus") of the telephone company situate on any lands acquired by the Trustees under the powers of this Order except where the Trustees require so 25 to do for the purposes of this Order and in such case the Trustees shall at their own expense prior to any such interference provide substituted apparatus in such positions as may be reasonably approved by the telephone company and if at any time during the 30 currency of the said licence the Trustees shall require to remove or interfere with such substituted apparatus they shall provide other substituted apparatus in accordance with the foregoing provisions of this section : 35

(2) If any difference arises under this section between the Trustees and the telephone company such difference shall be settled by an engineer to be appointed on the application of either party by the Board of Trade.

Postal facilities.

45. The Trustees may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office 40

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or of any additional facilities (postal or other) in connexion with the works authorised by this Order and any expenses incurred by the Trustees under such undertaking may be defrayed out of any revenue or funds of the Trustees. A.D. 1910.

5 46. Notwithstanding anything in this Order contained none of the powers of this Order shall apply or be exercised or exerciseable within the municipal burgh of Kirkcaldy unless with the consent in writing of the provost magistrates and councillors of that burgh. For protection of Kirkcaldy Corporation.

10 47. For the protection of the Wemyss and District Tramways Company Limited (in this section called "the Tramway Company") the following provisions shall unless otherwise agreed upon between the Trustees and the Tramway Company have effect (that is to say):— For protection of Wemyss and District Tramways Company Limited.

15 (1) Fourteen days before commencing any part of the works by this Order authorised or any works connected therewith in any road street or place where the Tramway Company's tramways are laid the Trustees shall submit to the Tramway Company plans sections specifications and drawings showing the method of constructing such works and shall not commence such construction until the Tramway Company shall have signified their reasonable approval of such plans sections specifications and drawings or have disapproved of the same Provided that in case the Tramway Company shall not have notified to the Trustees their disapproval of such plans sections specifications and drawings within fourteen days from the receipt thereof they shall be deemed to have approved the same and the Trustees may proceed to execute the works in accordance with such plans sections specifications and drawings.

20

25

30

(2) The Trustees shall carry out all such works as aforesaid so as not to cause any interruption of or impediment to the traffic on the tramways of the Tramway Company and in all respects in accordance with such plans sections specifications and drawings as may have been reasonably approved as aforesaid or settled in case of difference by arbitration as hereinafter provided :

35

40 (3) The Trustees shall pay to the Tramway Company all reasonable expenses to which they may be put by or in connection with the construction of the said works

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and in payment of watchmen and inspectors on the tramways of the Tramway Company during construction and any reasonable additional expense which may be caused to the Tramway Company by or in consequence of the construction maintenance or user of the said works;

- (4) If any difference shall arise under this section between the Trustees and the Tramway Company the same shall be determined by an arbiter to be appointed in case of difference by the President of the Institution of Civil Engineers on the application of either party.

For protection of County Council.

48. The Trustees shall not supply water for any purpose within the village of Lumphinnans in the parish of Ballingry without the consent of the county council.

Power to agree for servitudes.

49. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Trustees 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 Order 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.

Power to acquire lands by agreement.

50. In addition to the lands authorised to be taken as aforesaid the Trustees may purchase by agreement lands not exceeding five acres for the purposes of making depôts pipe-yards and other buildings and conveniences in connexion with the water undertaking and the works by this Order authorised but nothing in this Order shall exonerate the Trustees from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land purchased under the powers of this section.

Power to Trustees to acquire additional lands.

51. Subject to the provisions of this Order the Trustees in addition to the other lands which they are by this Order authorised to acquire may enter upon take hold and use for preventing contamination or pollution of any of the reservoirs conduits or watercourses of the Trustees the lands shown upon the deposited plans and described in the deposited book of reference and situate in the parishes of Arngask Forgandenny and Forteviot in the

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county of Perth the parish of Orwell in the county of Kinross, A.D. 1910.
the parishes of Falkland Markinch Leslie Kettle and Kennoway
in the county of Fife:

Provided that—

- 5 (1) After the expiry of a period of six months from the
first day of January one thousand nine hundred and
eleven the powers conferred upon the Trustees by
this section shall cease to be exerciseable otherwise
10 than by agreement with the owners or reputed
owners lessees or reputed lessees and occupiers of
such lands;
- (2) The Trustees shall not except with the consent of the
Secretary for Scotland expend a larger sum than
15 nine thousand pounds in the purchase of such
lands;
- (3) Lands acquired by the Trustees for the purposes of
this section shall not be deemed to be superfluous
lands within the meaning of the Lands Clauses
Acts:

20 Provided also that nothing in this Order shall exonerate the
Trustees from any action or other proceeding for nuisance in the
event of any nuisance being caused or permitted by them on any
lands purchased under the powers of this section.

25 52. The Trustees shall not sink any well upon or construct
any works for taking or intercepting water from any lands
acquired by them unless the works and the lands upon which
the same are to be constructed are specified in this Order or in
an Act of Parliament or Order confirmed by Parliament.

Limiting
powers of
Trustees to
abstract
water.

30 53. The Trustees may on any lands which they may acquire
under the powers of this Order or otherwise construct all such
drains channels and other works as they may think necessary or
desirable for preventing sewage or polluting liquids or contami-
nated or impure water from entering or polluting any of the
reservoirs conduits or watercourses of the Trustees or any waters
35 flowing into the same.

For protec-
tion of
reservoirs
&c. from
pollution.

54. Subject to the provisions of the section of this Order
whereof the marginal note is "Limiting powers of Trustees to
abstract water" the Trustees on selling any lands acquired for or
in connexion with the purposes of this Order and not required to

Reservation
of water
rights on
sale.

A.D. 1910. be retained for those purposes may reserve to themselves all or any part of the water rights belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise 5 of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit.

Power to agree as to drainage of lands.

55. The Trustees may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any reservoirs and works belonging to the Trustees with reference to the execution by the Trustees or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Trustees flowing to upon or from such lands directly or derivatively into such reservoirs and works. 15

Byelaws for preventing pollution of water.

56.—(1) The Trustees may make byelaws for preventing the pollution fouling or contamination of any water which they are authorised to impound and take and may by such byelaws prescribe 20 the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or 25 within so much of such areas as may be defined in the byelaws.

(3) All byelaws made under this section which affect any district beyond the limits of compulsory supply shall be subject to the approval of the local authority for such district Provided that such consent shall not be necessary where in the opinion 30 of the Local Government Board for Scotland it has been unreasonably withheld.

(4) The provisions as to byelaws to be made by a local authority contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to byelaws made by the Trustees 35 under this section.

(5) The Trustees shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed 40

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by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts. A.D. 1910.

57. The Trustees may in lieu of acquiring any lands for the purpose of the conduits or lines of pipes by this Order authorised where the same are intended to be constructed underground acquire such servitudes only in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes and Power to acquire servitudes only for lines of pipes.
10 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 and in respect of the acquisition of such servitudes as fully as if the same were lands within the
15 meaning of those Acts :

Provided that nothing herein contained shall authorise the Trustees to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Trustees 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 :

Provided also that as regards any lands in respect of which the Trustees have acquired servitudes only under the provisions of this section the Trustees shall not 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 subject to such servitudes at all times have the same rights to use and cultivate the said lands as if this Order had not been confirmed.

58.—(1) The Trustees may hold any lands transferred to or acquired by them under this Order and may also by agreement purchase acquire and hold any lands or take servitudes or restrictions over any lands which may in their opinion be necessary or desirable for the purpose of securing the purity of the water in the drainage area of the waterworks of the Trustees and of protecting their water supply against pollution nuisance encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts. Power to acquire and hold lands for prevention of pollution.

A.D. 1910.

(2) The Trustees may let for such period as they think fit or sell or feu any land acquired under this section on such terms conditions and restrictions as regards its use as to the Trustees may seem fit and to secure that such land shall not be manured or broken up for tillage and that no buildings which may 5 prejudicially affect the water supply or the purity of the water shall be erected thereon The proceeds of the sale of any lands by the Trustees shall only be applied to the purposes of this Order to which capital is properly applicable.

(3) Nothing in this Order shall exonerate the Trustees from 10 any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands acquired under the powers of this section and the Trustees shall not erect or permit the erection of any buildings on such lands except such as are required in connexion with the water 15 undertaking or for farm buildings.

Power to discharge water temporarily into streams.

59. The Trustees may at any time for the purpose of repairing or of cleansing any existing works or any of the works or aqueducts authorised by this Order cause the water in any such works or aqueducts to be temporarily discharged into any available drain 20 stream or watercourse.

In the exercise of the power conferred by this section the Trustees shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount 25 of compensation to be settled in case of difference by arbitration.

Period for purchase of lands.

60. The powers of the trustees for the compulsory purchase of lands for the works authorised by this Order shall cease after the expiration of six years from the commencement of this Order. 30

Period for completion of works.

61. If the works authorised to be constructed by this Order are not completed within ten years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Trustees for executing any works not so completed or in relation thereto shall cease except as to so 35 much thereof as is then completed but nothing herein contained shall restrict the Trustees from maintaining using extending enlarging altering replacing relaying increasing adding to or removing any of their conduits aqueducts mains or pipes at any

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time and from time to time as occasion requires for the purpose of supplying water under this Order. A.D. 1910.

62. Whereas the Perth District Committee (herein-after in this section called "the district committee") of the county council of the county of Perth (herein-after in this section called "the county council") formed the village of Glenfarg and the surrounding district into a special water supply district under the Public Health (Scotland) Act 1897 which is known as the Glenfarg special water supply district (herein-after in this section called "the district") and constructed for the supply of water thereto two reservoirs and a filter bed and laid down piping and executed other works necessary for such supply and it is expedient that such works should be transferred to and vested in the Trustees and that they should maintain manage work and use the same for the supply of and should supply water to the district therefrom and from the reservoir No. 1 or the filters and pure water tank (work No. 12) by this Order authorised Therefore the following provisions shall (except so far as otherwise agreed to in writing between the Trustees and the district committee) have effect (that is to say):—

Arrange-
ments with
Perthshire
County
Council
and Perth
District
Committee.

(1) The county council and district committee shall so soon as the Trustees are in a position by means of the Reservoir No. 1 the Embankment No. 1 the Embankment No. 2 the Catchwater No. 1 the Intake No. 1 the Conduit No. 1 and work No. 12 by this Order authorised to afford a supply of water to the district and shall have notified the district committee to that effect transfer to the Trustees the said two reservoirs filter bed piping and other works constructed and executed by the district committee as aforesaid for the supply of water to the district and the Trustees shall from and after such transfer maintain manage work and use the same for the supply of water and shall supply water therefrom to the district in the same way and to the same extent as the district committee as local authority within the district were before such transfer bound to do and shall be and become liable in the place and stead of the county council and the district committee for the balance remaining due to the extent of but not exceeding one thousand seven hundred and fifty pounds of the moneys borrowed by the county

A.D. 1910.

council from the savings bank of the county and city of Perth for the construction of the waterworks to be transferred as herein-before provided from and after the first term of Whitsunday occurring after such transfer and shall relieve the county council and the 5 district committee thereof.

- (2) In addition to the supply of water provided for in the immediately preceding subsection the Trustees shall during every day of twenty-four hours supply the district with ten thousand gallons of water from the 10 said reservoir No. 1 or from the said work No. 12 by this Order authorised for the domestic use of the inhabitants of the district and for sanitary and other purposes and in the event of the population of the district at any time exceeding six hundred persons 15 the Trustees shall further supply from the said storage reservoir or pure water tank during every day of twenty-four hours such further quantity of water as may be required for the said purposes not exceeding in the whole fifteen thousand gallons and shall subject 20 to the provisions of the Waterworks Clauses Act 1847 with respect to supply of water supply and lay down at their own cost and expense all pipes and apparatus necessary for affording the supplies of water provided for by this subsection and the Trustees shall have and 25 may exercise all such powers with respect to the laying down maintenance and repair of such pipes and apparatus as the district committee had or might exercise before the commencement of this Order.
- (3) Nothing in this Order shall alter or affect the burdens 30 conditions provisions and whole other subsisting obligations undertaken by and on the part of the county council and the district committee to be observed and performed specified in (first) a feu contract entered into between Mrs. Elizabeth Forbes or Burt and the 35 county council dated the seventh day of June and registered in the general register of sasines for publication and also in the books of the Lords of Council and Session for preservation the fifteenth day of November both in the year one thousand nine 40 hundred and one and (second) a minute of agreement

Confirmation.

entered into between Mrs. Isabella Elizabeth Mackenzie or Kirkland widow of Major-General John Agmondisham Vesey Kirkland of Wester Fordel William Agmondisham Vesey D'Urban Kirkland and Alexander David Martin Black as trustees of the said Major-General Kirkland and the county council and the district committee dated the twelfth day of July and first second and fourteenth days of October all in the year one thousand nine hundred and one and the said feu contract and minute of agreement shall be read and construed in the same way and to the same effect as if the Trustees had been parties thereto instead of the county council and the district committee.

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- (4)—(A) The county council shall in respect of the obligations to be undertaken by the Trustees as herein-before in this section set forth assess and collect under the Public Health (Scotland) Act 1897 and pay over to the Trustees less the cost of collection an annual sum of money equivalent to an assessment on the assessable rental of the district as appearing in each year's valuation roll for the county of Perth of twopence in the pound and the domestic water rate for the time being charged within the limits of compulsory supply defined in this Order provided that such annual payment in any one year shall not exceed one shilling and fourpence in the pound on the said assessable rental.
- (B) The county council to enable them to fulfil the obligation imposed on them under this subsection shall be entitled and they are hereby authorised and required annually to impose assess levy and recover to such amount as shall be sufficient for the purpose an assessment equally on the owners and occupiers of all lands and heritages within the district which assessment shall be imposed assessed levied and recovered under and in accordance as nearly as may be with the provisions in that behalf of the Public Health (Scotland) Acts 1897 to 1907 with respect to special water assessments in districts other than burghs.
- (5) Nothing herein-before in this section contained shall prevent the Trustees from supplying water in bulk

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within the district under the provisions of this Order on such terms and at such price as may be agreed or as failing agreement may be fixed by the sheriff.

- (6) In the event of the Trustees failing to implement the obligations undertaken by them as set forth in sub-sections (1) (2) and (3) of this section the district committee shall be entitled to call upon the Trustees to retransfer to the district committee the waterworks applicable to the district and the Trustees shall thereupon retransfer the said works as existing at the date of retransfer and the Trustees on making such retransfer shall be relieved of all further liability for the future supply of water to the district and of all liability for payment of any balance which may remain due at the date of retransfer of the moneys borrowed by the county council from the savings bank of the county and city of Perth for the construction of the waterworks to be retransferred as herein-before in this section provided.
- (7) If any difference shall arise under this section between the Trustees and the county council or the district committee the same unless otherwise agreed shall on the application of the parties or either of them be settled by the dean of the Faculty of Advocates in Scotland for the time being whose decision shall be final.

For protection of Perth District Committee.

63. In the execution of the works and the exercise of the powers by this Order authorised and conferred so far as they affect highways in the county of Perth the following provisions for the protection of the Perth District Committee of the county council of the county of Perth (herein-after in this section called "the district committee") shall (except so far as otherwise agreed to in writing between the Trustees and the district committee) have effect (that is to say):—

- (1) All aqueducts conduits or lines of pipes or other works to be laid in or along any county highway or in upon or across any county bridge shall so far as practicable be laid in such position in or at the side thereof as the district committee in writing under the hand of their surveyor for the district may reasonably direct and all works and operations to be executed by the

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Trustees shall be so executed at their risk and they shall maintain the tracks thereof for at least twelve months after the completion of the works: A.D. 1910.

- 5 (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all county highways and county bridges opened and broken up or interfered with by the Trustees in the execution of the works and the exercise of the powers of this Order Provided that the notice required by section 10 30 of that Act shall not be less than seven days instead of three days:
- 15 (3) The plan required by section 31 of the last-mentioned Act shall be accompanied by a section of the proposed works and a short specification thereof and shall be delivered to the district committee or their surveyor for the district by the Trustees not less than in the case of a county bridge one month and in all other cases fourteen days before they commence to break 20 or open up any county highway or interfere with any county bridge for the purpose of executing the works:
- 25 (4) No greater length than one hundred and fifty yards of any county highway shall be broken up at any one place at one time without the consent of the district committee A clear and sufficient carriageway shall be kept for the passage of carriages and traffic along every county highway and county bridge during any interference therewith by the Trustees unless where 30 by arrangement with the district committee a county highway or county bridge may be shut up and in case of default in compliance with this provision the district committee may by their own servants and workmen clear any such carriageway and may recover 35 the expenses of and incident thereto from the Trustees:
- 40 (5) Nothing in this Act shall authorise the Trustees to interfere with the structural part of any county bridge or culvert without the consent in writing of the road surveyor for the Perth district which consent
(126.) F

A.D. 1910.

shall not be unreasonably withheld and may be given upon such conditions as the district committee or the said surveyor may reasonably determine. Provided that the district committee shall be deemed to have given such consent required under this subsection and under subsection (1) of this section if within one month after plans have been submitted to the said surveyor he shall not have given written notice to the Trustees objecting thereto:

- (6) Nothing in this Order contained shall interfere with the right of the district committee to alter the level of or divert or improve in any manner they think fit any county highway in or along which any aqueduct conduit or line of pipes of the Trustees shall have been laid and the Trustees shall forthwith on receiving notice in writing under the hand of the clerk or surveyor of the district committee alter the position of any such aqueduct conduit or line of pipes in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner herein-after prescribed:
- (7) Nothing in this Order contained shall interfere with the right of the district committee at any time or times to remove alter or rebuild any county bridge or the approaches thereto or culvert over near or attached to which any aqueduct conduit or line of pipes of the Trustees is carried in the same manner as they might have removed altered or rebuilt any such bridge or the approaches thereto or culvert if this Order had not been confirmed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge or culvert and in the event of any such bridge or the approaches thereto or culvert over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the Trustees shall at the joint cost of the Trustees and of the district committee alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto or culvert as afore-

said Provided that during the removal alteration or rebuilding of such bridge or the approaches thereto or culvert as aforesaid the district committee shall afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across or along any road or stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such aqueduct conduit or line of pipes :

- 5
- 10 (8) The Trustees shall construct and maintain in connexion with the aqueducts conduits or lines of pipes by this Order authorised crossing or passing along any highway or road hydrants or other suitable apparatus or appliances for taking water from the said pipes
- 15 which shall be placed along and at the side of such highways or roads at intervals of not less than one mile or at such places not more numerous as shall be arranged between the Trustees and the district committee and the district committee shall be entitled to
- 20 the use of the same and to take water thereby free of charge up to but not exceeding twenty thousand gallons yearly through their servants and workmen for the purpose of their road engines and the renewal maintenance and repair of highways and roads and bridges and for watering the same and the extinguishing of fires but the water shall not be so taken or used for any other purpose unless otherwise agreed upon as aforesaid The district committee shall pay to the Trustees for a supply of water exceeding
- 25 twenty thousand gallons yearly such rates as may be agreed upon or failing agreement may be fixed by arbitration as herein-after provided :
- 30
- 35 (9) All works shall be so executed by the Trustees as not to stop the traffic and so far as reasonably practicable not in any way to impede or interfere with the traffic on any highway or over any county bridge or the approaches thereto :
- 40 (10) The district committee shall not be liable for or in respect of any damage or injury done to any work of the Trustees by reason of such work being laid at a depth below the surface of any highway insufficient

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for its protection from injury arising from the reasonable use of any steam or other roller or traction engine for the repair of such county highway or from the passage of the traffic in such highway or in repairing any county bridge or the approaches thereto or culvert :

- (11) For the purposes of section 57 of the Roads and Bridges (Scotland) Act 1878 the Trustees shall be deemed to be the person by whose order any excessive weight shall have been passed or any extraordinary traffic conducted on the county highways in connexion with the execution of the works by this Order authorised The Trustees shall make payment to the district committee for and in respect of the carriage or haulage over any highway situate within the district of the district committee of materials to be used by the Trustees in the construction repair or maintenance of the works or any of them by this Order authorised or in the reconstruction thereof of threepence per ton for each mile for and in respect of such materials so carried or hauled by traction engine haulage and of twopence per ton for each mile for and in respect of such materials so carried or hauled in carts and may for the purpose of such traffic lay down at the sight and to the reasonable satisfaction of the road surveyor of the district committee and during the construction of the works by this Order authorised or such further period as may be agreed upon between the Trustees and the district committee and so long as they shall continue to pay to the district committee the sum of ten guineas per annum use a line of rails on the level across any highway or public road situate between Glenfarg Railway Station and the reservoir No. 1 Provided that the Trustees shall erect and maintain gates across such line of rails on each side of the road and shall on the abandonment by them of such line remove the rails and at their expense restore the surface of the roadway to the reasonable satisfaction of the said road surveyor Provided further that the Trustees shall be bound to relieve the district committee of all claims for damages attributable to any operations of the Trustees under this subsection

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or to the line of rails being on the highway or footpath : A.D. 1910.

- 5 (12) If any difference arises between the district committee and the Trustees touching this section or anything to be done or not to be done thereunder such difference shall failing agreement be referred to the decision of an arbiter to be named (failing agreement of the parties to name an arbiter) by the sheriff on the application of either party and the decision of such arbiter shall
10 be final.

64. The provisions of the immediately preceding section shall so far as applicable extend and apply to and for the protection of the Kirkcaldy District Committee of the county council.

For protection of Kirkcaldy District Committee.

- 15 65. For the protection of the waterworks commissioners of Kirkcaldy and Dysart (in this section called "the commissioners") the following provisions shall unless otherwise agreed upon between the Trustees and the commissioners have effect (that is to say) :—

For protection of waterworks commissioners of Kirkcaldy and Dysart.

- 20 (1) Notwithstanding anything in this Order contained none of the powers conferred upon the Trustees shall be exercisable within the burghs of Kirkcaldy and Dysart without the consent in writing of the commissioners :
- 25 (2) No supply of water shall be given by the Trustees beyond the limits of compulsory supply and within the limits within which the commissioners are at the commencement of this Order authorised or required and are willing to supply water without the consent of the commissioners :
- 30 (3) Nothing in this Order contained shall restrict diminish or limit any of the powers conferred upon the commissioners by the Kirkcaldy and Dysart Waterworks Acts 1867 to 1908 :
- 35 (4) In carrying out any of the works under this Order the Trustees shall not themselves alter or interfere with the existing mains branch and service pipes or other works of the commissioners or the lines and levels of the same or any apparatus valves accesses or entrances connected therewith nor prevent or injuriously affect or interrupt the flow of water but in the
40 event of any alterations or interference with such works

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aforesaid being required by the Trustees in the exercise of the powers conferred upon them by this Order such alterations or interference with such works shall be executed by the commissioners and the commissioners shall use every means in their power to have 5 such alterations on or interference with their respective works executed as economically as possible and with all reasonable despatch and in such a manner as will enable the Trustees to carry out their works without undue delay The reasonable cost of so much of such 10 alterations or interference with such works by the commissioners as is reasonably due to the operations of the Trustees shall be paid by the Trustees to the commissioners within three months after a detailed account thereof shall have been rendered to the 15 Trustees and should any dispute arise as to what is due by the Trustees the same shall be determined by arbitration in manner in this section provided and the commissioners' works as so altered shall remain part of the statutory undertaking of the commissioners: 20

- (5) In the event of any alterations on or deviations of any water mains branch or service pipes or other works and property of the commissioners being necessary by or in consequence of the operations of the Trustees for more effectually securing and safeguarding the 25 same or for the construction of such works as may be required for the protection of the commissioners' undertaking such alterations or deviations or protection works shall be executed and completed by the commissioners at the expense of the Trustees Provided 30 that no such works intended to be executed at the expense of the Trustees shall be commenced without giving at least fourteen days' written notice or if the circumstances are urgent then such notice as the circumstances permit to the Trustees with the particulars 35 including plans and sections of the works intended and the estimated cost thereof and the same shall be executed as economically as possible and so as to interfere as little as possible with the works of the Trustees and the Trustees may elect to vary or alter 40 their works so as to render unnecessary or lessen the proposed operations on the part of the commissioners

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and require the intended alterations or deviations to be correspondingly varied: A.D. 1910.

- 5 (6) The commissioners shall at all times have right of access to their existing and future mains branch and service pipes and works connected therewith and to any protective works which may be constructed as herein provided for the purpose of the examination cleansing and renewal repair and duplication enlargement alteration and maintenance of the same and for making 10 any additional works which they may consider necessary or may see fit or may be hereafter authorised to construct:
- 15 (7) The Trustees shall before proceeding with any works or operations which interfere with or affect any of the mains branch and service pipes and other works of the commissioners give at least one month's previous written notice of the intention of the Trustees so to do to the secretary of the commissioners and shall 20 submit plans and sections showing the intended operations which plans and sections shall so far as any of the mains or branch pipes or other works of the commissioners shall or may be interfered with or affected be subject to the reasonable approval of the engineer of the commissioners and the Trustees shall carry out 25 such works only in accordance with the plans so approved:
- 30 (8) All additional expenditure which at any time after the commencement of this Order may be reasonably incurred by the commissioners in consequence of the construction or laying down or by reason of the existence of any mains pipes or other apparatus of the Trustees within the area of supply of the commissioners which but for the confirmation of this Order and the exercise of the powers conferred on the Trustees would not have otherwise arisen shall be 35 borne and paid by the Trustees:
- 40 (9) The commissioners shall not be liable for any loss or damage which the Trustees may sustain by the exercise in a reasonable manner by the commissioners of any statutory powers possessed by them for the time being for the management inspection

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repair maintenance and renewal of their works or conferred by this Order or in connexion with the construction and maintenance at any time of new and additional mains branch and service pipes and other works which may be found necessary for the purposes 5 of their undertaking:

- (10) If any difference shall arise at any time between the Trustees and the commissioners with respect to any of the matters referred to in or arising out of this section except subsections (1) (2) and (3) hereof or 10 with respect to the execution of any works therein provided for or referred to such difference shall failing agreement of the parties to name an arbiter be referred to an arbiter to be nominated by the sheriff on the application of either of the said parties 15 and the decision of the said arbiter in all such matters so referred shall be final Provided however in reference to the eight inch or larger mains of the commissioners and the apparatus and valves connected therewith the commissioners shall be entitled absolutely 20 to decide the manner in which and the conditions upon which such mains shall be altered or interfered with and in these cases the said arbiter shall failing agreement decide whether and to what extent such alteration or interference was due to the operations of 25 the Trustees and the amounts reasonably chargeable against the Trustees in respect thereof.

For protec-
tion of trus-
tees of late
James Law-
rence Boyd.

66. The following provisions for the protection of the trustees of the late James Lawrence Boyd of Glendouglie and Candy (herein-after in this section called "the proprietors") shall unless 30 otherwise agreed upon between the Trustees and the proprietors apply and have effect:—

- (1) The road of access No. 1 shall be temporary and after the completion of the works authorised by this Order the ground shall be restored by the Trustees to its 35 present condition and the fences to be erected by the Trustees in pursuance of this section shall be removed by them The said road of access No. 1 shown on the plans so far as passing through the proprietors' lands to the north of the River Farg shall instead 40 thereof be carried on the south or Candy side of the

said river from the boundary of the said estate at or about Hayfield Mill to a point on the River Farg one hundred feet or thereabouts west of the division line between the enclosures numbered 25 and 26 on sheets Nos. 1 3 and 6 of the deposited plans :

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- 5 (2) The Conduit No. 1 shall be laid on the same line as the road of access No. 1 as altered (that is to say) on the south and north sides of the said river between the respective points referred to in the foregoing subsection :
- 10 (3) Before commencing the construction of the said road of access No. 1 and before laying the conduit on and within the lines thereof the Trustees shall enclose the ground to be taken for the said road with a sufficient fence on both sides to the reasonable satisfaction of the proprietors so as to separate the ground so taken from the rest of the proprietors' lands for the whole length of the road so far as it passes through the proprietors' lands Provided always that where an existing fence alongside said river is available it shall not be incumbent on the Trustees to erect a second fence but the Trustees shall be bound to maintain such available fence and hand it over to the proprietors at the termination of their operations in good order The Trustees shall also make provision for the unobstructed use by the proprietors and their tenants during the Trustees' occupation of the said ground of all existing roads paths and tracks on the said lands which may be crossed by the said road by supplying gates in the fences to be constructed under this subsection or other means of passage to the reasonable satisfaction of the proprietors :
- 15
- 20
- 25
- 30 (4) The Trustees undertake to provide during their operations to the reasonable satisfaction of the proprietors a sufficient supply of water to the different fields along the route of the said road of access No. 1 :
- 35 (5) The Trustees shall settle with the tenants of the proprietors all claims of whatever nature arising out of the occupation by the Trustees of any part of the proprietors' lands and also all claims for damage sustained by the said tenants from any action or
- 40

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trespass committed by the servants of the Trustees on the proprietors' lands so far as not taken and whether such action or trespass be authorised by the Trustees or not:

- (6) The maintenance and upkeep of that part of the road 5
of access No. 2 between the public road from
Glenfarg to Milnathort (commonly called the Newhill
Road) and the point where the branch road to Candy
leaves the said road of access No. 2 shall (subject
and without prejudice to the existing obligation 10
of the county council of the county of Perth to
maintain the portion of the said road of access No. 2
situate between the said public road from Glenfarg
to Milnathort and the centre of the bridge over the
Glendy Burn) be borne jointly by the Trustees and 15
the proprietors and the Trustees shall relieve the
proprietors of the maintenance and upkeep of the
remaining portion of the said road of access No. 2
between the said branch road to Candy and the ford
across the River Farg: 20
- (7) In the event of the operations of the Trustees causing
any injury or damage to the fences dykes gates
bridges or other structures on said lands or to the
banks embankments and water gates of the said River
Farg and the said Glendy Burn the same shall be 25
repaired by the Trustees to the reasonable satisfaction
of the proprietors:
- (8) If any difference arise between the proprietors and the
Trustees touching this section or anything to be done
or not to be done thereunder such difference shall 30
failing agreement be referred to the decision of an
arbiter to be named (failing agreement of the parties
to name an arbiter) by the sheriff on the application
of either party and the decision of such arbiter shall
be final. 35

For protec-
tion of
Edward
Balfour of
Balbirnie.

67. The following provisions for the protection of Edward
Balfour of Balbirnie (herein-after in this section called "the
proprietor") shall unless otherwise agreed upon between the
proprietor and the Trustees apply and have effect:—

- (1) Nothing in this Order contained shall prejudice the 40
rights and privileges conferred on the proprietor

and Charles Barrington Balfour of Balgonie under the minute of agreement entered into between the Kirkcaldy District Committee and the town council's predecessors the commissioners of the burgh of Buckhaven Methil and Innerleven on the first part and the proprietor's father John Balfour of Balbirnie and the said Charles Barrington Balfour on the second part dated thirty-first March ninth seventeenth and thirtieth April one thousand eight hundred and ninety-four:

(2) Notwithstanding anything in this Order contained the Trustees shall not appropriate the springs and other water supplies which at present form the domestic supply to the mansion house of Balbirnie home farms of Balfarg and Mains and other parts of the estate of Balbirnie or belonging to the proprietor:

(3) The Trustees shall not in the exercise of the powers of this Order raise the top water level of Coul Reservoir so as to flood lands other than those presently belonging to the proprietor and the lands already acquired for the existing reservoir.

68. Subject to the provisions of this Order the limits of compulsory supply shall be and shall comprise and include the whole district and area comprised and contained within the boundaries specified and set forth in the First Schedule to this Order which limits are in this Order referred to as "the limits of compulsory supply."

69. In the event of the Trustees supplying water beyond the limits of compulsory supply to and within the jurisdiction of any local authority as defined by the Public Health (Scotland) Act 1897 they shall be bound if and when such local authority shall themselves resolve to supply water to and within the jurisdiction of such local authority beyond the said limits to sell to such local authority on receiving six months' notice in writing any pipes plant or other apparatus of the Trustees which are used exclusively for the distribution of water within the jurisdiction of such local authority beyond the said limits under the powers of this Order and that for such price as may be agreed on or failing agreement as may be fixed by arbitration under the Lands Clauses Acts.

Limits of compulsory supply.

Sale of portion of pipes within jurisdiction of other local authorities.

A.D. 1910.
Pressure.

70. The water to be supplied from any main or pipe of the Trustees need not be supplied in any case at a level higher or at a pressure greater than can be supplied or afforded by gravitation from the reservoir or tank existing or by this Order authorised from which the supply is taken. 5

Suspension
of constant
pressure
during
repairs &c.
Suspension
of constant
supply.

71. The water to be supplied by the Trustees need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations.

72. Notwithstanding anything to the contrary contained in the Waterworks Clauses Acts 1847 and 1863 the Trustees until 10 the expiration of ten years from and after the commencement of this Order or until the waterworks authorised by this Order shall have been substantially completed and the water therefrom introduced whichever shall first happen shall not be bound to give or maintain a constant supply. 15

Supply of
water for
domestic use
within limits
of compul-
sory supply.

73. The Trustees shall so far as not already laid cause pipes to be laid and water to be brought through all streets and roads or portions of streets or roads along which houses are built within the limits of compulsory supply and shall as soon as conveniently may be after the completion of the reservoirs and 20 other works by this Order authorised to be constructed at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the said limits or any person entitled to demand a supply of water under the provisions herein contained furnish to such person by means 25 of communication pipes and other necessary and proper apparatus to be provided laid down and maintained by and at the cost of such person unless otherwise agreed between him and the Trustees a sufficient supply of water for domestic purposes (including a supply for private water-closets and private fixed baths in each 30 such dwelling-house) including the office-houses yards and other pertinents of the same Provided that no person shall be entitled to demand such supply of water or to require the Trustees to lay down pipes or fire plugs unless some pipe of the Trustees shall have been laid within one hundred yards of the premises 35 in respect of which such supply of water or pipes or fire plugs are demanded or in the case of tenements situated in a private close or place unless a water pipe of the Trustees shall have been laid within one hundred yards of the entrance to such close or place or unless the Trustees shall have become bound by 40 virtue of a requisition and agreement made and executed in the

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manner and to the extent required by the Waterworks Clauses Act 1847 to cause pipes to be laid down within the said distance of one hundred yards of such premises. A.D. 1910.

74. The Trustees may furnish to any person or company
5 within the limits of compulsory supply a supply of water for
other than domestic purposes to shops offices and warehouses
and for steam engines or railway purposes or for docks or the
ships therein or for warming or ventilating any premises other
than dwelling-houses or for working any machine or apparatus or
10 for cattle or for horses or for washing carriages or for a hose for
watering gardens or for garden fountains or ornamental purposes
or for any trade manufacture business or occupation or for hotels
taverns public houses restaurants or any other purposes other than
domestic which respective supplies shall be furnished upon such
15 terms and conditions and at such rates as shall be fixed from time
to time by the Trustees and approved by the sheriff and published
by being exhibited in the office of the Trustees or upon such
terms as may be agreed between the Trustees and any such
person or company desiring such supply Provided that in the
20 event of any disagreement either as to the ability of the Trustees
to give a supply of water under this section or as to the rates
terms or conditions on or in respect of which the supply is to
be given the same shall subject to the provisions of this Order
be fixed by the sheriff in a summary manner upon the application
25 of the Trustees or of any person or company aggrieved and the
decision of the sheriff shall be final Provided also that so far
as possible the rate for such supply of water shall be uniform
to all persons or companies in the same circumstances and
requiring the same extent of supply and the charges for such
30 supply shall be recoverable in the same manner as any other
water rates or charges may be recovered under the authority of
this Order and of the Waterworks Clauses Acts 1847 and 1863 and
the Public Health (Scotland) Acts 1897 to 1907 Provided further
that when water is supplied by measure the Trustees shall not
35 charge the persons or companies obtaining the same with the
water assessment for the premises for which such supply is given
and also charge for the same by measure but the Trustees shall
have the option either to charge the person or company obtaining
such supply with the water assessment in respect of such premises
40 or to charge the same by measure Provided always that the
supply of water under this section shall not prejudicially affect

Trustees may
supply water
for other
than domes-
tic purposes.

- A.D. 1910. or restrict the supply of water from time to time required for domestic purposes within the limits of compulsory supply and in the application of this section to lands premises or buildings belonging to any railway company or colliery undertaking the Wemyss Collieries Trust Limited or the Wemyss Coal Company Limited such company undertaking or trust shall be entitled to require the Trustees to set off against the aggregate of the said rate levied upon their whole lands premises and buildings other than dwelling-houses within the limits of compulsory supply the aggregate amount of the charges for water furnished to such companies or trust for other than domestic purposes at all places wheresoever within the limits of compulsory supply the Trustees being entitled to charge either of such aggregates as they shall think fit. 5 10
- Payment of charge for water supply. 75. The charge for the supply of water under the immediately preceding section of this Order shall be payable quarterly or at such other times as the Trustees shall fix and unless the Trustees shall otherwise determine shall if payable quarterly or for a shorter period be paid in advance. Provided that where the supply is furnished by measure the consumer may be required to deposit such sum in security of the payment for such supply as the Trustees may think necessary. 15 20
- Contracts for supplying water in bulk. 76. The Trustees may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of compulsory supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district. 25 30
- Supply of water by Trustees along line of pipes. 77. The Trustees may from and after the completion of the reservoirs and other works authorised to be constructed as aforesaid supply by agreement water from any of the lines of pipes by this Order authorised or from any of the works of the Trustees to any owners or occupiers of lands or heritages lying adjacent or near to the same and also to any person within the parishes of Arngask in the county of Perth Orwell and Portmoak in the county of Kinross Auchterderran Auchtertool Ballingry 35 40

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55

Dysart Falkland Kennoway Kinglassie Leslie Markinch Scoonie and Strathmiglo in the county of Fife or within some or one of them in or through or near to which the lines of pipes or water-works of the Trustees may pass or be constructed and the Trustees
5 may contract with all or any of such persons for such supply at such rates upon such terms and conditions and for such period or periods of time as they may agree Provided always that any supply of water under the provisions of this section shall not
10 prejudicially affect or restrict the supply of water from time to time required for all purposes within the limits of compulsory supply or any supply of water which under the provisions of the Waterworks Clauses Acts and this Order the Trustees may be required to give beyond the limits of compulsory supply
15 Provided further that the supply of water by the Trustees under this section shall so far as the same is given beyond the limits of compulsory supply be subject to the consent of the local authority of the district within which such supply is proposed to be given.

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78. The agreement between the town council of the one part
20 and the county council of the county of Kinross of the other part as set forth in the Sixth Schedule to this Order is hereby confirmed and made binding on the Trustees and on the said county council respectively.

Confirming
agreement
with Kinross
County
Council.

79. The agreement between the town council of the one part
25 and the Wilsons and Clyde Coal Company Limited of the other part as set forth in the Seventh Schedule to this Order is hereby confirmed and made binding on the Trustees and on the said Wilsons and Clyde Coal Company Limited respectively Provided
30 always that in the event of the county council promoting and obtaining a Provisional Order for the transfer to them of part of the water undertaking in accordance with the provisions of the section of this Order whereof the marginal note is "As to transfer of portion of water undertaking to county council"
35 for the purpose of supplying water to the district of the district committee including the area coloured red on the plan annexed to the said agreement and in the event of such Provisional Order being framed generally as regards rating on the lines of the Dunfermline District Water Order 1904 and particularly of its
40 restricting any public water rate thereby authorised to a rate not exceeding threepence in the pound the said agreement shall cease and determine.

Confirming
agreement
with Wilsons
and Clyde
Coal
Company
Limited.

- A.D. 1910. 80. The agreement between William Thomas Ketchen writer
to the signet on behalf of the Promoters of this Order and
Beveridge Sutherland and Smith solicitors on behalf of the
trustees of the late Alexander Beveridge of Craigfarg as set
forth in the Eighth Schedule to this Order is hereby confirmed 5
and made binding on the Trustees and on the Trustees of the
said Alexander Beveridge respectively.
- Cleansing
sewers &c. 81. The Trustees may if they see fit furnish a supply of
water for the purposes of watering or cleansing streets or of
flushing or cleansing sewers and drains or for public baths 10
or washhouses or for public fountains either gratuitously or at
such charge or reduced charge and upon such terms and con-
ditions as they shall think proper Provided always that the
supply of water under this section shall not prejudicially affect
or restrict the supply of water from time to time required for 15
domestic or trade or manufacturing purposes within the limits of
compulsory supply.
- Water for
road &c.
purposes. 82. Water supplied to any local or road authority for road
purposes and for flushing sewers shall be supplied through a
stand pipe the diameter of the orifice of which shall be determined 20
by the Trustees.
- Owners to
provide and
maintain ser-
vice pipes. 83. For the purpose of providing for the better distribution
of the water supply among the inhabitants it shall be lawful
for the Trustees to require the owner of any dwelling-house or
tenement of dwelling-houses not properly supplied with water in 25
any street within the limits of compulsory supply in which the
pipes of the Trustees are laid to take a supply of water for
such house or tenement by connecting a service pipe with the
main pipe of the Trustees in any such street (such connexion
to be made by the Trustees or some person to be employed by 30
them at the expense of the owner) and to provide lay and
maintain in good and sufficient repair such service pipes stand
pipes or taps cisterns and other apparatus and in such positions
as shall appear to the Trustees to be necessary for that purpose
and in the event of refusal or delay on the part of such owner 35
to comply with such requisition it shall be lawful for the Trustees
to enter such house or tenement and premises connected there-
with at any reasonable hours of the day and to provide lay and
maintain such service pipes stand pipes or taps cisterns and
other apparatus in such positions as aforesaid and to recover the 40

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expense thereof from such owner in the same manner as rates or charges are recoverable by the Trustees under this Order and the Waterworks Clauses Acts 1847 and 1863 Provided always that in the case of houses not exceeding four pounds of yearly
5 rent or value such owner shall not be required to introduce water into each house but only such means of supply for each tenement of houses as the Trustees may deem necessary Provided also that in case of any question or difference arising between the Trustees and any owner with respect to the necessity for a
10 supply of water being provided for any house or tenement under this section or with respect to the number or description of service pipes stand pipes or taps cisterns or other apparatus necessary for the purpose aforesaid the same shall be determined and fixed by the sheriff in a summary manner on the applica-
15 tion of either of the parties and the decision of the sheriff shall be final.

A.D. 1910.

84.—(1) The Trustees may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature
20 materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil pans waterclosets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use
25 of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

Byelaws for preventing waste of water.

(2) Such byelaws shall apply only in the case of premises to which under this Order the Trustees are bound to afford and do in fact afford or are prepared on demand to afford a constant
30 supply and such byelaws shall be approved and confirmed by the Local Government Board for Scotland.

(3) In case of the failure of any person to observe such byelaws as are for the time being in force the Trustees may if they think fit after twenty-four hours' notice in writing enter
35 and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Trustees as
40 the water rates in respect of the premises are recoverable.

- A.D. 1910.
Penalty for taking water from public wells except for domestic use. 5
85. Every person who takes water from any of the public fountains or stand pipes supplied from any of the mains or pipes of the Trustees for any purpose other than domestic use or drinking shall for every such offence be liable to a penalty not exceeding five pounds.
- Tube or hose not to be affixed to mains or pipes without consent of Trustees. 10
86. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the Trustees without their written consent to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the Trustees or to any service pipe or apparatus of such owner or occupier for the purpose of washing horses or carriages or other vehicles houses or buildings or windows or for watering gardens or washing pavements of roads or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for every such offence forfeit and pay to the Trustees a penalty not exceeding forty shillings. 15
- Trustees not bound to supply several houses by one pipe. 20
87. The Trustees except where otherwise expressly provided in this Order shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.
- Notice of discontinuance. 25
88. A notice to the Trustees from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Trustees.
- Supply to houses partly used for trade &c. 30
89. The Trustees shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.
- Power to sell or let meters. 35
90. The Trustees may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.
- The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Trustees to let for hire any water fittings to any person supplied by them with water.
- Notice to Trustees of connecting 35
91. Before any person connects or disconnects any meter by means of which any of the water of the Trustees is intended to be or has been registered he shall give not less than twenty-four

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hours' notice in writing to the Trustees of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Trustees and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

A.D. 1910.
or discon-
necting
meters.

92. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Trustees or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Trustees shall (without prejudice to any other right or remedy for the protection of the Trustees) be liable to a fine not exceeding five pounds and the Trustees may in addition thereto recover the amount of any damage by them sustained.

Injuring
meters &c.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Trustees or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Trustees the Trustees may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Trustees by the person so offending and may be recovered by them as water rates and assessments are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Trustees when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

(126.)

H 2

A.D. 1910.
Power to
supply
fittings.

93.—(1) The Trustees may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil pans water-closets and other fittings as are required or permitted by their regulations 5 and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Trustees in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to poinding or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal 15 plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Trustees as the actual owners thereof.

Provided as follows:—

- (A) It shall not be lawful for the Trustees to expend 20 money (except through a contractor) upon the provision of such fittings or of labour and materials required for the fixing repairing or removal thereof upon or from the premises of their consumers or prospective consumers : 25
- (B) The Trustees shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including interest 30 upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed) :
- (c) Every sum charged by the Trustees in respect of provision of such fittings or the repairing fixing 35 or removal thereof shall be clearly stated in every demand note delivered by the Trustees to the consumer :
- (D) The total sums expended and received by the Trustees in connexion with the purposes in this section 40

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mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the Trustees for such year. A.D. 1910.

94. The Trustees may on the application of the owner or occupier of any premises within the limits of compulsory supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply. Power to lay pipes in streets not dedicated to public use.

95. For the purpose of complying with any obligation under this Order to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. As to breaking up ground for maintaining communication pipes.

96. The Trustees may subject to the provisions of this Order 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 and in both cases a meter for ascertaining the quantity consumed shall be provided by the Trustees at a reasonable rent to be fixed by the Trustees. Rent for water may be ascertained by meter.

97. The Trustees shall and they are hereby authorised and required once in every year to estimate and fix the amount of money necessary to be levied for the purpose of defraying the costs charges and expenses of supplying water for and during the year then current and the interest of money already borrowed and owing at the commencement of this Order and transferred by this Order to the Trustees or that may be borrowed or that may be due under the provisions of this Order or for payments of any instalments of principal or of principal and interest of any moneys already borrowed or to be borrowed and the payment to the sinking fund together with the expense of maintaining and managing the works transferred by and the works to be constructed under this Order and obtaining and providing and distributing the supplies of water and the salaries wages and other expenses of the treasurers engineers surveyors clerks collectors or other officers or servants employed by the Trustees and all other charges and expenses chargeable against revenue. Trustees to estimate annual sums required.

A.D. 1910.

Estimate
to be con-
sidered and
water rate
imposed.

98. The estimate to be made up in manner before provided shall be submitted to and considered by the Trustees at a meeting to be held as soon as conveniently may be after they shall have obtained a copy of the valuation roll or rolls for the year then current and at such meeting or any adjournment thereof the Trustees may and they are hereby authorised and required in order to raise such a sum of money as along with the other water revenues of the Trustees shall be sufficient for the purposes aforesaid annually to impose assess levy and recover to such amount as shall be necessary an assessment (in this Order called "the water assessment") equally on owners and occupiers of all lands and premises within the limits of compulsory supply which water assessment shall be imposed assessed levied and recovered under and in accordance as nearly as may be with the provisions in that behalf of the Public Health (Scotland) Acts 1897 to 1907 with respect to special water assessments in districts other than burghs and with the rights powers privileges and preferences conferred by those Acts on local authorities of districts other than burghs with respect to the water supply of a district which provisions shall mutatis mutandis apply to the Trustees and to the water undertaking of the Trustees in the same way and to the same extent and effect as such provisions apply to the district of a local authority other than a burgh :

Provided that for a period of two years from the commencement of this Order the water assessment shall be levied by the Trustees in the same proportions as heretofore between the landward and burghal areas and that the existing arrangements shall also be continued for the like period as regards the appropriation of the price of water sold for manufacturing purposes The water assessment shall not exceed the rate of three shillings in the pound provided that if the produce of a rate of three shillings in the pound shall not be sufficient to meet the expenditure bonâ fide incurred or contemplated it shall be lawful to increase the water assessment to such extent as may have been approved of by the Local Government Board for Scotland Provided also that as regards all persons who shall be the owners or occupiers of any dwelling-houses railway stations or other buildings (other than tenements situated in a private close or place) they shall not be liable to be assessed in respect thereof for the water assessment unless such dwelling-houses railway stations or other buildings shall have been actually supplied with water under this Order or unless some pipe of

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the Trustees shall be laid down within one hundred yards of the same measuring from the outer wall of such dwelling-houses railway stations or other buildings or of any domestic offices in contact with and occupied as appurtenances of such dwelling-
5 houses railway stations or other buildings and that as regards the owners or occupiers of tenements situated in a private close or place they shall not be liable to be assessed in respect of such tenements for the said water assessment unless some pipe of the Trustees shall be laid down within one hundred yards of
10 the entrance to such close or place or the nearest part thereof.

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99. The annual rent or value of all lands heritages houses buildings and other premises and property liable to be assessed for the water assessment shall subject to the provisions of this Order be ascertained by the valuation roll or valuation rolls.

Mode of ascertaining rental of property.

15 100. Every assessment for the water rate shall be fairly transcribed in a book to be kept for that purpose which book is in this Order called the water assessment roll and such water assessment roll shall show the yearly rent or value of the lands and premises liable to be assessed for the water rate and
20 according to which such assessment is intended to be levied and may be in the form of the Fifth Schedule to this Order annexed or to the same effect and every such water assessment roll shall contain an account of every particular set forth at the head of the respective columns so far as the same can be
25 ascertained and notice shall be given to every person of the rate charged upon him the place of payment and the date at which such payment is required to be made and that he may appeal to the Trustees against the same within fourteen days after such notice.

Form of water assessment roll and of rate and notice thereof to ratepayers.

30 101. The water assessment roll immediately after any rate is assessed shall be open to the inspection of any person interested or liable to pay such rate at all reasonable times and any such person may take copies or extracts from the water assessment roll of the rate in which he is interested or for which he is
35 liable without paying anything for the same and any person having the custody of such assessment roll who refuses or does not permit any person so interested or rated as aforesaid to take copies or extracts in regard to such rate shall for every such offence be liable to a penalty not exceeding five pounds.

Assessment roll to be open to inspection of ratepayers.

40 102. The Trustees may amend the water assessment roll in respect of any such rate assessed by virtue of this Order by

Assessment roll may be amended.

A.D. 1910. inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting therein the name of any person who ought to have been rated or who since the making up of the said roll has become liable to be rated or by striking out the name of any person who ought not to have been rated or by raising or reducing the sum at which any person has been rated if it appear to the Trustees that such person shall have been erroneously rated or by making such other amendments therein as will make such rate conformable to this Order and no such amendment shall be held to make void the rate Provided always that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in the assessment roll and no such alteration had been made and as respects such person the rate shall be considered to have been assessed at the time when he received notice of such alteration and every person whose rate is increased shall be entitled to seven days' notice of such increase before the rate shall be payable by him.

Any person aggrieved may lodge objections and be heard.

103. If any person shall consider himself to be improperly or unduly rated he may within fourteen days from the date of the notice being given of such rate lodge with the collector written objections signed by him and the Trustees or a committee named by them shall proceed on such days and at such places as shall be fixed by them and of which notice shall be given to such persons by the collector not less than four days previously to consider such objections and shall dispose thereof summarily and without written pleadings and the decision of the Trustees shall be final.

Waterassessment to be assessed from Whitsunday to Whitsunday.

104. The water assessment shall be assessed for the period from the term of Whitsunday in each year to the term of Whitsunday in the year following and the first water assessment by the Trustees shall be laid on as from Whitsunday one thousand nine hundred and eleven to Whitsunday one thousand nine hundred and twelve for the year preceding the last mentioned date and the water assessment shall be payable at such place or places and on such day as the Trustees shall appoint or otherwise as the Trustees may determine.

Waterassessment roll to be evidence.

105. In any proceeding to levy and recover or consequent on the levying or recovering of any assessment under the provisions of this Order the water assessment roll signed by the

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clerk and all entries therein shall by the production thereof alone and without any evidence that the requirements of this Order have been complied with be received as evidence of such assessment and of the amount thereof. A.D. 1910.

5 106. The Trustees or any person by them authorised may from time to time inspect all or any of the public rates and assessments embracing the lands and heritages within the limits of compulsory supply or any part thereof and the books in which are contained all the assessments by which the same
10 are made and may take copies thereof or extracts therefrom respectively and any person having the custody of such rates and assessments who shall not suffer the Trustees or any person authorised by them to inspect the same at reasonable times or to take copies thereof or extracts therefrom shall be
15 liable to a penalty not exceeding five pounds for each offence.

Public rates to be open to inspection of Trustees and others.

107. If in any year the water revenue of the Trustees shall be more than sufficient for all the purposes to which it is applicable the Trustees shall and they are hereby required to carry the surplus to the credit of the account for the following
20 year in reduction of the estimate of money required for such year and when a deficiency occurs in one year it shall be provided for in the estimate and by assessment in the next year and the Trustees shall as nearly as possible so regulate rates rents or charges that they may one year with another respectively produce
25 the amount of money required.

Water rates to be regulated so as not to exceed expenses.

108. The several rates rents and charges levied and received by the Trustees under the authority of this Order and the other income of the trust shall be applied in the manner and to the purposes following (that is to say):—

Application of rates and charges.

30 First in defraying the expense of managing and maintaining the water undertaking including salaries and other payments to officers and servants and the annual costs charges and expenses of providing and supplying water and paying any feu duties and ground annuals and other annual payments exigible in respect of any lands streams or property
35 forming part of the water undertaking ;
Secondly in payment of the interest and the instalments of principal or of principal and interest of money borrowed by the county council or their predecessors previous to
40 the commencement of this Order for and in connexion
(126.) I

- A.D. 1910. — with the water supply of the water districts and transferred to the Trustees by this Order;
- Thirdly in payment of the interest on the money borrowed by the Trustees;
- Fourthly in setting apart the instalments or the contributions to the sinking fund by this Order required for the repayment of money borrowed by the Trustees;
- Lastly in carrying the several other provisions of this Order into execution in such manner as the Trustees for the time shall order and direct. 10
- Application of penalties. 109. All penalties and forfeitures exigible under the provisions of this Order and of the Acts wholly or partially incorporated therewith (excepting any penalties which may be imposed upon the Trustees) shall be paid over to the Trustees instead of being applied in the manner provided by the last-mentioned Acts or the Acts therein referred to. 15
- Prosecution of offenders. 110. All offenders against any of the provisions of this Order or of any of the Acts incorporated with the same respectively or against any of the byelaws of the Trustees may be prosecuted and all penalties and forfeitures in respect of offences against any of such provisions or byelaws may be recovered by and in the name of the clerk before the sheriff. 20
- Power to borrow. 111 The Trustees may from time to time borrow on mortgage the sums of money necessary for the purposes herein-after specified not exceeding in the whole two hundred and twenty thousand pounds and may make and grant mortgages of the assessments rates rents and charges by this Order authorised in security of the money so borrowed and interest thereon (that is to say):— 25
- (A) For repayment of any money already borrowed by the County Council and the Town Council or their predecessors previous to the commencement of this Order and remaining unpaid and relating to the water districts and transferred by this Order to the Trustees the sum necessary for the purpose; 30 35
- (B) For the purchase of land and other property and rights the sum of fifteen thousand pounds;
- (C) For the construction of storage reservoirs the sum of forty-two thousand pounds;

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- (D) For the construction of service reservoirs filters and pure water tanks the sum of fifteen thousand pounds; A.D. 1910.
- (E) For trunk conduits mains and catchwaters the sum of sixty-five thousand pounds;
- 5 (F) For roads of access the sum of three thousand pounds;
- (G) For subsidiary works the sum of ten thousand pounds;
- (H) For the general purposes of their water undertaking to which capital is properly applicable the sum necessary for that purpose; and
- 10 (I) For the costs of this Order the sum necessary for that purpose.

112. If after having borrowed the sums of money by this Order authorised or any part thereof the Trustees shall pay off the same or any part thereof otherwise than by means of the sinking fund herein-after mentioned or by instalments it shall be lawful for the Trustees again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from time to time Provided that the Trustees shall not have power to reborrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that all moneys so borrowed by the Trustees shall for the purpose of repayment be deemed part of the sum originally borrowed by them and shall be repaid within the period prescribed for the repayment of the money in lieu of which such reborrowing has been made.

Trustees may re-borrow.

113. The Trustees 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 Trustees according to the usage of bankers in Scotland to the extent of the aggregate amount which the Trustees are at the time authorised to borrow or any part thereof and may make and grant mortgages and assignments of the several assessments rents rates and charges authorised and leivable under the authority of this Order 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 sums due and owing by the Trustees on such cash account and borrowed by

Trustees may borrow on cash account.

A.D. 1910. — them on mortgage shall never when taken together exceed the aggregate amount of the sum by this Order authorised to be borrowed and not repaid by instalments or by sinking fund.

Borrowing
power for
current
expenses.

114. In order to raise such money as may be necessary to defray the current annual expenditure for the water undertaking of the Trustees until the assessments rates rents and charges which they are authorised to levy shall be levied and collected they may borrow during the currency of any year from the fifteenth day of May in one year to the fifteenth day of May in the succeeding year in addition to the other sums authorised to be borrowed on the security of such assessments rates rents and charges in such way and manner as they may deem most expedient any sum or sums not exceeding in the whole two-third parts of the estimated amount of such assessments rates rents and charges still due and unreceived for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided always that such sums so borrowed shall be paid off and extinguished at or before the fifteenth day of May concluding the year to which such borrowing applies.

Form of
mortgage.

115. Every mortgage to be granted by the Trustees shall be by deed duly stamped in which the consideration shall be truly stated and may be in the form contained in the Second Schedule to this Order or to the like effect.

Manner
in which
mortgages
and orders
on bank
account to
be signed
and exe-
cuted.

116. Every mortgage to be granted by the Trustees may be partly in writing and partly printed and shall besides being under the common seal of the Trustees be signed by at least two of the Trustees and the clerk and all drafts or orders on the cash account before mentioned shall be signed by two Trustees and the clerk Provided always that none of the said persons shall by his subscription of any such mortgage interest warrant draft or order be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed drawn or received or any interest thereon or of any sums whatsoever in respect thereof.

Transfer of
mortgages.

117. Any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by deed or by indorsation on the mortgage duly stamped wherein the consideration shall be truly stated and

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may be in the form of the Third Schedule to this Order or to the like effect. A.D. 1910.

118. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the Trustees official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred.

Transmis-
sion of
mortgages
in case of
bankruptcy.

119. All mortgages and all moneys advanced and lent on the security of the assessments rates rents and charges under this Order shall be moveable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Mortgages
of rates to
be personal
estate.

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

Discharge of
mortgages.

121. The Trustees shall pay off all moneys borrowed by them for capital expenditure under this Order either by means of a sinking fund formed under the provisions of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them.

Mode of re-
payment of
borrowed
money.

122. The Trustees shall pay off all moneys borrowed and to be borrowed by them for the purposes of this Order within the respective periods following (herein-after referred to as "the prescribed period") (that is to say):—

Repayment
of borrowed
money.

As to moneys borrowed for the purchase of land and other property and rights authorised by this Order within sixty years from the date or dates of borrowing the same;

As to moneys borrowed for constructing the storage reservoirs authorised by this Order within fifty years from the date or dates of borrowing the same;

As to moneys borrowed for constructing the service reservoirs filters and pure water tanks authorised by this Order within fifty years from the date or dates of borrowing the same;

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As to moneys borrowed for constructing the trunk conduits mains and catchwaters and roads of access authorised by this Order within thirty years from the date or dates of borrowing the same;

As to moneys borrowed for subsidiary works authorised by this Order and for the general purposes of the water undertaking so far as chargeable to capital within thirty years from the date or dates of borrowing the same;

As to moneys borrowed for the repayment of any money borrowed and remaining unpaid by the county council or the town council relating to the water districts prior to the commencement of this Order within twenty-five years from the date or dates of borrowing the same by the Trustees;

As to moneys borrowed for the repayment of moneys borrowed for the payment of the costs charges and expenses of and in relation to this Order and the confirmation thereof within five years from the commencement of this Order.

Sinking fund.

123.—(1) If the Trustees determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures

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debenture stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Trustees the Trustees being at liberty from time to time to vary and transpose such investments. A.D. 1910.

5 (3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Trustees towards the equal annual payments to the fund.

(4) The Trustees may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Trustees shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Trustees.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Trustees in addition to the payments provided for by this Order.

(7) If it appears to the Secretary for Scotland or to the Trustees at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Trustees to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

A.D. 1910. (8) If the Trustees desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Trustees be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Trustees may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed. 5 10

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Trustees be sufficient to repay the loan in respect of which it is formed within the prescribed period the Trustees may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund. 15 20

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Trustees may determine. 25

(12) The payment of the first instalment or the first equal annual payment to the sinking fund shall be made within one year (or where repayment is by half-yearly instalments then within six months) after the date of borrowing the sum in respect of which payment is made but it shall not be necessary (except in the case of sums borrowed for the payment of the costs of this Order) to make the first payment earlier than the fifteenth day of May one thousand nine hundred and eleven. 30

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

124. The clerk to the Trustees shall within two months after the expiration of each year during which any sum is by this Order required to be paid as an annual instalment or 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 paid or set apart in respect of that year and the description of the securities 35 40

[10 EDW. 7 & *Wemyss and District Water Order*
1 GEO. 5.]

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Confirmation.

upon which any investment has been made and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the
 5 end of the year and in the event of any default in making such return such clerk so making default 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
 10 such return or otherwise that the Trustees have failed to pay any instalment or to set apart the sum required by this Order to be set apart for the sinking fund or to make any increased payment thereto by this Order required or have applied any portion of the moneys set apart for that fund or any interest or
 15 income thereof to any purposes other than those authorised by this Order 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 paid or set apart and invested as part of the sinking fund and such order shall
 20 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.

A.D. 1910.

125. Subject to the provisions of this Order the sums borrowed by the Trustees on mortgage or cash account under
 25 the authority of this Order shall be applied as follows (that is to say) The moneys borrowed on the security of the assessments rates rents and charges by this Order authorised or so much thereof as shall be required shall be applied in executing the waterworks authorised by this Order and any extensions and
 30 enlargements thereof and in the payment of existing mortgages or of mortgages to be granted and of any cash credit or cash account granted obtained or opened in respect of the water undertaking and in carrying out the other provisions of this Order being in every case purposes to which capital is properly
 35 applicable.

Application
of moneys
borrowed.

126. No person lending money to the Trustees shall be bound to inquire as to the observance by the Trustees of any provision of this Order or be bound to see to the application or be answerable for any loss or non-application of such money or
 40 any part thereof.

Protection
of lender
from inquiry.

(126.)

K

A.D. 1910.

Appoint-
ment of
judicial
factor.

127. The mortgagees of the Trustees may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than five thousand pounds. 5

Costs of
Order.

128. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Trustees and may be paid in the first instance out of any moneys received by them or any rates and assessments which they are authorised to levy or may be ultimately paid by them out of money borrowed for that purpose. 10

SCHEDULES referred to in the foregoing Order. 15

THE FIRST SCHEDULE.

LIMITS OF COMPULSORY WATER SUPPLY.

1. The parish of Wemyss including therein the detached part of Markinch containing 113 acres or thereby situated at or near Innerleven transferred to the parish of Wemyss by order of the Boundary Commissioners under the Local Government (Scotland) Act 1889; and 20

2. That part of the parish of Markinch comprising the special water supply district of Windygates and Balcurvie formed by resolution of the district committee of date the twenty-seventh day of July one thousand nine hundred and one. 25

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

WEMYSS AND DISTRICT WATER.

Mortgage No. £.

By virtue of the Wemyss and District Water Order 1910 we the Wemyss and District Water Trustees in consideration of the principal sum of [specify amount] paid by [name and designation of mortgagee] to

[10 EDW. 7 & *Wemyss and District Water Order*
1 GEO. 5.] *Confirmation.*

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A.D. 1910.

the treasurer to the said Trustees for the purposes of the said Order do hereby subject to the provisions of the said Order grant and assign to the said [name of mortgagee] and his executors administrators and assignees [or as the case may be] such proportion of the rates rents
5 and charges to be levied by the said Trustees under the authority of the said Order as the said sum of [specify amount] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates rents and charges to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due
10 thereon shall be fully paid and satisfied and it is hereby stipulated that the said principal sum shall be repayable on the [date] or shall thereafter in virtue hereof remain as a loan to the said Trustees until the expiration of such further terms of years and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon
15 and signed by the said mortgagee or his foresaids and by a trustee and the clerk which minute or minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of the said parties nor tested and the said Trustees shall pay interest on the said principal sum from the _____ day of _____
20 to the said date of repayment first above mentioned (being at the rate of [specify rate] per centum per annum) declaring that the said mortgagee and his foresaids shall not be entitled to make and that the said Trustees shall not be bound to recognise or register any partial assignation of these presents or of the sums of money
25 principal or interest herein contained and that the said Trustees shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation revision adjustment or execution of any discharge renunciation assignation or minute of postponement or renewal of this mortgage.

30 In witness whereof [testing clause according to law of Scotland].

[Signed by two Trustees and the clerk.]

L.S.

THE THIRD SCHEDULE.

FORM OF TRANSFER OF MORTGAGE.

35 I [name and designation of mortgagee] in consideration of the sum of [specify amount] paid to me by [name and designation of transferee] do hereby transfer to the said [name of transferee] and his executors administrators and assignees [or as the case may be] a certain
(126.) K 2

A.D. 1910. mortgage number [number of mortgage] dated the [date of mortgage] made in my favour by the Wemyss and District Water Trustees by virtue of the Wemyss and District Water Order 1910 in connexion with the water undertaking authorised by that Order for securing the sum of [principal sum in mortgage] [or if the transfer be by endorsement the within mortgage] together with the interest thereon from and after the [date from which the transferee is to be entitled to the interest] and all my right and interest in and to the principal money thereby secured and interest thereon as aforesaid and in and to the rates rents and charges thereby assigned. In witness whereof [testing clause 10 according to the law of Scotland].

THE FOURTH SCHEDULE.

FORM OF DISCHARGE.

Received from the Wemyss and District Water Trustees the sum of _____ being the principal sum contained in the _____ within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up as discharged. 15

Dated this _____ day of _____ one thousand nine hundred and _____

THE FIFTH SCHEDULE.

20

FORM OF WATER ASSESSMENT ROLL.

Assessment for the Water Rate under the Wemyss and District Water Order 1910 for the year from the fifteenth day of May one thousand nine hundred and _____ to the fifteenth day of May one thousand nine hundred and _____ at the rate of _____ in the _____ pound. 25

No.	Name of Owner.	Name of Occupier.	Description and Situation of Property.	Full Annual Value.	Water Rate at in the Pound.	Arrears.

30

[10 EDW. 7 & *Wemyss and District Water Order*
1 GEO. 5.] *Confirmation.*

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THE SIXTH SCHEDULE.

A.D. 1910.

MINUTE of AGREEMENT between the PROVOST MAGISTRATES and
COUNCILLORS of the BURGH of BUCKHAVEN METHIL and
INNERLEVEN for themselves and on behalf of the TRUSTEES
5 to be incorporated under the Provisional Order herein-after
mentioned (and herein-after referred to as "the Trustees")
of the one part and the COUNTY COUNCIL of the COUNTY
of KINROSS incorporated under the Local Government (Scot-
land) Act 1889 (herein-after called "the county council")
10 of the other part.

WHEREAS under the provisions of the Private Legislation Procedure
(Scotland) Act 1899 a draft Provisional Order (herein-after referred to as
"the Order") was on the seventeenth day of December nineteen hundred
and eight deposited with the Secretary for Scotland intituled "Draft
15 " Provisional Order to incorporate a public trust for better supplying
" with water the parish of Wemyss including the burgh of Buckhaven
" Methil and Innerleven and districts and places adjacent to abolish the
" special water supply districts of Wemyss of Buckhaven Methil and
" Innerleven and of Windygates and Balcurvie to transfer the existing
20 " waterworks to the Trustees to be incorporated to sanction the con-
" struction and maintenance of new and additional waterworks and for
" other purposes" And whereas the Trustees *inter alia* are desirous of
laying certain conduits or water mains in and along the roads in the
county of Kinross under the control and management of the county
council And whereas the county council desire to have provision made
25 for a certain quantity of water to be supplied at Scotlandwell and
districts thereto adjoining and that the work of laying the pipes should
be done subject to certain terms and conditions herein-after recited
Therefore the parties hereto do subject to the approval of the Secretary
30 for Scotland and of Parliament hereby agree with each other and oblige
themselves to each other as follows videlicet:—

First.—The Trustees shall subject to this agreement supply when
and so long as requested by the county council water for domestic
purposes to any house or shop in East and West Balgedie Kinnesswood
35 and Scotlandwell such water to be supplied at a yearly charge payable
in advance by the owner and occupier of such house or shop so supplied
under this agreement in equal proportions and at the rate of twopence
per pound above the rate levied for the time being in the compulsory
area according to the annual rent or value of the said house or shop
40 as entered in the valuation roll of the county of Kinross and for this
purpose at the expense of such owner or occupier at the sight and to
the satisfaction of the Trustees there shall be provided fixed and main-

A.D. 1910. tained all such communication pipes and other pipes connexions and
apparatus as may be necessary for taking the water so to be supplied
from the conduit or main pipe of the Trustees adjacent to such house
or shop but the occupier shall be entitled on payment of the costs and
charges of such pipes and connexions to deduct from his rent the 5
amount so paid by him.

The Trustees shall also supply a hydrant for supplying water for the
purpose of road watering at Southfield Cuthil Muir on the Great North
Road In the event of a special water district being formed and provided
with a water supply from the Trustees the county council shall 10
levy assess and collect pay and hand over the amount payable to the
Trustees subject to a reasonable charge for collection.

Second.—The obligations to supply water under the preceding article
of this agreement shall not prejudicially affect or restrict the supply of
water from time to time required for all purposes within the limits of 15
compulsory supply and the quantity of water which the Trustees may be
called upon to supply for domestic use under this agreement shall not
exceed ten thousand gallons in any one day but subject to the foresaid
qualifications the Trustees shall be bound to give to consumers an
adequate supply for domestic use but shall not be obliged for the 20
purposes of this agreement to check valves on any water main of the
Trustees to afford a supply of water above the hydraulic gradient.

Third.—The Trustees hereby bind and oblige themselves to execute
the works in connexion with the laying of the pipes in the said roads
with the least inconvenience to the public and in such a manner as not 25
to stop the traffic thereon nor shall more than one hundred yards of said
roads be opened at one time and the Trustees shall take all necessary and
usual precautions for the safety of the public and they hereby bind them-
selves to relieve the county council of all claims for damages for personal
injuries or otherwise that may be caused by their failure to provide all 30
such necessary and usual precautions or arising in any way through
their fault The Trustees shall be bound to restore the road or roads so
far as affected by such operations and by the extraordinary traffic of the
Trustees in the way of carting material for their operations or otherwise 35
along said road to their former conditions and it is hereby agreed that the
county council through their road surveyor Mr. Humphreys or his
successors shall repair level and where necessary metal so much of the
road as may have been disturbed and charge the expense thereof against
the Trustees In the event of the Trustees and the county council
or their engineers respectively W. Tait Esq. C.E. Edinburgh and 40
Mr. Humphreys differing in regard to the cost of the repairs executed then
it is hereby provided and declared that it shall be competent for either
party to refer to the sheriff the matter or matters in dispute and it is also

[10 EDW. 7 & *Wemyss and District Water Order*
1 GEO. 5.] *Confirmation.*

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stipulated and agreed between the parties that the Newhill Road shall not be used by the Trustees or their contractors acting under them for the conveyance of material used in the construction of the reservoir at Glenfarg or otherwise in connexion with their operations. A.D. 1910.

- 5 *Fourth.*—In the event of any difference of opinion arising as to matter embodied in this agreement or the carrying out of the same such difference shall be referred to an arbiter to be mutually chosen by the parties to this agreement or failing this agreement to an arbiter to be named by the Local Government Board for Scotland and the decision of
10 such arbiter shall be final and the due fulfilment of the same shall be binding on the parties to such reference.

Lastly.—Both parties consent to the registration hereof and of all decrees arbitral interim or final to follow hereon for preservation and execution In witness whereof

15

THE SEVENTH SCHEDULE.

- MINUTE of AGREEMENT between the PROVOST MAGISTRATES and COUNCILLORS of the BURGH of BUCKHAVEN METHIL and INNERLEVEN for themselves and on behalf of the Trustees to be incorporated under the Provisional Order herein-after mentioned (and herein-after referred to as “the Trustees”) of
20 the one part and WILSONS and CLYDE COAL COMPANY LIMITED incorporated under the Companies Acts 1862 to 1890 and having their registered office at 75 Bothwell Street Glasgow (herein-after called “the guarantors”) of the other part.
- 25 WHEREAS under the provisions of the Private Legislation Procedure (Scotland) Act 1899 a Draft Provisional Order (herein-after referred to as “the Order”) was on the seventeenth day of December nineteen hundred and eight deposited with the Secretary for Scotland intituled “Draft
30 “ Provisional Order to incorporate a public trust for better supplying
“ with water the parish of Wemyss including the burgh of Buckhaven
“ Methil and Innerleven and districts and places adjacent to abolish the
“ special water supply districts of Wemyss of Buckhaven Methil and
“ Innerleven and of Windygates and Balcurvie to transfer the existing
“ waterworks to the Trustees to be incorporated to sanction the construc-
35 “ tion and maintenance of new and additional waterworks and for other
“ purposes” And whereas the guarantors are desirous that the villages of North and South Glencraig Crosshill Milton and Rosewell and locality adjacent thereto in the parishes of Auchterderran and Ballingry in the

A.D. 1910. county of Fife all as coloured red upon the plan annexed and sub-
 — scribed as relative hereto (and which villages and locality are herein-
 after referred to as "the scheduled area") shall be entitled to be
 supplied with water from the Glenfarg reservoirs and other works to
 be authorised and constructed under the Order Therefore the parties 5
 hereto do hereby agree with each other and bind and oblige themselves
 to each other as follows viz. :—

First.—The Trustees shall subject to this agreement supply when
 and so long as requested by the owner or occupant of any house or shop
 within the scheduled area to such owner or occupant water for domestic 10
 purposes such water to be supplied at a yearly charge payable in advance
 and at the rate of twopence per pound above the rate levied for the
 time being in the compulsory area but not exceeding one shilling and
 sixpence per pound of the annual rent or value of said shop or house as
 entered in the lands valuation roll and for this purpose and at his own 15
 expense such owner or occupant shall provide fix and maintain at the
 sight and to the satisfaction of the Trustees all such communication
 pipes and other pipes connexions and apparatus as may be necessary
 for taking the water so to be supplied from the conduit or main pipe of
 the Trustees next adjacent to such house or shop Nothing in this 20
 Article shall prejudice the right of the Trustees to supply water for
 purposes other than domestic in the scheduled area at special rates.

Second.—As a condition preliminary to supplying water as aforesaid
 for domestic purposes to the owner or occupant of any house or shop
 within the scheduled area the Trustees shall be entitled to require the 25
 owner or occupant thereof (at no expense to him beyond the stamp duty
 which may be exigible thereon) to enter into an agreement conferring
 upon the Trustees powers to require provision of adequate storage and for
 the prevention of waste and of pollution or improper use of water similar
 to those which for the time being a local authority supplying water 30
 within the scheduled area would be entitled to exercise in regard to such
 house or shop.

Third.—The Trustees shall make (or may in lieu of part thereof
 acquire) and shall thereafter maintain the conduit aqueduct or line of
 pipes (No. 5 in the said Draft Order) said conduit aqueduct or line of 35
 pipes to be of sufficient dimensions for the adequate supply of the
 scheduled area for domestic purposes.

Fourth.—The obligations to supply water under the preceding
 articles of this agreement shall not prejudicially affect or restrict the
 supply of water from time to time required for all purposes within the 40
 limits of compulsory supply or any supply of water which under the
 provisions of the Waterworks Clauses Acts and the Order the Trustees
 may be required to give beyond the limits of compulsory supply and
 the quantity of water which the Trustees may be called upon to supply

[10 Edw. 7 & *Wemyss and District Water Order*
1 GEO. 5.] *Confirmation.*

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for domestic use in the scheduled area shall not exceed sixty thousand gallons in any one day but subject to the foresaid qualifications the Trustees shall be bound to give to consumers in the scheduled area an adequate supply for domestic use Provided always that the Trustees
5 shall not be required to supply water in the scheduled area at a height greater than four hundred and forty feet above ordnance datum level. A.D. 1910.

Fifth.—If the Trustees shall within five years from the commencement of the Order acquire from the burgh of Lochgelly the pipe laid and presently maintained by the burgh along the public road
10 leading from the boundary of the said burgh to Scotlandwell and traversing a portion of the scheduled area and shall within the said period acquire any other rights which now or prior to the foresaid acquisition the burgh may possess with regard to the supply of water for domestic purposes to individual consumers within the scheduled area or in the
15 event of said burgh ceasing to supply water by the said pipe in the scheduled area then and from the date of such acquisitions or the said ceasing and the commencement of supply in the scheduled area by the Trustees the guarantors hereby guarantee and undertake that in each of the ten successive years thereafter the total sums receivable by the
20 Trustees from owners and occupants or other consumers of water whether for domestic use or other purposes within the scheduled area shall not be less than three hundred and fifty pounds in all and in the event of there being in any one or more of the said ten years a deficiency the guarantors hereby guarantee and undertake to make up
25 and pay to the Trustees within two months after the close of such year or years the amount of such deficiency For the purpose of ascertaining the existence or amount of any deficiency the Trustees shall make patent to the guarantors their books and all other information showing or tending to show the sums receivable by the Trustees as
30 aforesaid.

Sixth.—Until the burgh of Lochgelly shall either have sold and transferred the foresaid pipe to one of the parties to this agreement or have ceased to supply water in the scheduled area by the said pipe the Trustees shall not be bound to make or maintain the said conduit
35 aqueduct or line of pipes (No. 5 in said Draft Order) nor shall the guarantee in the immediately preceding article come into effect Further under no circumstances shall the said guarantee extend to any year beyond fifteen years from the commencement of the Order.

Seventh.—This agreement shall be enforceable at the instance of
40 either party or of any owner or occupant of a house or shop or houses or shops within the scheduled area.

Eighth.—In the event of any difference of opinion arising as to the matters embodied in this agreement or the carrying out of the same such difference shall be referred to an arbiter to be mutually chosen

A.D. 1910. by the parties to this agreement or by one of the parties thereto and one or more of the other persons at whose instance this agreement is enforceable or failing agreement to an arbiter to be named by the Local Government Board for Scotland and the decision of such arbiter shall be final and the due fulfilment of the same shall be binding on the parties to such reference. 5

Ninth.—It is hereby declared that this agreement is made subject to such alterations as may be made thereon during the progress of the Provisional Order but if any material alteration be so made it shall be competent to either party to withdraw from the agreement. 10

Lastly.—Both parties consent to the registration hereof and of all decrees arbitral interim or final to follow hereon for preservation and execution In witness whereof—

THE EIGHTH SCHEDULE.

AGREEMENT between WILLIAM THOMAS KETCHEN Writer to the Signet on behalf of the Promoters of this Order of the one part and BEVERIDGE SUTHERLAND and SMITH Solicitors on behalf of the Trustees of the deceased Alexander Beveridge of Craigfarg (herein-after called the Beveridge Trustees) of the other part. 15 20

Subject to the Beveridge Trustees receiving a notice to treat for the land herein-after referred to the following agreement shall take effect subject to such alterations as Parliament may think fit to make therein.

First.—The Trustees undertake to pay to the Beveridge Trustees for land on the estate of Craigfarg to be taken for the purposes of the Reservoir No. 1 at the rate of eighty pounds an acre the land to be taken within a contour line four feet above top water level. 25

Second.—The Beveridge Trustees shall have right to improve or add to the water supply of the houses and steading at Craigfarg for all necessary purposes with a further right to utilise the water on the property for power purposes in connection with the houses and steading at Craigfarg if found to be necessary or desirable The Trustees undertake to restore or provide water supplies to any land deprived of same by their operations. 30 35

Third.—In the event of any restriction being proposed by the Trustees with the view of limiting the use of the adjoining grounds on Craigfarg or West Blair for arable or other purposes the claim of the

Beveridge Trustees in respect of same failing agreement shall be submitted to arbitration with a view to assessing the compensation to be paid in respect of such restriction. A.D. 1910.

Fourth.—The Trustees shall pay to the Beveridge Trustees the additional sum of one hundred and twenty pounds for disturbance during the construction of the said reservoir and in the event of the construction not being completed within four years from the date of first entering on possession of the ground the Trustees shall pay to the Beveridge Trustees an additional sum at the rate of thirty pounds per annum for any period beyond the said four years.

Fifth.—The Trustees shall be bound and undertake to properly fence the reservoir and all the works connected therewith and to pay for any ground temporarily occupied under agreement to be made and to make good to the Beveridge Trustees all surface damages in any way caused by the operations of the Trustees and to arrange with the tenant of the ground and to settle all claims competent to him and generally to repair all damages to the property of Craigfarg caused by the operations of the Trustees and the Trustees shall also bear the entire expense of restoring the ground so far as not used to its present condition.

Sixth.—The Beveridge Trustees by themselves or members of the family of the late Mr. Beveridge and their successors in the estate shall have a joint right along with the Trustees and the other riparian proprietors to fish in the reservoir and they shall have the privilege of putting and using a boat thereon.

Seventh.—The Trustees undertake to pay the whole expenses of any conveyance to be granted by the Beveridge Trustees in favour of the Trustees including Government duties.

Eighth.—In the event of any question arising out of this agreement the same shall be submitted to the arbitration of two arbiters mutually chosen or to an oversman appointed by them In witness whereof—

**Wemyss and District Water
Order Confirmation. [H.L.]**

A

B I L L

INTITLED

An Act to confirm a Provisional Order under
the Private Legislation Procedure (Scotland)
Act 1899 relating to Wemyss and District
Water.

The Lord Pentland

Ordered to be printed 21st July 1910.

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(126.)

**Wemyss and District Water Order
Confirmation Bill. [H.L.]**

A M E N D M E N T

TO BE MOVED ON THIRD READING

BY

THE LORD PENTLAND.

Eighth Schedule, page 83, line 22, after ("estate") insert
("without prejudice to the Trustees reserve their full sporting
rights on their side of the reservoir and")

(126 a.)

**Wemyss and District
Water Order
Confirmation Bill.**

[H.L.]

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE LORD PENTLAND.

28th July 1910.

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(126 a.)

[10 EDW. 7. & *Wemyss Tramways (Extensions)*
1 GEO. 5.] *Order Confirmation.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Wemyss Tramways. A.D. 1910.

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

Be it therefore enacted by the King'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:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the *Wemyss Tramways (Extensions) Order Confirmation Act 1910.* Short title.

A.D. 1910.

SCHEDULE.

*Provisional Order to authorise the Wemyss and District
Tramways Company Limited to construct additional
Tramways and for other purposes.*

WHEREAS by the Wemyss Tramways Order 1905 Randolph 5
Gordon Erskine Wemyss was authorised to construct and main-
tain the tramways in the county of Fife therein described and
in accordance with the provisions of the said Order the rights
powers authorities obligations and liabilities thereby granted and
imposed were transferred to the Wemyss and District Tramways 10
Company Limited (herein-after called "the Company") incorpo-
rated under the Companies Acts 1862 to 1900 on the eighth
day of November one thousand nine hundred and five:

And whereas the Company have constructed and are working
the tramways authorised by the said Order of 1905 except the 15
tramway No. 11 of that Order:

And whereas it is expedient that the Company should be
authorised to construct the additional tramways and to execute
the street works herein-after in this Order described:

And whereas the tramways authorised by this Order are an 20
extension of the tramway system of the Company and it is
expedient that certain provisions of the said Order of 1905
should be extended to the tramways by this Order authorised:

And whereas it is expedient that the other powers in this
Order contained should be conferred on the Company: 25

And whereas plans and sections showing the lines and levels
of the tramways and other works by this Order authorised and
showing the lands required or which may be taken for the
purposes or under the powers of this Order and also a book
of reference containing the names of the owners and lessees or 30
reputed owners and lessees and of the occupiers of those lands
were duly deposited in the offices of the principal sheriff clerk
for the county of Fife at Cupar and Kirkcaldy respectively
and are herein-after respectively referred to as the deposited
plans sections and book of reference: 35

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And whereas the purposes aforesaid cannot be effected A.D. 1910.
without an Order of the Secretary for Scotland confirmed by
Parliament under the provisions of the Private Legislation
Procedure (Scotland) Act 1899 :

5 Now therefore in pursuance of the powers contained in the
last-mentioned Act the Secretary for Scotland orders as follows :—

1. This Order may be cited as the Wemyss Tramways Short title
(Extensions) Order 1910 and shall come into operation at the and com-
date of the passing of the Act confirming the same which date mencement.
10 is herein-after referred to as “the commencement of this Order.”

2. The following Acts and parts of Acts (that is to say):— Incorpora-
The Lands Clauses Acts; tion of gene-
Sections 6 8 to 16 18 to 37 60 to 68 70 to 85 and 90 to ral Acts.

99 so far as the same are not repealed of the Railways
15 Clauses Consolidation (Scotland) Act 1845; and

Section 3 (Interpretation of terms) and Part II. (Con-
struction of tramways) and Part III. (General Provisions)
of the Tramways Act 1870 ;

so far as they are applicable to and are not varied by or incon-
20 sistent with the provisions of this Order are incorporated with
and form part of this Order and shall apply to the undertaking
Provided that—

(1) The provisions of the Railways Clauses Consolidation
25 (Scotland) Act 1845 herewith incorporated shall apply
only to any tramways or portions of tramways which
under the provisions of this Order may be constructed
on private lands and for the purposes thereof such
tramways shall be deemed to be railways and the
Company shall be deemed to be a railway company :

30 (2) The provisions of Part II. and Part III. (excepting
sections 34 to 40 43 44 45 49 to 56 63 64 and so
much of sections 46 and 47 as relates to byelaws
to be made by the promoters of a tramway) of the
35 Tramways Act 1870 herewith incorporated shall not
apply to any tramways or portions of tramways which
under the provisions of this Order may be constructed
on private lands.

3. In this Order the several words and expressions to which Interpreta-
meanings are assigned by the Acts wholly or partially incor- tion.
40 porated herewith have the same respective meanings unless

A.D. 1910. there be something in the subject or context repugnant to such construction And in this Order unless the context otherwise requires—

- “The Company” means the Wemyss and District Tramways Company Limited; 5
- “Tramway” includes tramway and tramroad;
- “The sheriff” means the sheriff of the county of Fife and includes his substitutes;
- “The tramway” “the tramways” “the street works” and “the undertaking” mean respectively the tramways the street works and the undertaking or any part thereof by this Order authorised; 10
- “Mechanical power” includes steam electrical and every other motive power not being animal power;
- “Engine” includes motor; 15
- “Road” means street or road;
- “Waste” means that part of the road which consists of waste land at the side thereof not for the time being formed and maintained for carriage traffic;
- “The Order of 1905” means the Wemyss Tramways Order 1905; 20
- “The Kirkcaldy Corporation” means the provost magistrates and councillors of the royal burgh of Kirkcaldy.

TRAMWAYS AND STREET WORKS.

Power to
make tram-
ways.

4. Subject to the provisions of this Order the Company 25
 may make form lay down work use and maintain the tramways
 herein-after described in the lines and within the limits of devia-
 tion and according to the levels shown on the deposited plans
 and sections and in all respects in accordance with those plans
 and sections with all proper rails plates works and conveniences 30
 connected therewith and may enter upon take and use such of
 the lands delineated on the deposited plans and described in the
 deposited book of reference as may be required for that purpose
 but nothing in this section contained shall empower the Company
 to lay down any tramway along any public road otherwise than 35
 in accordance with the provisions of the Tramways Act 1870 as
 modified by and incorporated with this Order Provided that
 nothing in this Order shall authorise any interference with
 electric lines and works of any undertakers under the Electric
 Lighting Acts 1882 to 1909 to which the provisions of section 15 40

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of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section. A.D. 1910.

The tramways herein-before referred to and authorised by this Order will be situate wholly in the county of Fife and are—

- 5 Tramway No. 2 (2 miles 2 furlongs 1·00 chain. or thereabouts in length of which 1 mile 5 furlongs 2·00 chains or thereabouts is single line and 4 furlongs 9·00 chains or thereabouts is double line) situate in the burgh of Lochgelly and the parish of Auchterderran commencing
10 in Bank Street Lochgelly at a point seventeen yards or thereabouts south of Auchterderran Road passing thence into and along Auchterderran Road to and terminating at Auchterderran at a point opposite “The Auld Hoose” public-house.
- 15 Tramway No. 2A (1·60 chains or thereabouts in length and single line throughout) situate wholly in the burgh of Lochgelly in the parish of Auchterderran commencing in Auchterderran Road Lochgelly by a junction with
20 Tramway No. 2 at a point twenty-six yards or thereabouts east of Station Road passing thence into and terminating in Station Road at a point twenty-seven yards or thereabouts north of Auchterderran Road.
- Tramway No. 3 (Partly tramroad 4 furlongs 2·60 chains or thereabouts in length and partly tramway 2 miles and 2·40 chains or thereabouts in length making together
25 2 miles 4 furlongs 5·00 chains or thereabouts in length of which 2 miles and 0·50 chains or thereabouts is single line and 4 furlongs 4·50 chains or thereabouts is double line) situate in the parishes of Auchterderran and Kinglassie commencing at Auchterderran by a junction with
30 Tramway No. 2 at its termination above described passing thence along the main road from Auchterderran to Kinglassie and Kinglassie Road to a point near the entrance gate to Kinglassie Cemetery thence across private lands
35 situate to the west and north of Kinglassie to and terminating on the northern side of the main road at Kinglassie at a point twenty-five yards or thereabouts west of the Fife Constabulary Station:
- 40 Tramway No. 4 (Partly tramroad 2 miles and 8·30 chains or thereabouts in length and partly tramway 1 mile

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7 furlongs 3·70 chains or thereabouts in length making together 4 miles and 2·00 chains or thereabouts in length of which 3 miles 4 furlongs 3·70 chains or thereabouts is single line and 3 furlongs 8·30 chains or thereabouts is double line) situate in the parishes of Kinglassie, 5 Kirkcaldy and Dysart and Markinch commencing at Kinglassie by a junction with Tramway No. 3 at its termination above described passing thence in an easterly direction along the main road to a point two hundred and forty yards or thereabouts east of the road leading 10 therefrom to Kinglassie Pit thence in a generally south-easterly direction across private lands to and crossing the main road bounding the western side of Inchdairnie Park at a point twenty yards or thereabouts north of the centre of Lochty Bridge thence in a generally south- 15 easterly direction across Inchdairnie Park and further private lands to a point in Strathore Road at Redford one hundred and sixty-six yards or thereabouts east of the road leading therefrom to the house known as "Sked- 20 doway" thence in an easterly direction along the said Strathore Road to Thornton into and terminating in the main road to Kirkcaldy at a point twenty-three yards or thereabouts south of Strathore Road:

Tramway No. 5 (1 mile 6 furlongs 5·20 chains or thereabouts in length of which 1 mile 3 furlongs 8·30 chains 25 or thereabouts is single line and 2 furlongs 6·90 chains or thereabouts is double line) situate in the parishes of Markinch and Kirkcaldy and Dysart commencing at Thornton by a junction with Tramway No. 4 at its termination above described passing thence in a southerly 30 direction along and terminating in the main road to Kirkcaldy at a point sixty-one yards or thereabouts south of Race Road:

Tramway No. 6 (2 furlongs 3·80 chains or thereabouts in length of which 2 furlongs 0·30 chains or thereabouts is 35 single line and 3·50 chains or thereabouts is double line) situate in the parish of Kirkcaldy and Dysart and the Royal Burgh of Kirkcaldy commencing by a junction with Tramway No. 5 at its termination above described passing thence in a southerly direction along the main 40 road to Kirkcaldy into along and terminating in Rosslyn

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7

Street Gallatown by a junction with the existing tram- A.D. 1910.
ways of the Company at a point eighteen yards or
thereabouts south of Randolph Road:

5 Tramway No. 7 (partly tramroad 2 furlongs and 0·20 chain
or thereabouts in length and partly tramway 2·80 chains
or thereabouts in length making together 2 furlongs
3·00 chains or thereabouts in length of which 1 furlong
9·50 chains or thereabouts is single line and 3·50 chains
10 or thereabouts is double line) situate in the parish of
Kirkcaldy and Dysart and the royal burgh of Kirkcaldy
commencing by a junction with Tramway No. 5 at its
termination above described passing thence along the main
road to Kirkcaldy and in a south-easterly direction across
15 private lands to and terminating in Randolph Road by a
junction with the existing tramways of the Company at a
point three hundred and twenty-five yards or thereabouts
north-east of Rosslyn Street:

Provided that none of the tramways referred to in this
section shall be laid otherwise than as follows (that is to say):—

20 (A) Where the tramway line is shown on the deposited
plans as a single line laid in the centre of the road
the total width of the carriageway of the road shall
not be less than twenty-seven feet and where the
25 tramway line is shown on the deposited plans as a
single line laid on the side of the road the total
width of the carriageway of the road including the
tramway track shall not be less than twenty-four
feet and the widening of the roadway shall be carried
30 out by the Company at their own expense without
encroachment on existing footpaths or otherwise with
the substitution of footpaths of a like width as those
now existing Provided always that the county
council of Fife shall within a period of twelve
35 months after the commencement of this Order
provide to the Company free of expense the land
required for the purposes of such widening Provided
further that where the land necessary to provide a
carriageway at least twenty-four feet in width cannot
40 be obtained the line shall be doubled Provided further
that notwithstanding the doubling of the line shown
on the deposited plans through the village of Bowhill

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the width of the carriageway within the limits of the street works K L M N herein-after described shall be widened to at least twenty feet in addition to footpaths as wide as those presently existing :

- (B) The total width of the bridge and the approaches thereto 5 carrying the road from Lochgelly to Auchterderran over the River Ore and of the bridge and the approaches thereto carrying the road from Kirkcaldy to Thornton over the River Ore shall not be less than twenty-seven feet and the widening of the said bridges shall 10 be carried out by the Company at their own expense Provided that if the Kirkcaldy district committee contribute the money required for the purpose the Company shall further widen the said bridges to such extent as the county council of Fife may require 15 Provided further that the Company shall not be bound to widen such bridges and approaches unless and until the county council of Fife supply the necessary land.

Power to
make street
works.

5. Subject to the provisions of this Order the Company may 20 make the street works herein-after described in the lines and within the limits of deviation and according to the levels shown on the deposited plans and sections together with all necessary and proper works improvements junctions connexions approaches and conveniences connected therewith or incidental thereto and 25 may enter upon take hold and use such of the lands and buildings delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes and may enter upon open break up and interfere with such streets or roads as may be necessary for the like purposes. 30

The street works herein-before referred to and authorised by this Order will be situate wholly in the county of Fife and are—

Work H.—A widening on the eastern side of Auchterderran Road extending from a point seventy-eight yards or thereabouts north of the centre of Bow Bridge carrying the 35 said road over the River Ore for a distance of two hundred and five yards or thereabouts in a northerly direction.

Work J.—A widening on the southern side of Auchterderran Road at Auchterderran for a distance of sixty-five yards or thereabouts being the extent of the frontage to that 40 road of the property known as “Balgonie.”

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- 5 Work K.—A widening on the northern side of Auchterderran Road at Auchterderran between points respectively situate forty-five yards or thereabouts west and one hundred and two yards or thereabouts east of a point opposite the road leading from Auchterderran Road to Bowhill Pit. A.D. 1910.
- 10 Work L.—A widening on the southern side of Auchterderran Road at Auchterderran extending from the eastern side of the road leading from Auchterderran Road to Bowhill Pit for a distance of one hundred and eighty-two yards or thereabouts in an easterly direction.
- 15 Work M.—A widening on the south-western side of the main road from Auchterderran to Kinglassie at Auchterderran between points respectively situate seventy-five yards or thereabouts and one hundred and eighty-five yards or thereabouts north-west of the entrance gate in that road to the property known as “Craigderran.”
- 20 Work N.—A widening on the north-eastern side of the main road from Auchterderran to Kinglassie at Auchterderran between points respectively situate one hundred and fifty-five yards or thereabouts and two hundred and forty yards or thereabouts north-west of a point opposite the entrance gate in that road to the property known as “Craigderran.”
- 25 Work O.—A widening on the north-eastern and south-eastern sides respectively of the main road from Auchterderran to Kinglassie and Kinglassie Road extending for a distance of fifteen yards or thereabouts on each of those sides of the said roads and being a rounding off of the corner of the forecourt of the property known as “Dunroy.”
- 30 Work P.—A widening on the eastern and south-eastern sides of Kinglassie Road extending for a distance of twenty yards or thereabouts on each of those sides of the said road and being a rounding off of the corner of that road at a point two hundred and seventy-three yards or thereabouts west of the western boundary wall of Kinglassie Cemetery.

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Works H J K L M N and O will be situate in the parish of Auchterderran.

Work P will be situate in the parish of Kinglassie.

Provided always that the street works H to P inclusive herein-before described shall be carried out simultaneously with 5 the construction of the tramways in the streets proposed to be widened or within such extended period as the Board of Trade may approve.

LANDS.

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

6. If there be any omission misstatement or wrong descrip- 10
tion of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to the sheriff for the correction thereof and if it 15
appear to the sheriff that the omission misstatement or wrong description arose from 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 20
wrongly described and such certificate shall be deposited with the principal sheriff clerk for the county of Fife and a duplicate thereof shall also be deposited with the town clerk of the burgh or with the clerk of the parish council of the parish as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such 25
principal sheriff clerk and town clerk and clerk of the parish council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and 30
execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.

Persons under disability may grant servitudes &c.

8. Persons empowered by the Lands Clauses Acts to sell 35
and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Company any servitude right or privilege (not being a servitude

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right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands feu-duties ground annuals
5 and rentcharges 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. A.D. 1910.

9. In addition to the other lands which the Company are by this Order authorised to purchase and acquire they may
10 purchase take on lease or acquire by agreement and may hold for the purposes of the undertaking any lands not exceeding five acres and they may on such lands and on any other lands purchased or acquired under the authority of this Order erect or
15 construct and hold carriage and engine houses shelters waiting rooms gatekeepers' houses stables sheds depôts yards offices buildings stations sidings works and other conveniences in connexion with the undertaking but nothing in this Order shall exonerate the Company from any action or other proceeding for
20 nuisance in the event of any nuisance being caused or permitted by them on any such lands. Purchase of lands by agreement.

10. And whereas in the construction of the tramways and works hereby authorised or otherwise in exercise of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans may be
25 sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the properties described
30 in the schedule to this Order and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the jury arbiter or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material
35 detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage
40 sustained by the owners thereof and other parties interested therein by severance or otherwise. Owners may be required to sell parts only of certain lands and buildings.

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CONSTRUCTION AND MAINTENANCE.

Inspection
by Board
of Trade.

11. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Period for
completion
of tramways.

12. The tramways shall be completed within five years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

Gauge of
tramways.

13.—(1) The tramways shall be constructed on a gauge of three feet six inches or such other gauge as may from time to time be approved by the Board of Trade but carriages or trucks adapted to run on railways shall not be run thereon.

(2) So much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Power to
deviate in
constructing
Tramways
Nos. 3 4
and 7.

14. The Company in constructing Tramways Nos. 3 4 and 7 on private lands may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and they may deviate vertically from the levels thereof shown on the deposited sections except where any such tramway is laid across any public street or road to the extent and subject to the conditions prescribed in the case of a railway by sections 11 12 14 and 15 of the Railways Clauses Consolidation (Scotland) Act 1845 :

Provided that nothing in this Order shall authorise the Company to construct along any existing public road any part of the tramways which is not shown on the deposited plans as intended to be so constructed.

Power to
make subsi-
diary works.

15. Subject to the provisions of this Order and within the limits of deviation shown on the deposited plans the Company in connexion with the street works and for the purposes thereof may with the consent of the local authority make junctions and communications with any existing streets which may be interfered with by or be contiguous to such works and may with the like consent make diversions widenings or alterations

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of lines or levels of any existing streets for the purpose of connecting the same with such works or otherwise and may with the like consent alter divert and stop up all or any part of any drain sewer or channel within the said limits the Company
5 providing a proper substitute before interrupting the flow of sewage in any drain or sewer and making compensation for any damage done by them in the execution of any such works under the powers of this section.

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16. The street works so far as the same affect any public
10 street or road when the same shall respectively have been completed to the satisfaction of the road authority shall together with the surface rights in all lands laid into and appropriated for such works and the subsidiary works connected therewith vest in such road authority and shall for all purposes form part
15 of the streets to which they are respectively added.

Vesting of street works in road authority.

17.—(1) The Company may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove such crossings cross-overs passing places sidings turnouts junctions and other works in addition to those particularly specified in and authorised by this Order as they find
20 necessary or convenient for the efficient working of the tramways or for providing access to any generating stations stables carriage-houses works or premises of the Company or for providing access to any premises near any part of the tramways or for
25 forming junctions with other tramways tramroads waggonways or light railways.

Power to make additional crossings and to double tramway lines.

(2) Notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade lay
30 down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent at any time alter the position of any of the tramways or any part thereof in the road including the waste.

35 (3) Provided that if in the construction of any works under this section any rail is intended to be so laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the
40 footpath on either side of the road the Company shall not less than one month before commencing the works give notice in

A.D. 1910. writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not (except with the consent of the Board of Trade) be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under 5 their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Power to cross colliery railway and roads on level.

18. The Company may in the construction of Tramways Nos. 2 3 and 4 carry the same with a single line only whilst 10 the said tramways shall consist of a single line and afterwards with a double line only across and on the level of the colliery railway and roads next herein-after mentioned (that is to say):—

No. on deposited Plans.	Parish.	Description of Railway or Road.	15
5	Auchterderran (Burgh of Lochgelly).	Colliery railway level crossing (Auchterderran Road).	
7	Kinglassie - - - -	Road leading to "Redwells."	
17	Do. - - - -	Main road from Kirkealdy to Kinglassie.	20
8	Kirkealdy and Dysart - -	Road leading to "Skeddoway."	

Company may reduce footpath for constructing tramways.

19. The Company may increase the carriageway of any street or road in which any of the tramways are authorised to be laid to such extent as may be necessary by reducing the width of the footpath or waste on each or either side of such 25 street or road Provided that neither the footway nor waste shall be reduced in width without the consent of the road authority nor as regards the footway to such an extent as to be less than six feet wide.

Power to lop trees.

20. The Company may cut and lop any trees planted in or 30 near any highway along which the tramways or any of them are laid which may in any way interfere with the construction or working of such tramways or the trolley telephone or other wires or with the clear and safe passage of the carriages and the passengers thereon doing no unnecessary damage to the trees 35 and making compensation to any persons who may sustain damage by the exercise of the power conferred by this section such compensation to be finally settled by the sheriff in manner provided in section 31 of the Order of 1905 Provided that

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except in cases of emergency the Company shall give written A.D. 1910.
notice to the owners or reputed owners or their known agents
or factors eight days before exercising the said powers.

MISCELLANEOUS.

- 5 21. Notwithstanding anything contained in the Tramways Act 1870 the Roads and Bridges (Scotland) Act 1878 the Local Government (Scotland) Act 1889 the Burgh Police (Scotland) Act 1892 the Burgh Police (Scotland) Act 1903 and any Acts amending the same or in any byelaws made thereunder by the
10 magistrates or local authority or authorities as the case may be in whose districts the tramways or parts thereof are situate it shall not be necessary for carriages used on the tramways to be licensed as stage or hackney carriages or otherwise or for the drivers or conductors in charge of carriages used on such
15 tramways to be licensed as drivers or conductors of stage or hackney carriages or otherwise Nothing in this section shall apply to any licences required to be taken out under statutes relating to inland revenue.
22. The following sections of the Order of 1905 are hereby
20 incorporated with and form part of this Order and shall so far as applicable extend and apply to the tramways as fully and effectually as if those sections had been re-enacted in this Order with reference thereto (that is to say):—
- 25 Section 15 (Tramways to be kept on level of surface of road);
Section 16 (Plan of proposed mode of construction);
Section 18 (Rails of tramways);
Section 19 (Penalty for not maintaining rails and roads)
(Board of Trade may on complaint inspect
30 tramways);
Section 20 (Local and road authority to have access to sewers);
Section 21 (Cross-overs to be constructed in certain cases);
35 Section 23 (Temporary tramways may be made where necessary);
Section 25 (Application of road materials excavated in construction of works);
Section 26 (Shelters or waiting-rooms);
40 Section 27 (Stopping of roads during execution of works);
- Exemption of tramway cars &c. from licensing.
- Incorporation and application of certain provision of Order of 1905 to tramways.

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- Section 28 (As to electrical works &c.);
 Section 30 (As to removal of snow &c.);
 Section 31 (Attachment of brackets to buildings);
 Section 32 (For protection of local authority of area affected) except subsection (5) of that section;
 Section 36 (Passengers' fares);
 Section 37 (Passengers' luggage);
 Section 38 (Carriage of passengers and goods);
 Section 39 (Rates for goods in parcels &c.); 10
 Section 40 (Service of carriages);
 Section 41 (Cheap fares for labouring classes);
 Section 42 (As to fares on Sundays or holidays);
 Section 43 (Periodical revision of rates and charges);
 Section 44 (Byelaws); 15
 Section 46 (Penalty for malicious damage):
 Section 47 (Provisions as to motive power);
 Section 48 (Special provisions as to use of electrical power);
 Section 49 (Alteration of telegraph lines of Postmaster-General); 20
 Section 50 (For protection of Post Office telegraph lines);
 Section 51 (Apparatus used for mechanical power to be deemed part of tramways);
 Section 52 (Power to acquire patent rights); 25
 Section 56 (Agreements with road authority);
 Section 59 (Power to lease tramways);
 Section 61 (Form and delivery of notices);
 Section 62 (Consents of local or road authority);
 Section 64 (Recovery of penalties); 30
 Section 65 (Orders &c. of the Board of Trade).

Amendment
of Order of
1905.

23. Section 45 of the Order of 1905 shall for the purposes of that Order be read and have effect as if the words "not exceeding fifteen miles an hour" were omitted therefrom and section 57 of the Order of 1905 shall for the purposes of that Order be read and have effect as if the words "with the consent of the Board of Trade" were inserted therein after the word "may" in the first line of that section and the said sections as 35

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so amended are hereby incorporated with this Order and shall extend and apply to and in relation to the tramways. A.D. 1910.

24. Notwithstanding anything contained in section 30 of the Tramways Act 1870 where notice of any work has been given by the Company to any company persons or person and such company persons or person have not within fourteen days of the receipt of such notice given notice to the Company to lower or otherwise alter their mains or pipes tubes wires or apparatus such company persons or person shall be deemed to have approved such work. As to alterations of gas and water mains and pipes.

25. Section 30 of the Tramways Act 1870 (except subsections (1) and (5) thereof) shall in its application to the tramways have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a road or footpath. Application of section 30 of Tramways Act 1870 to overhead wires.

26. The Company may enter into and carry into effect contracts and agreements with the Dunfermline and District Tramways Company under sections 57 and 59 of the Order of 1905 as amended by this Order and for any of the purposes of this Order. Power to enter into agreements.

27. During the continuance of any contract or agreement to be entered into under the provisions of section 57 or section 59 of the Order of 1905 the tramways of the Company and the tramways or light railways of any local authority company or person entering into any such contract or agreement shall be regarded as one undertaking for the purpose of calculating maximum fares rates and charges. Provision as to contracts &c. under sections 57 and 59 of Order of 1905.

28. Section 43 of the Tramways Act 1870 shall in its application to the undertaking and to the Company in relation thereto be modified as follows (that is to say):— Purchase of undertaking.

(1) The local authorities in whose districts the tramways are situate (if by resolution passed at a special meeting of the members constituting each of such local authorities they so decide) may within six months after the expiration of a period of thirty-five years from the commencement of this Order and within six months after the expiration of every subsequent period of seven years with the approval of the Board of Trade (which approval the Board of Trade are hereby authorised to give) by notice in writing require the Company to sell to them the whole of the tramways situate within such districts as one

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undertaking upon the terms of paying the fair market value of the undertaking as a going concern and all lands buildings works materials and plant of the Company suitable to and used by the Company exclusively for the purposes thereof but without any 5 allowance for compulsory purchase such value to be in cases of difference determined by an arbiter to be appointed by the Board of Trade on the application of either party and the costs of such arbitration to be borne and paid as the arbiter may direct: 10

- (2) If any of the local authorities aforesaid be unwilling to join in such purchase the remaining local authorities or authority may exercise the powers of purchasing the undertaking under the immediately preceding subsection Provided that the provisions of the Tram- 15 ways Act 1870 with respect to the purchase of the undertaking by a local authority shall from the date of such purchase apply and be exercisable in respect of such portion of the undertaking as is situate within the district of any local authority not being 20 a party to such joint purchase by such local authority except that the period of forty years shall be deemed to be substituted for the period of twenty-one years in section 43 of that Act mentioned:
- (3) No such resolution shall be valid unless one month's 25 previous notice of the meeting and of the purpose thereof has been given in the manner in which notices of meetings of the local authority are usually given nor unless two-thirds of the members constituting the local authority are present and vote at the 30 meeting and a majority of those present and voting concur in the resolution and it shall be lawful for the chairman of any such meeting with the consent of a majority of the members present to adjourn the same from time to time: 35
- (4) When any such sale shall have been made all the rights powers and authorities of the Company in respect of the undertaking so purchased shall be transferred to vested in and may be exercised by the local authorities or authority as the case may be in like manner 40 as if such tramways were constructed by the local

authorities or authority as the case may be under powers conferred upon such local authorities or authority as the case may be by a Provisional Order under the Tramways Act 1870 together with power to place and run carriages upon and to work such tramways and to demand and take tolls rates and charges in respect of the same or in respect of the use of such carriages and in reference to such tramways the local authorities or authority shall be deemed to be the Company :

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(5) The local authorities may subject to the approval of the Board of Trade enter into such agreements and arrangements inter se as may be necessary or convenient for giving effect to the purposes of the foregoing provisions :

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(6) The Company shall not be bound to sell any part of their tramways or tramway undertaking to any local authority unless at the same time the whole of the undertaking is purchased by such local authority or by them and one or more of the other local authorities within whose districts the tramways are situate as herein-before provided.

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29.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Company in connexion with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :—

Use of tramway posts by Postmaster-General.

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(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways :

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(B) The Postmaster-General shall give to the Company not less than twenty-eight days notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which

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it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be 5 determined as herein-after provided :

- (c) Unless otherwise agreed between the Postmaster-General and the Company the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any 10 post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the 15 tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Company or by any regulations which may from time to time be made by the Board of Trade arising through the 20 exercise by the Postmaster-General of the powers conferred by this section :
- (d) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the 25 level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided :
- (e) Unless otherwise agreed no telegraph shall be attached 30 to any post or standard placed in or near the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time 35 inspected so as to satisfy himself that the said attachments are in a proper state of condition and repair :
- (g) The Postmaster-General shall make good to the Company and shall indemnify them against any loss

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5 damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Company their officers or servants:

10 (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Company and the Postmaster-General in the use of the post standard or bracket and to all the circum-
15 stances of each case may be agreed upon between the Postmaster-General and the Company or failing agreement determined as herein-after provided:

20 (I) The Company shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and work-
25 ing of the tramways or by any accident arising thereon or by the authorised use by the Company of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Company their officers or servants:

30 (J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Company the value of the same Provided that
35 if the Company or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

40 (2) Nothing in this section contained shall prevent the Company from using their posts standards or brackets for the

A.D. 1910. support of any of their electric wires and apparatus in connexion with their tramways or shall take away any existing right of the local authority of using the posts standards or brackets of the Company in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster- 5
General and the local authority in relation to the use of the posts standards or brackets by the Postmaster-General and the local authority respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be 10
determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "Company" includes their lessees the expression "telegraph" has the same meaning 15
as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

For protec-
tion of burgh
of Kirkcaldy.

30. For the protection of the provost magistrates and councillors of the royal burgh of Kirkcaldy (in this section respectively referred to as "the Kirkcaldy Corporation" and "the 20
burgh") the following provisions shall unless otherwise agreed upon between the Kirkcaldy Corporation and the Company apply and have effect (that is to say):—

(1) Notwithstanding anything contained in section 43 of the Tramways Act 1870 as modified by the section of this 25
Order of which the marginal note is "Purchase of undertaking" the Kirkcaldy Corporation may at the expiration of five years from the eleventh day of August one thousand nine hundred and ten and at the expiration of every subsequent period of five years 30
by notice in writing require the Company to sell and thereupon the Company shall sell to them so much of the tramways as is situate within the burgh upon the terms of paying the then structural value thereof exclusive of any allowance for past or future profits 35
Such value to be in case of difference determined by an arbiter to be appointed failing agreement on the application of either party by the Board of Trade :

(2) When any such sale shall have been made all the rights powers and authorities of the Company in respect of 40

the portion of the tramways so purchased shall be transferred to vested in and may be exercised by the Kirkcaldy Corporation and such portion shall for all purposes be and be deemed to form part of the tramway undertaking of the Kirkcaldy Corporation :

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- (3) In the event of the Kirkcaldy Corporation purchasing the said portion of the tramways as aforesaid the Company may run over and use with their engines and carriages and with their officers and servants for the purpose of conveying passengers passengers' luggage and parcels the said portion of the tramways or any part or parts thereof so purchased by the Kirkcaldy Corporation as aforesaid together with all sidings works facilities and conveniences and electrical or other motive power connected therewith and the Company may demand and take rates and charges in respect of passengers passengers' luggage and parcels so conveyed upon the said portion of the tramways :
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- 15
- (4) The rates and charges to be demanded and taken and the conditions and regulations to be observed in respect of the user of the said portion of the tramways and the consideration to be paid therefor shall be such as may be from time to time agreed between the Company and the Kirkcaldy Corporation or in default of agreement determined by an arbiter appointed by the Board of Trade :
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- 25
- (5) In the event of the Kirkcaldy Corporation purchasing the said portion of the tramways as aforesaid then in the exercise of the running powers by this section reserved to the Company the tramways of the Company and the tramways of the Kirkcaldy Corporation shall be regarded as one undertaking for the purpose of calculating maximum fares rates and charges and the fares rates and charges to be demanded in respect of the conveyance of traffic by the Company on the said tramways of the Kirkcaldy Corporation shall not exceed the respective maximum fares rates and charges which are for the time being authorised to be taken by the Kirkcaldy Corporation :
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- 35
- 40
- (6) The Company shall at their own expense and to the reasonable satisfaction of the Kirkcaldy Corporation

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pave with setts so much of any road within the burgh whereon any portion of the tramways is laid as lies between the rails of the tramways and for a distance of eighteen inches beyond the rails of and on each side of the tramways ;

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- (7) Any dispute or difference arising between the Company and the Kirkcaldy Corporation under this section shall be referred to and determined by an arbiter to be appointed by the Board of Trade on the application of either party.

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For protection of National Telephone Company Limited.

31. For the protection of the National Telephone Company Limited (in this section referred to as "the Telephone Company") the following provisions shall apply and have effect (that is to say):—

- (1) The Company shall not at any time during the currency of the Telephone Company's licence from the Postmaster-General to conduct telephonic business remove or interfere with any poles wires pipes conduits or other apparatus (in this section referred to as "apparatus") of the Telephone Company situate on any lands acquired by the Company under the powers of this Order except where the Company require so to do for the purposes of their undertaking and in such case the Company shall at their own expense prior to any such interference provide substituted apparatus in such positions as may be reasonably approved by the Telephone Company and if at any time during the currency of the said licence the Company shall require to remove or interfere with such substituted apparatus they shall provide other substituted apparatus in accordance with the foregoing provisions of this section :
- (2) If any difference arises under this section between the Company and the Telephone Company such difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

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For protection of North British Railway Company.

32. The following provisions for the protection of the North British Railway Company (in this section called "the Railway Company") and the railways owned leased worked or run over by the Railway Company (in this section called "the

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railways") shall unless otherwise agreed between the Company and the Railway Company apply and have effect (that is to say):— A.D. 1910.

- 5 (1) The Company shall not take or acquire by compulsion under the provisions of this Order any railways lands or property belonging to the Railway Company or in which the Railway Company is interested except No. 27 in the parish of Kinglassie for the purpose of Tramway No. 3:
- 10 (2) Before commencing any works or operations under the powers of this Order affecting any of the railways or affecting any bridge over or under any of the railways or the roadway under or on any such bridge the Company shall submit plans and sections of such works or operations to the Railway Company for their approval and the said works and operations shall be constructed and carried on in conformity only with such plans and sections and at the sight and to the reasonable satisfaction of the engineer of the Railway Company and such works shall thereafter be maintained and repaired by the Company to the reasonable satisfaction of such engineer Provided that the approval of the Railway Company shall not be unreasonably withheld and that it shall be deemed 20 to have been given unless the Railway Company signify their disapproval within twenty-eight days after submission of the said plans and sections:
- 25 (3) The Company shall not in the construction alteration maintenance or use of the tramways and works by this Order authorised injure alter or interfere with the structure of any bridge over or under any of the railways or cause any interruption to or interference with the traffic on any of the railways except as otherwise specially provided by this Order:
- 30 (4) If in constructing adapting or altering the tramways or works by this Order authorised the Company lower the level of any road passing under any of the railways the Company shall if in the opinion of the arbiter to be appointed as after-mentioned it is necessary underpin or otherwise strengthen the bridge carrying such railway over such road and such

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underpinning or strengthening shall be executed at the sole cost of the Company and at the sight and to the reasonable satisfaction of the engineer of the Railway Company and the Company shall pay to the Railway Company all expenses properly incurred by 5 them in connexion with such underpinning or strengthening including engineering expenses and also the expense of inspectors signalmen watchmen and others and all extra precautions reasonably required for the safety and working of traffic necessitated by 10 the works or operations of the Company :

- (5) If in consequence of the construction or existence or use of the said tramways it may be necessary to reconstruct or alter or strengthen the structure of any such bridge the Company shall bear the reasonable expense 15 of such reconstruction alteration or strengthening and the work thereof shall be carried out by the Company at the sight and to the reasonable satisfaction of the Railway Company's engineers :
- (6) If any injury to or interference with any of the 20 railways or any bridge or works of the Railway Company or any interruption to the traffic on any of the railways shall arise or be occasioned at any time by the works or operations of the Company they shall forthwith make good or remove such injury 25 interference or interruption at their own expense or the Railway Company may execute the necessary works for that purpose at the expense of the Company and the Company shall repay to the Railway Company all costs and expenses properly 30 incurred by them in so doing and all loss or damage sustained by the Railway Company in consequence of such injury interference or interruption :
- (7) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the Railway Com- 35 pany from maintaining and repairing and when necessary altering extending or reconstructing any of the railways or bridges or other works of the Railway Company without interference on the part of the Company and without incurring any liability to 40 the Company or to any person working or using the

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tramways for any loss injury damage expense or A.D. 1910.
interruption of traffic which may arise from such
maintenance repair alteration or reconstruction and
any extra expense which the Railway Company may
5 incur in such maintenance repair alteration extension
or reconstruction by reason of the construction or
existence of the tramways shall be paid by the
Company and such extra expense if any shall be
determined by the arbiter to be appointed as herein-
10 after mentioned Provided that all such operations
shall be executed by the Railway Company in such
manner as to cause as little interruption or incon-
venience as practicable to the traffic on the tramways
15 Provided also that the Railway Company may if
necessary in consequence of the operations of the
Railway Company lay at the expense of the Company
temporary tramways to maintain the continuity of
the tramway traffic Provided further that the Railway
20 Company shall give twenty-eight days notice in writing
to the Company before commencing any such opera-
tions as are referred to in this subsection and the
same so far as interfering with the tramways shall be
conducted at the sight and to the reasonable satisfac-
tion of the engineer of the Company :

25 (8) The Company shall pay to the Railway Company any
extra expense which the Railway Company may
incur or be put to in maintaining or repairing any
bridge or the roadway thereon or any approach to any
bridge or any part of any road for the maintenance
30 of which the Railway Company is liable by reason
of the construction use or existence of the tramways
and such extra expense if any shall be determined
by the arbiter appointed as herein-after mentioned :

35 (9) If having regard to the proposed position of the tram-
ways or works of the Company when considered in
relation to the position of the works of the Railway
Company at any point where the wires of the Rail-
way Company pass over or under the tramways it is
advisable in the reasonable opinion of the Railway
40 Company that the electric telegraphic telephonic or

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signal wires or apparatus belonging to or maintainable by the Railway Company should be altered the Railway Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by 5 the Company :

- (10) The Company shall not stop any tramway cars or other carriages on any level crossing by the tramways of any of the railways so as to interfere with or obstruct the traffic on such railway to a greater 10 extent than is reasonably necessary for the proper working of the tramways and no trains shall be allowed to stand on any level crossing over which the tramway lines are constructed so as to interfere with or obstruct the traffic on the tramway: 15
- (11) The protection afforded to the Railway Company by this section shall not extend to the case of any interference due to induction or leakage with the wires lines and apparatus of the Railway Company or the currents therein to which section 48 of the 20 Order of 1905 as incorporated by this Order applies But the Railway Company shall not by reason of being specially protected as regards other matters under this section lose as regards any such interference any protection to which they are otherwise 25 entitled :
- (12) If any difference shall arise between the Company or their engineer and the Railway Company or their engineer as to the meaning of this section or as to any plans and sections or as to any work or the method 30 of executing the same or as to any expenses referred to in this section the same shall be determined by an arbiter to be agreed upon between the Company and the Railway Company or failing agreement to be nominated by the Board of Trade on the application 35 of any of the parties.

For protection of
 County
 Council of
 County of

33. For the additional protection of the County Council of the County of Fife and the Kirkcaldy District Committee of that county (herein-after respectively referred to as "the County Council" and "the District Committee") the following provisions 40

shall unless otherwise agreed upon between the County Council or the District Committee as the case may be and the Company have effect:—

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—
Fife and
Kirkcaldy
District
Committee.

- 5 (1) If the Company alter the level of any road the portion of the road so altered and also in case of widenings of the road the additions to the existing road shall be bottomed with nine inches of whinstone rubble and finished with six inches whinstone metal properly consolidated and the drainage system and fencing of the road in so far as they may have been dislocated by the Company's operations shall be reinstated in such a manner that the road shall be drained and fenced in as efficient a manner as it was before the commencement of the Company's operations all at the Company's expense:
- 10
- 15 (2) The Company shall if and when and as may be reasonably required by the District Committee sufficiently fence to the reasonable satisfaction of the District Committee such portion or portions of the highway as may have been rendered dangerous by reason of the construction existence or use of the tramways:
- 20
- (3) The Company shall not without the consent of the District Committee use salt or any other material for thawing ice or snow on any highway:
- 25 (4) The surplus paving metalling or material which the Company are required by section 25 of the Order of 1905 to deliver to the surveyor of the road authority shall be delivered to him at such point on the tramway route not being at a greater distance than one mile from the point where the said surplus paving metalling or material was excavated as the surveyor may require:
- 30
- (5) If any standard or pole on the line of the tramway after erection is an obstruction to the public traffic the Company shall alter the position thereof in such manner as the County Council or District Committee shall reasonably require:
- 35
- (6) The Company shall not notwithstanding anything contained in section 26 of the Order of 1905 erect

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except in such position as failing agreement between the Company and the County Council or District Committee as the case may be shall be determined by arbitration as herein-after provided any sheds or shelters or waiting rooms within twenty-five feet of 5 the centre of the highway without the consent of the District Committee :

- (7) For the purpose of enabling the County Council to acquire land the Company shall allow the County Council to exercise in their name their powers with 10 respect to works H to P inclusive shown on the deposited plans subject to an indemnity being given by the County Council against all liability in respect of the exercise of such powers :
- (8) If any difference shall arise between the Company and 15 the County Council or the District Committee under this section the same shall be determined by the arbitration of an arbiter to be agreed upon between the parties or failing agreement to be appointed by the sheriff on the application of either party. 20

Tramways
deposit fund
not to be re-
paid except
so far as
tramways
are opened.

34. Whereas pursuant to the General Orders under the Private Legislation Procedure (Scotland) Act 1899 and to the Parliamentary Deposits Act 1846 as applied in such General Orders a sum of three thousand one hundred and eight pounds seven shillings has been deposited with the King's and Lord 25 Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in respect of the application for this Order of which sum the sum of three thousand and fourteen pounds seven shillings represents five per centum upon the amount of the estimate in respect of the tramways originally proposed to be 30 authorised by this Order and the remainder (herein-after referred to as "the works deposit fund") (that is to say) the sum of ninety-four pounds represents four per centum upon the amount of the estimate for the works originally proposed to be authorised by this Order other than tramways works And whereas a 35 sum of two thousand three hundred and ninety-seven pounds seven shillings part of the total amount of the said deposit for the said tramways represents five per centum on the amount of the estimate in respect of the tramways by this Order authorised

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(which last mentioned sum is in this Order referred to as "the tramways deposit fund") Be it enacted that notwithstanding anything contained in the said Parliamentary Deposits Act 1846 the tramways deposit fund shall not be paid or transferred to or
5 on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them or the executors or administrators of such survivor (which persons survivors or survivor or the executors or administrators of such
10 survivor are or is in this Order referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Order for completion of the tramways open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramways
15 the tramways deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways for public traffic then on the production of a certificate of the Board of Trade specifying the length of the
20 portion of the tramways opened as aforesaid and the portion of the tramways deposit fund which bears to the whole of the tramways deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the Court of Exchequer in Scotland shall on the application of
25 the depositors order the portion of the tramways deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of the Act
30 confirming this Order having passed anything in the Parliamentary Deposits Act 1846 to the contrary notwithstanding.

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35. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers
35 then and in every such case the tramways deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise
40 rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the

Application
of tramways
deposit fund.

A.D. 1910. compulsory powers of taking property conferred upon the Com-
pany by this Order and also in compensating all road authorities
for the expense incurred by them in taking up any tramway
or materials connected therewith placed by the Company in or
on any road vested in or maintainable by such road authorities 5
respectively and in making good all damage caused to such roads
by the construction or abandonment of such tramways and shall
be distributed in satisfaction of such compensation as aforesaid
in such manner and in such proportions as to the Court of
Exchequer in Scotland may seem fit And if no such compen- 10
sation is payable or if a portion of the tramways deposit fund
has been found sufficient to satisfy all just claims in respect of
such compensation then the tramways deposit fund or such
portion thereof as may not be required as aforesaid shall if a
judicial factor has been appointed or the Company is insolvent 15
and has been ordered to be wound up or the undertaking has
been abandoned be paid or transferred to such factor or to the
liquidator or liquidators of the Company or be applied in the
discretion of the Court of Exchequer in Scotland as part of the
assets of the Company for the benefit of the creditors thereof 20
and subject to such application shall be repaid or re-transferred
to the depositors Provided that until the tramways deposit fund
has been repaid or re-transferred to the depositors or has become
otherwise applicable as herein-before mentioned any interest or
dividends accruing thereon shall from time to time and as often 25
as the same shall become payable be paid to or on the application
of the depositors.

Release of
portion of
tramways
deposit in
excess of
tramways
deposit fund.

36. Notwithstanding anything in this Order contained on the
application of the depositors at any time after the commencement
of this Order the Court of Exchequer in Scotland may and shall 30
order that a sum of six hundred and seventeen pounds or the
investments for the time being representing the same (being so
much of the total sum deposited in respect of the tramways
originally proposed to be authorised by this Order as is in excess
of the tramways deposit fund) with any interest or dividends 35
accrued thereon or any invested accumulations of the same be
paid or transferred to the depositors or as they may direct and
in any application under this section it shall not be necessary to
produce any certificate of the Act confirming this Order having
passed. 40

Repayment
of works
deposit fund.

37. On the application of the depositors at any time after
the commencement of this Order the Court of Exchequer in

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Scotland may and shall order that the works deposit fund and the interest and dividends thereon shall be paid or transferred to the depositors or any other person or persons whom the depositors may appoint in that behalf. A.D. 1910.

5 38. Nothing in this Order contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges 10 authorised by this Order. Provision as to general Tramways Acts.

15 39. The Company shall not erect any generating station or take a supply of energy from any generating station (other than a generating station consented to by the Board of Trade under section 2 of the Electric Lighting Act 1909) unless the site for such generating station is specified in an Act of Parliament or in an Order confirmed by or having the effect of an Act of Parliament. Provided always that this section shall not apply to any sub-station for the transformation and distribution of electrical power or to any generating station which may be in existence 20 and which shall not be extended beyond the limits of the site occupied by the buildings of such station at the time of the commencement of this Order. As to generating stations.

25 40. The Company shall deliver to the Registrar of Joint Stock Companies for Scotland a printed copy of this Order and he shall retain and register the same and if such copy is not so delivered within three months from the passing of the Act confirming this Order the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director 30 and manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty. Every penalty under this section shall be recoverable summarily. Copy of Order to be registered.

35 There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

40 41. All costs charges and expenses of and preliminary and incident to the preparing for obtaining and passing of this Order and the confirming Act or otherwise in relation thereto shall be paid by the Company. Costs of Order.

A.D. 1910. The SCHEDULE referred to in the foregoing Order.

Describing properties of which portions only may be taken:—

Parish.	Number on deposited Plans.	Description.	5
Kinglassie - - -	11	Private road and open forecourt to house and shop.	
Kirkcaldy and Dysart - -	10	Yard at side of smithy.	
Auchterderran - - -	15	Yard fronting house.	10
	16	Garden fronting house.	
	17	Garden at side of house.	
	18	Open forecourt to houses.	
	19	Garden (forecourt) fronting house.	
	20	Open forecourt to house and shop.	15
	21A	Entrance to cottages and gardens.	
	25	Rough land fronting house.	
	28	Garden (forecourt) to house.	

**Wemyss Tramways
(Extensions) Order
Confirmation.**

A

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INTITLED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Wemyss Tramways.

(Brought from the Commons 4th July 1910.)

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