



CHAPTER xcii.

An Act to enable the Provost Magistrates and Town Council of the burgh of Kilmarnock to acquire the undertaking of the Kilmarnock Water Company to construct waterworks and supply water to the said burgh and places adjacent and for other purposes. A.D. 1892.

[20th June 1892.]

WHEREAS the burgh of Kilmarnock in the county of Ayr (in this Act called "the burgh") is a municipal burgh under the government of the provost magistrates and town council thereof (in this Act called "the Corporation"):

And whereas by the Kilmarnock Water Company's Act 1866 the Kilmarnock Water Company (in this Act called "the company") were incorporated and authorised to construct waterworks and supply water within the burgh and suburbs thereof and places adjacent within the parishes of Kilmarnock and Riccarton in the county of Ayr and by the Kilmarnock Water Act 1875 the powers of the company were extended and they were authorised to construct additional waterworks:

And whereas by an agreement made between the company and the Corporation dated the fifteenth day of December one thousand eight hundred and ninety-one the company and the Corporation agreed for the transfer to the Corporation of the undertaking of the company on the terms contained in the said agreement subject to such alterations as Parliament might see fit to make thereon and the said agreement as altered by Parliament is set forth in the First Schedule to this Act and it is expedient that the said agreement as so altered should be confirmed and that the undertaking of the company should be transferred to and vested in the Corporation accordingly and that the Corporation should be authorised to construct additional waterworks for the better supply of water within

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the limits in this Act defined and that the further powers in this Act contained should be conferred on the Corporation :

And whereas the capital of the company is thirty-five thousand pounds in three thousand five hundred shares of ten pounds each the whole of which is fully paid up and the company now owe the sum of eleven thousand two hundred pounds on mortgage :

And whereas it is expedient that the Corporation be authorised to borrow money for the purposes of this Act :

And whereas plans and sections showing the lines and levels of the several works authorised by this Act 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 required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk for the county of Ayr and are herein-after respectively referred to as "the deposited plans sections and book of reference" :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Kilmarnock Corporation Water Act 1892.

Incorporation of Acts.

2. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act:—

The Lands Clauses Acts ;

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but these provisions shall apply only in respect of the Work No. 1 Work No. 2 and Work No. 4 by this Act authorised and the works immediately connected therewith sections 25 and 26 of that Act shall also apply to the Work No. 3 by this Act authorised ;

The Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except the words in section 44 of that Act "with the consent in " writing of the owner or reputed owner of any such house or of

“the agent of such owner” and except sections 68 69 70 71 and 72); and A.D. 1892.

The Waterworks Clauses Act 1863:

And in construing the said incorporated Acts for the purposes of this Act “the promoters” “the promoters of the undertaking” “the undertakers” or “the company” mean the Corporation the word “schoolmaster” includes session clerk and “the railway” or “the undertaking” mean the respective works by this Act authorised unless there be something in the subject or context repugnant to such constructions respectively.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction: Interpreta-
tion.

“The Act of 1871” means the Kilmarnock Municipal Extension and Improvement Act 1871;

“The burgh” means the burgh of Kilmarnock as defined and extended by the Act of 1871;

“The Corporation” means the provost magistrates and town council of the burgh;

“The Burgh Acts” means the Act of 1871 and the other Acts relating to or affecting the burgh;

“The town clerk” “the treasurer” “the collector” mean respectively the town clerk the treasurer and the collector of the burgh;

“The sheriff” means the sheriff of the county of Ayr and includes his substitutes;

“The company” means the Kilmarnock Water Company;

“The company’s Acts” means the Kilmarnock Water Company’s Act 1866 and the Kilmarnock Water Act 1875;

“The agreement” means the agreement dated the fifteenth day of December one thousand eight hundred and ninety-one as altered and set forth in the First Schedule to this Act;

“The undertaking of the company” means the waterworks reservoirs mains pipes plant fixed and movable machinery apparatus implements buildings lands heritages easements stock in trade books chattels and effects and all authorities powers rights and privileges of the company on the thirtieth day of June one thousand eight hundred and ninety-two and all other property of or belonging to the company or to which the company is entitled on that date except such property as the company is entitled to retain under the provisions of the agreement;

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“Lands and heritages” has the same meaning as in the Act seventeenth and eighteenth Victoria chapter ninety-one intituled “An Act for the valuation of lands and heritages in Scotland” and the “valuation roll” or “valuation rolls” shall mean the roll or rolls made up in terms of that Act and any Acts amending the same;

“Owner” has the same meaning as in the Public Health (Scotland) Act 1867.

Act to be
executed by
council.

4. This Act shall be carried into execution by the Corporation acting by the council and the Corporation shall have all the powers and rights belonging to them under the Burgh Acts and may conduct and transact the business and matters of the water undertaking in all respects as a part of the business of the Corporation and according to their usual rules and practice of proceeding.

Limits of
Act.

5. The limits of this Act shall comprise and include the burgh and the suburbs thereof and places adjacent comprehended within the parishes of Kilmarnock Riccarton Kilmaurs and Fenwick all in the county of Ayr and the limits of this Act for the compulsory supply of water shall be the burgh and are herein-after called “the limits of compulsory supply.”

Books and
accounts to
be kept.

6. The Corporation shall for the purposes of this Act cause to be provided and kept true and regular accounts and to be entered therein all sums of money received and paid by them for the purposes of this Act and the water undertaking and such accounts shall be kept as part of but separate and distinct from the other accounts of the Corporation and shall be audited in manner provided by the Act of 1871 for the audit of the accounts of the Corporation and if a clerk be appointed for the purposes of this Act such clerk shall keep the books and records of the Corporation so far as the same relate to the purposes of this Act and any copy or extract from the books and records of the Corporation so far as relating to the purposes of this Act authenticated by the signature of the clerk shall be received as evidence in all courts whatsoever in any cause or matter concerning this Act and shall be open to the inspection of any person interested therein without payment of any fee or reward.

Corporation
may appoint
clerk trea-
surer and
collector.

7. The town clerk treasurer and collector respectively may be clerk treasurer and collector respectively under this Act or the Corporation may if they think fit appoint any other suitable person or persons to the offices of clerk treasurer and collector for the purposes of this Act or to any one or more of such offices and from time to time remove such person or persons and appoint others in

their stead or in the room of such of them as may die resign or A.D. 1892.
discontinue their offices and the provisions of the Burgh Acts in
regard to the clerk treasurer and collector appointed or to be
appointed for the purposes thereof shall be and are hereby made
applicable to the clerk treasurer and collector or any one or more of
them who may be appointed under the provisions and for the
purposes of this Act.

8. The agreement dated the fifteenth day of December one Agreement
thousand eight hundred and ninety-one entered into between the with com-
company on the one part and the Corporation on the other part as pany con-
altered and set forth in the First Schedule to this Act is hereby firmed.
subject to the provisions of this Act ratified and confirmed and may
and shall be carried into effect accordingly.

9.—(1.) On payment by the Corporation to the company of the Transfer of
sum of six thousand two hundred pounds in the agreement mentioned undertaking
together with interest thereon at the rate of four pounds per centum of company.
per annum from the thirtieth day of June one thousand eight
hundred and ninety-two the undertaking of the company shall by
virtue of this Act be transferred to and vested in the Corporation
as from the thirtieth day of June one thousand eight hundred and
ninety-two with the same title and for the same estate and interest
as the company held the same and subject to the mortgages charges
and other encumbrances affecting the same and to the payment of
the annuities as by this Act provided.

(2.) A receipt and discharge to the Corporation signed by three
of the directors of the company duly authorised to that effect shall
be conclusive evidence of the payment of the said sum of six
thousand two hundred pounds and interest and the said discharge
shall be recorded in the books of council and session and the pro-
duction of a copy of this Act purporting to be printed by Her
Majesty's printers and of an official extract from the books of council
and session of the said discharge shall be conclusive evidence of the
vesting of the undertaking of the company in the Corporation.

10. The Corporation shall on the date of transfer repay to the Corporation
company all sums expended by the company with the previously to repay the
obtained sanction in writing of the Corporation on capital account company
since the fifteenth day of December one thousand eight hundred and sums ex-
ninety-one in accordance with the provisions in that behalf of the pended on
agreement Provided always that the company shall be bound to capital
exhibit vouchers or discharges or other evidence of the expenditure account.
of such sums on capital account. The Corporation shall also on
the date of transfer take over and pay the Commercial Bank loans

A.D. 1892. — debt of the company amounting to the sum of one thousand one hundred and seventy-three pounds five shillings in so far as the said bank loan debt has been applied to capital expenditure.

Corporation to take over mortgage or debenture debts of the company.

11. The Corporation shall from the date of transfer take over the mortgage bond or debenture debts of the company and shall relieve the company from all liability for payment of the same and all interest accruing thereon from the thirtieth day of June one thousand eight hundred and ninety-two and the said debts shall after the transfer continue to be charged on the water undertaking of the company by this Act transferred to the Corporation in the same manner in all respects as before such transfer and the Corporation may by agreement with the persons entitled thereto continue or renew the said debts when they severally become due and payable on any terms the Corporation may think fit but on the security only of the rates and charges leviabie under the provisions of this Act and the Corporation may on payment take and if necessary record discharges by the holders of the said debts in favour of the Corporation.

Act equivalent to general conveyance of lands.

12. On and after the transfer this Act shall as respects the lands and heritages of the company to become vested in the Corporation under this Act be equivalent to a general conveyance thereof by the company according to the law of Scotland and thereupon in order to the completion of a feudal title to the said lands and heritages in the Corporation it shall be lawful for the Corporation to expedite one or more notarial instrument or instruments as they think fit which shall specially set forth this Act and the payment of the said sum of six thousand two hundred pounds evidenced as aforesaid and to record such notarial instrument or instruments in the manner and to the effect prescribed by the Titles to Land Consolidation (Scotland) Act 1868 and the Conveyancing (Scotland) Act 1874 or either of the said Acts or any Act amending these Acts or any other Acts in force for the time with reference to lands conveyed by general disposition or conveyance.

Copy of Act to be duly stamped.

13. Within six months after the transfer the Corporation shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printers and duly stamped with an ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the undertaking of the company for the considerations provided by this Act and if the Corporation shall not within the said period of six months produce to the Commissioners of Inland Revenue such copy of this Act duly stamped as aforesaid the said ad valorem duty shall be recoverable from the

Corporation with full costs of suit and all costs and charges attending the same. A.D. 1892.

14. From and after the transfer all the powers rights privileges and authorities duties and liabilities of the company under the company's Acts and the Acts therewith incorporated shall be by virtue of this Act transferred to vested in and imposed upon the Corporation and those Acts shall be read and have effect as if the Corporation had been named therein instead of the Company subject to the provisions of this Act and to the following exceptions:—

Application
of company's
Acts to
Corporation.

(1) The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 and of the Companies Clauses Act 1863 incorporated with the company's Acts shall not apply to the Corporation;

(2) The provisions of those Acts and of the Acts incorporated therewith relating to the constitution of the company and meetings of directors and to share or loan capital and to dividends and limitation on and application of the profits of the company and to the charges for water supply by the company and to the accounts of the company shall not apply to the Corporation.

15. From and after the transfer all byelaws and regulations made by the company and then in force shall continue in force the Corporation being substituted therein for the company but the Corporation shall have full power to repeal alter and amend all or any of the said byelaws and regulations and to make and from time to time repeal alter or amend fresh byelaws and regulations for all or any of the like purposes but any such repeal alteration or amendment as aforesaid or any fresh byelaws or regulations made by the Corporation under this section shall not take effect unless and until confirmed by the sheriff.

Regulations
of company
continued.

16. Except as is by this Act or by the agreement otherwise provided all purchases sales conveyances deeds contracts bonds and agreements entered into or made by the company and in force at the time of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Contracts of
company to
be binding on
Corporation.

17. No action suit or other proceeding whatsoever commenced either by or against the company previous to the transfer in relation to the undertaking by this Act vested in the Corporation shall abate or be discontinued or be prejudicially affected thereby but all such actions suits and other proceedings shall continue and take effect

Actions not
to abate.

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either in favour of or against the Corporation in such and the like manner as the same would have continued and taken effect in relation to the company if such transfer had not been made and all penalties by reason of any offence against the provisions of the recited Acts relating to the company previous to such transfer may be sued for and all offences which may have been committed before such transfer against the provisions of such Acts or any of them may be prosecuted in such or the like manner to all intents and purposes as the same might have been sued for and prosecuted respectively if such transfer had not been made. Provided that as between the company and the Corporation the provisions of this and the next proceeding section shall not extend or be construed to relieve the Company from any payment or liability which under the agreement or this Act is to be made satisfied or discharged by the company.

Annuities by Corporation to shareholders of company.

18. The Corporation shall issue to the shareholders of the company perpetual annuities of the amounts provided by the agreement and the several persons whose names appear as shareholders in the books of the company on the thirtieth day of June one thousand eight hundred and ninety-two or their respective executors administrators or assigns shall be considered to be the shareholders for the purpose of the issue of the annuities. The annuities so issued shall be called the Kilmarnock Corporation Water annuities and shall rank *pari passu* with each other and shall be charged on the net revenue of the water undertaking of the Corporation as in this Act provided.

Annuities to be substituted for shares in company.

19. The annuities shall in all respects be substituted for and represent the shares in the company and the several parties to whom any annuities are issued under this Act shall be possessed thereof respectively upon the same trusts and subject to the same powers provisions charges and liabilities as those upon and to which their respective shares in the capital of the company were on the date at which the annuities were so issued as aforesaid held and subject and the whole or a proportionate part as the case may be of the annuities shall be conveyed or affected by any deed will or other instrument disposing of or affecting the corresponding shares.

Annuity certificates to be issued.

20. The Corporation shall at their own expense issue to every annuitant under this Act or to his executors administrators or assigns on demand in writing made by him or them to the Corporation and on delivery to the Corporation of the certificate of the share or shares held by him or them in the capital of the company or on production of other evidence satisfactory to the Corporation of his

or their right thereto a certificate of the annuity to which such annuitant is entitled under the provisions of this Act and every such certificate may be in the form in the Second Schedule to this Act and shall be signed by two members of the Corporation and by the town clerk and treasurer and shall be sealed with the seal of the Corporation.

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21. The said certificates shall be numbered in arithmetical progression beginning with number one and every certificate shall be distinguished by its appropriate number and any certificate shall be renewed by the Corporation when lost worn out or damaged on production to them of evidence of the right of the annuitant requiring such renewal and if in any case the Corporation shall not be satisfied with the evidence offered by any annuitant he may appeal to the sheriff who shall decide summarily what evidence is requisite and his decision shall be final and for every such renewed certificate the Corporation may demand in addition to the amount of the proper stamp duty if any thereon denoted a sum not exceeding two shillings and sixpence.

Certificates
to be num-
bered and
renewed.

22. The Corporation shall keep a book called the "Register of Kilmarnock Corporation Water Annuities" and shall enter therein from time to time the names and designations of the several annuitants respectively entitled to the annuities and the respective amount of their annuities and every annuitant or if such annuitant be a corporation or a company its secretary clerk or agent may at all convenient times inspect such register gratis and may require a copy thereof or any part thereof and for every hundred words or any smaller number of words so required to be copied the Corporation may demand any sum not exceeding one shilling.

Register of
annuities.

23. If at any time an annuitant be desirous of having several certificates instead of one or one certificate instead of several for his annuities or any of them then on any such certificate or certificates being delivered to the Corporation they may order the same to be cancelled and shall thereupon issue to him as he may require one or more certificate or certificates (signed and sealed as in this Act provided) for his annuities the certificate or certificates for which is or are so cancelled and in every such case a proper entry of the substituted certificate or certificates shall be made by the Corporation in the said register and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence Provided that in every such case the amount or the aggregate amount of the annuities for which the substituted certificate or certificates is or are issued shall be the same as the amount

Certificates
for altered
numbers of
annuities.

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Certificates to be evidence.

24. The certificate of any annuity shall be admitted in all courts as *prima facie* evidence of the title of the holder thereof his executors administrators or assigns to the annuity therein specified but the want of such certificate shall not prevent the annuitant from disposing thereof.

Annuities to be personal estate.

25. The annuities shall be movable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Form of transfer.

26. Every annuitant may sell and transfer all or any of his annuities and every such transfer shall be duly stamped and shall be according to the form in the Third Schedule to this Act annexed or to the like effect.

Transfer of annuities to be registered.

27. Every such transfer (when duly executed) shall be delivered to the Corporation and be retained by them and they shall keep a book called the "Register of Transfers of Kilmarnock Corporation Water Annuities" and shall enter every such transfer therein and shall indorse such entry on the transfer (such indorsement to be signed by the town clerk and treasurer) and shall on demand deliver a new certificate (signed and sealed as in this Act provided) to the transferee. Provided always that on the request of any transferee an indorsement of the transfer to him shall on the transfer being delivered to the Corporation be made on the certificate relating to the annuity so transferred instead of a new certificate being granted and such last-mentioned indorsement being signed and sealed as in this Act is provided for the authentication of certificates shall be considered in every respect the same as a new certificate and for every such entry of a transfer and indorsement or new certificate as the case may be the Corporation may demand any sum not exceeding two shillings and sixpence in addition to the stamp duty if any denoted on such new certificate.

As to closing transfer books.

28. The Corporation may close the register of transfers of water annuities for any period not exceeding fourteen days before the fifteenth day of May in each year and any transfer made during the time when such register is closed shall as between the Corporation and the transferee but not otherwise be held as made after that time.

Transmission of annuities by

29. If the right to any annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant

or on the marriage of a female annuitant or by any lawful means other than by a transfer according to the provisions of this Act such transmission shall be authenticated by the proper evidence thereof and by a declaration in writing as herein-after provided and until the transmission be so authenticated no person claiming by virtue thereof shall be entitled to receive any part of the annuity transmitted.

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other means than written transfer to be authenticated by a declaration.

30. Every such declaration shall state the manner in which and the party to whom the annuity is transmitted and shall be made and signed by some credible person before a justice of the peace or sheriff of any county or city or other magistrate or person lawfully entitled to take the same and such declaration shall be left with the Corporation and thereupon they shall enter the name of the person entitled under such transmission in the said register of transfers of annuities and for every such entry the Corporation may demand any sum not exceeding two shillings and sixpence.

Contents of declaration in all cases.

31. If the transmission be on the marriage of a female annuitant the declaration shall set forth the deed or instrument of transmission (if any) and shall contain a copy of the register of such marriage or other particulars of the celebration or effecting thereof and shall declare the identity of the wife with the holder of the annuity and if the transmission be by virtue of any will or testamentary instrument or by intestacy the confirmation or testament testamentar or testament dative or the probate or letters of administration or an official copy or extract thereof shall with the declaration be produced to the Corporation and upon such production in any of those cases the clerk or treasurer shall make an entry of the declaration in the register of transfers of annuities Provided always that the term "transmission" in this and the two immediately preceding sections shall include any case of apparent transmission in consequence of the change of name of the annuitant although the actual ownership of the annuity may remain unaltered.

Contents of declaration in cases of transmission by marriage or will.

32. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any annuity may be subject and the receipt of the person in whose name any annuity stands in the register of annuities or in the event of any annuity standing in the names of more than one person the receipt of any one of such persons shall from time to time be a sufficient discharge to the Corporation for any money payable in respect of such annuity notwithstanding any trust to which the same may then be subject and whether or not the Corporation have had notice of such trust and the Corporation shall not be bound to see to the application of the money paid upon such receipt.

Corporation not bound to regard trusts.

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Commence-
ment and
payment of
annuities.

33. The annuities shall be computed from the thirtieth day of June one thousand eight hundred and ninety-two and shall be paid at the office of the Corporation in the burgh of Kilmarnock yearly on the fifteenth day of May in every year and the first payment thereof shall be made on the fifteenth day of May one thousand eight hundred and ninety-three for the proportion applicable to the period from the thirtieth day of June one thousand eight hundred and ninety-two to that date and the Corporation shall transmit and deliver annuity warrants to the respective annuitants as they become payable.

Certificates to
be demanded
before
annuities
recoverable.

34. The Corporation shall not be bound to pay any annuity until the person entitled thereto has demanded as by this Act provided a certificate for such annuity and any annuity in arrear and not wrongfully withheld by the Corporation shall not bear interest as against them.

Power to
redeem
annuities by
agreement.

35. The Corporation may from time to time by agreement with any annuitant redeem all or any of his annuities and when any annuity is so redeemed an entry of the redemption thereof shall be made in the said register of annuities and thereupon the redeemed annuity shall be wholly extinguished and the undertaking and property of the Corporation freed and discharged thereof Provided that the price to be paid by the Corporation shall not exceed thirty years' purchase of the annuity so redeemed.

Annuitants to
be preferen-
tial creditors
for annuities.

36. The annuitants shall be creditors of the Corporation for payment of the annuities herein-before directed to be paid to them and of the interest thereon and expenses incident thereto and the said annuities are hereby constituted preferential liens and burdens on the net revenue of the water undertaking of the Corporation next after the mortgage bond and debenture debt of the company.

Annuities
recoverable
by suit.

37. If any annuity being payable be not paid on demand thereof in writing made by the annuitant or his agent to the Corporation the annuitant may sue for and recover the same from the Corporation with interest at the rate of five pounds per centum per annum till paid with expenses.

Unpaid
dividends to
be consigned
in bank.

38. If any dividends or any other sums payable by the company to any person or persons who at the date of transfer were shareholders of the company shall remain unpaid on the thirtieth day of June one thousand eight hundred and ninety-three the amount thereof shall be consigned by the directors of the company in any of the chartered or incorporated banks in Scotland on a receipt or receipts in the name of the provost of the burgh of Kilmarnock and the clerk and treasurer for the time being as in trust for such

shareholders until such dividends shall be called for by the persons entitled thereto or their heirs or legal representatives when the same shall be paid to such persons so entitled or to such heirs or representatives.

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39. The company shall within one month after the passing of this Act furnish to the Corporation a statement of all their shares and of all their debts and liabilities so far as known to the Company and not payable by the company under the provisions of the agreement and of this Act.

Company to
furnish
statement
of debts.

40. From and after the transfer the company shall subsist only for the purpose of recovering and enforcing payment of the rates rents charges and other revenues due or owing to the company previous to the thirtieth day of June one thousand eight hundred and ninety-two and of receiving and recovering the sums payable by the Corporation to the company as provided by the agreement and paying all debts and liabilities which may be due by the Company and distributing the balance of their funds and effects after deducting such payments and all the expenses of and incident thereto among their shareholders and for winding up the affairs of the company and carrying into effect the purposes of this Act so far as relating to the company and the directors of the company who are in office at the date of transfer and the survivors and survivor of them shall continue without re-election to hold the office of directors of the company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes herein-before mentioned.

Purposes for
which the
company to
continue in-
corporated.

41. Upon the purposes specified in the next preceding section being fulfilled the directors of the company or a majority of the directors shall grant a certificate to that effect which certificate shall be published once in the "Edinburgh Gazette" and thereupon the company shall ipso facto be dissolved.

Dissolution
of company.

42. The Corporation may subject to the provisions of this Act make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described or some of them together with all proper embankments dams weirs bridges roads approaches ways wells tanks basins gauges stand-pipes sluices outlets outfalls discharge-pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions meters valves engines buildings apparatus and conveniences in connexion with the said works or any of them or necessary or convenient for diverting impounding taking collecting storing conducting

Power to
make water-
works.

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distributing and regulating the supply of water for the purposes herein-after mentioned and for inspecting maintaining repairing altering cleansing managing and using the same and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for the said purposes or any of them and for any of the other purposes of this Act. The works herein-before referred to and authorised by this Act will be wholly situate in the county of Ayr and are:—

- (1) A reservoir (Work No. 1) to be situate on the streams called the Dunton Burn and Loch Burn and adjacent lands in the parish of Fenwick commencing in the Loch Burn above its junction with the Birk Burn and terminating at an embankment to be formed across the Dunton Burn near the site of an old embankment across that burn above the junction of the Dunton Burn with the Carlin Burn;
- (2) An aqueduct or watercourse (Work No. 2) in the parish of Fenwick to carry the water of the Birk Burn past the south-east side of the reservoir herein-before described commencing in the Birk Burn and terminating in the Carlin Burn above the junction of that burn and the Dunton Burn;
- (3) A conduit or line of pipes (Work No. 3) in the parishes of Fenwick and Kilmarnock commencing in the intended reservoir herein-before described and terminating by a junction with the Company's existing main pipes at a point on the public road leading from the burgh of Kilmarnock to the village of Fenwick south of the south corner of Southcraig farmhouse;
- (4) Filters and pure water tanks (Work No. 4) in the parish of Fenwick at or near the north-western corner of the field numbered 866 on the Ordnance Survey map.

Power to
take streams
and waters.

43. It shall be lawful for the Corporation to intercept take and divert into the said reservoir (Work No. 1) and therein to impound and store up the waters of the Dunton Burn and Loch Burn and tributaries and affluents thereof respectively and also the waters of all such springs streams and watercourses as will be intercepted by the said reservoir except the waters of the said Birk Burn and the Corporation may by means of the said reservoir and other works convey appropriate and use the said waters except as aforesaid for the purposes of this Act.

Compensa-
tion water.

44. As soon as the reservoir (Work No. 1) is completed the Corporation shall cause to be discharged from the said reservoir down the stream called the Dunton Burn a regular and continuous flow of not less than three hundred and seventy-five thousand gallons

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of water in every day of twenty-four hours and the same if and when discharged shall be deemed to be full compensation to mill-owners and other persons interested in the waters of the streams intercepted by the said reservoir.

45. In the construction of the works authorised by this Act the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that no part of any aqueduct conduit or line of pipes shall be constructed or laid in any public road so as to be above the general surface of the ground Provided also that the Corporation shall not in the exercise of the powers of deviation hereby given construct any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and three feet in addition and that if the Corporation shall exercise the powers of vertical deviation hereby granted they shall construct the embankments in each case of such additional thickness at the base as shall be equal to five feet for every foot of additional height and shall make a corresponding addition to the strength of any retaining wall.

Limits of
deviation.

46. For the purposes and during the execution of the several works which the Corporation are by this Act authorised to make and subject to the provisions of this Act the Corporation may from time to time break up or cross over or under alter or stop up temporarily any sewers drains watercourses gas pipes and water pipes and electric or telephonic apparatus in any of the lands acquired by the Corporation under the powers of this Act or in which lands they may acquire an easement providing when possible a temporary substitute before interrupting the flow of water gas sewage or electricity in any such sewer drain watercourse or pipe and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to or authorise any interference with electric apparatus or other property of Her Majesty's Postmaster-General or with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 to which the provisions of the former Act apply.

Power to
alter sewers
&c. tem-
porarily.

47. The Corporation may in lieu of acquiring any lands for the purpose of any aqueducts conduits or pipes by this Act authorised

Corporation
may acquire
easements

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—
only in cer-
tain lands,

acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Corporation for the purpose of laying aqueducts conduits or pipes therein where such aqueducts conduits or pipes are laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works save when they are being examined altered or amended by the Corporation have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

Power to
agree for
easements
&c.

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

Lands for
extra-
ordinary
purposes.

49. In addition to the lands authorised to be taken and acquired under the powers of this Act the Corporation may purchase by agreement lands not exceeding ten acres for the purpose of making depôts pipe-yards and other buildings and conveniences in connexion with the water undertaking of the Corporation and providing such drains manure tanks cesspools receptacles and other appliances as

are necessary for preventing sewage or polluting liquids from any of the farm steadings within the area draining into the reservoirs called the Burnfoot Reservoir and Gainford Reservoir from fouling or polluting the water in or flowing into these reservoirs or in or flowing into any aqueduct or stream communicating therewith and the proprietor and occupier for the time being of any such farm steading shall be bound to secure the proper use and regular clearing out of such drains manure tanks cesspools receptacles and other appliances but nothing in this Act shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

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50. The Corporation may on any lands which they now have or may hereafter acquire under the powers of this Act or otherwise construct all such drains channels and other works as they think necessary or desirable for preventing sewage or polluting liquids from entering or polluting any of the reservoirs or watercourses of the Corporation or any waters flowing into the same.

Protection
of reservoirs
from
pollution.

51. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Limiting time
for exercise of
compulsory
powers of
purchase.

52. If the works authorised by this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing any works not so completed or in relation thereto shall (except where otherwise agreed on between the Corporation and any person whose lands may be affected) cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Corporation from exercising the powers contained in the section of this Act of which the marginal note is "Corporation may enlarge or increase number of pipes."

Period for
completion
of works.

53. The Corporation may at any time if they think fit sell lease or otherwise dispose of to any person in such way and manner and on such terms and conditions as the Corporation may deem proper any lands mines or minerals for the time held by or belonging to the Corporation as part of the water undertaking and not required for any of the purposes of or in connexion with the water undertaking Provided that any purchase money received on any such sale or as a fine or premium on any lease shall be applied exclusively for purposes for which money borrowed under this Act is applicable or in discharge of money so borrowed.

Power to
sell lands &c.

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Restriction
on taking
houses of
labouring
class.

54. The Corporation shall not under the powers of this Act without the consent of the Secretary for Scotland purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. The expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Sale of por-
tion of pipes
within juris-
diction of
other local
authorities.

55. In the event of the Corporation supplying water beyond the limits of compulsory supply to and within the jurisdiction of any county council or of any local authority as defined by the Public Health (Scotland) Act 1867 they shall be bound if and when such county council or local authority shall themselves resolve to supply water to and within the jurisdiction of such county council or local authority beyond the said limits to sell to such county council or local authority on receiving six months' notice in writing any pipes plant or other apparatus of the Corporation which are used exclusively for the distribution of water within the jurisdiction of such county council or local authority beyond the said limits under the powers of this Act and that for such price as may be agreed on or failing agreement as may be fixed by arbitration under the Lands Clauses Acts.

Corporation
may enlarge
or increase
number of
pipes.

56. The Corporation may from time to time subject to the provisions of this Act lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) mains pipes and other conveniences from time to time in use or required for conveying and distributing water under the powers of this Act. Provided always that such laying down extension enlargement or increase shall be executed only on lands or property for the time being belonging to the Corporation or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes or over which they have acquired easements for that purpose under the powers of this Act.

Pressure.

57. The water to be supplied from any main or pipe of the Corporation need not be supplied in any case at a level above or

at a greater pressure than can be supplied or afforded by gravitation from the service reservoirs or tanks from which the supply is taken.

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58. The Corporation shall after the transfer cause pipes to be laid so far as not already 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 as defined by this Act and shall as soon as conveniently may be after the completion of the reservoir and other works by this Act 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 limits of compulsory supply in any such street or road as aforesaid furnish to such person by means 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 Corporation a sufficient supply of water for domestic purposes in any such house or dwelling and the office-houses yards and other pertinents of the same.

Supply of water for domestic use within the limits of compulsory supply.

59. The Corporation shall after the completion of the waterworks by this Act authorised cause pipes to be laid down and water for domestic purposes to be brought to every part of the places and districts within the limits of this Act beyond the limits of compulsory supply whenever they shall be required by one or more owners or occupiers of houses in such part of the districts beyond the limits of compulsory supply Provided that the aggregate amount of water rates payable by him or them annually at such rates as may be fixed by the Corporation as herein-after provided shall not be less than one-tenth part of the expense of providing and laying down such pipes Provided always that no such requisition shall be binding on the Corporation unless such owners or occupiers shall severally execute an agreement binding themselves to take such supply of water for ten successive years at least Provided also that the water to be supplied by the Corporation under the provisions of this section need not be laid on constantly or under pressure Provided further that it shall be lawful for the Corporation to agree with any owner or occupier who is not entitled to demand a supply of water for such a supply for domestic purposes to be made at any place within the limits of this Act.

Supply of water for domestic purposes beyond the limits of compulsory supply.

60. The Corporation may if they think fit furnish to any person within the limits of this Act a supply of water for other than domestic purposes to shops offices and warehouses and for steam-engines or railway purposes or for warming or ventilating any

Corporation may supply water for other than domestic purposes.

A.D. 1892.

premises other than dwelling-houses or for working any machine or apparatus or for cattle or for horses or for washing carriages where such horses or carriages are kept for hire or are the property of a dealer or for gardens fountains or ornamental purposes or for any trade manufacture business or occupation or for hotels taverns poor-houses hospitals prisons barracks schools or other public buildings or for any other purpose not domestic on such terms and conditions as may be agreed upon between the Corporation and the person desiring such supply and any such supply may be in bulk or otherwise as may be agreed on. Provided always that so far as possible the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply and the charges for such supply shall be recoverable in the same manner as any other water rates or charges may be recovered under the authority of this Act. 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 domestic use within the limits of this Act.

Payment of
charge for
water supply.

61. The charge for the supply of water under the two immediately preceding sections of this Act shall be payable at such times and in such manner as the Corporation shall fix and unless the Corporation shall otherwise determine shall be paid in advance and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Corporation or at the time when the agreement to take water from the Corporation is made. Provided always 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 Corporation may think necessary and the meter for ascertaining the quantity consumed shall (unless otherwise agreed on) be provided by the Corporation who may charge such reasonable rent for the same as they may determine.

Supply of
water outside
limits of
Act.

62. It shall be lawful for the Corporation to supply water in bulk or otherwise to any local authority company or person outside the limits of this Act on such terms and conditions as may be agreed on between the Corporation and the authority company or person desiring the same. Provided always that such supply shall not prejudicially affect or restrict the supply of water from time to time to be provided for domestic purposes within the limits of this Act.

Cleansing
sewers &c.

63. The Corporation 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 or wash-houses or

for public fountains or wells either gratuitously or at such charge or reduced charge and upon such terms and conditions as they shall think proper. A.D. 1892.

64. For the purpose of providing for the better distribution of the water supply among the inhabitants within the limits of compulsory supply it shall be lawful for the Corporation to require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street or road within those limits in which the pipes of the Corporation are laid to take a supply of water for such house or tenement by connecting a service pipe with the main pipe of the Corporation in any such street (such connexion to be made by the Corporation or some person to be employed by 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 means and apparatus and in such positions as shall appear to the Corporation to be necessary for that purpose and in the event of refusal or delay on the part of such owner to comply with such requisition it shall be lawful for the Corporation to enter such house or tenement and premises connected therewith and to provide lay and maintain such service pipes stand-pipes or taps cisterns and other means and apparatus in such positions as aforesaid and to recover the expense thereof from such owner in the same manner as rates or charges are recoverable by the Corporation under this Act Provided always that in the case of houses not exceeding four pounds of yearly rent or value such owner shall not be required to introduce water into each house if such means of supply has been provided for each tenement of houses as the Corporation may deem necessary Provided also that in case of any question or difference arising between the Corporation and such owner with respect to the necessity for such supply being provided for any such house or tenement or with respect to the number or description of service pipes stand pipes or taps cisterns or other means and apparatus necessary for the purpose aforesaid the same shall be determined and fixed by the sheriff on summary application by either of the parties and the decision of the sheriff shall be final and not subject to appeal or review in any court or by any process whatsoever.

Owners to
provide and
maintain
service pipes.

65. When there shall be in any building or part of a building within the limits of compulsory supply a common pipe the supply through and from which pipe shall be used by or shall be accessible to the various occupants of such building or part of a building as aforesaid nothing in this Act shall render it obligatory upon the Corporation to give or continue a supply of water through or from such common pipe unless the several water rates and charges which may be payable under the provisions of this Act to the Corporation

Provision as
to common
pipe.

A.D. 1892. in respect of the supply of water through such common pipe to such building and every part thereof shall first have been paid to the Corporation by the owner or occupier of such building or part of a building as aforesaid.

Regulations
for prevent-
ing waste of
water.

66. For the purpose of preventing the waste misuse or undue consumption or the contamination of the water supplied by the Corporation the Corporation may from time to time prescribe the size nature strength materials mode of arrangement and repair of the pipes valves cocks cisterns water-closets and other apparatus to be used and may interdict any arrangement and use of any pipes valves cocks cisterns water-closets and other apparatus which in their judgment may tend to any such waste misuse undue consumption or contamination and they may make byelaws for regulating all or any matters and things whatsoever connected with the supply of water and may impose such penalties for breaches of such byelaws not exceeding forty shillings for each offence as may be considered expedient and from time to time as they shall think fit may repeal alter or re-enact any such byelaws and they may enter on any premises supplied by them with water for the purpose of ascertaining whether such byelaws have been complied with and the provisions of section 15 of the Waterworks Clauses Act 1863 shall apply to any such entry Provided always that any byelaws made by the Corporation in the exercise of the powers conferred on them by this section shall be operative only in such part of the limits of supply in which the Corporation are bound to afford and do in fact afford or are prepared to afford a constant supply and shall not be operative unless the same shall have been approved of and confirmed by the sheriff.

Conditions of
supply.

67. The Corporation notwithstanding anything contained in the Waterworks Clauses Acts 1847 and 1863 or in this Act shall not be bound to supply any water unless the pipes valves cocks cisterns water-closets or other apparatus to be used be sufficient to prevent the waste misuse or undue consumption or contamination of the water supplied.

Penalty for
interference
with Cor-
poration's
valves &c.

68. Every person who shall wilfully carelessly or without due authority from the Corporation in any way interfere with any valve pipe lock cock or other apparatus or works of the Corporation or with any meter used for registering the quantity of water supplied by the Corporation to the injury of the Corporation shall without prejudice to any other right or remedy competent to the Corporation for the punishment of such offender be liable to a penalty not exceeding five pounds for every such offence.

69. If any of the apparatus shall be out of order the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same and if such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do the Corporation or any person authorised for that purpose in writing under the hand of the town clerk and producing his authority if called upon to do so may enter upon such premises and repair renew and make watertight all such apparatus and shall be entitled to recover in the name and at the instance of the town clerk or treasurer from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner by the Acts herewith incorporated provided for the recovery of penalties or by action in any court of competent jurisdiction and for the purposes of this section the word "apparatus" means and includes pipe cistern bath water-closet ball-cock stop-cock valve and other articles used in the supply or storing of water in houses manufactories or premises or in connexion therewith Provided that in the event of such repair or renewal being paid by the occupier of any such house or premises he shall be entitled to recover such expense from the owner thereof or to deduct the same from his rent unless otherwise provided for by the terms of the tenancy.

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Corporation
may repair
apparatus
on failure by
owner or
occupier.

70. From time to time after the transfer the Corporation may erect and maintain within the limits of compulsory supply such drinking fountains drinking troughs or stand-pipes as they think convenient and keep them supplied with water.

Public
fountains
and stand-
pipes may be
put up.

71. Every person who takes water from any of the public fountains drinking troughs or stand-pipes belonging to the Corporation for any purpose other than domestic or for drinking shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for
taking water
from public
wells except for
domestic use.

72. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the Corporation 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 Corporation or to any service pipe or apparatus of such owner or any other owner or occupier for the purpose of washing horses carriages or other vehicles houses or buildings 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 Corporation a penalty not exceeding forty shillings.

Tube or hose
not to be
affixed to
mains or
pipes without
consent of
Corporation.

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Rent for
water may be
ascertained
by meter.

73. The Corporation may agree with any person for a supply of water by measure and may require any person supplied with water for any other than domestic purposes to take and pay for such supply by measure in both cases a meter for ascertaining the quantity consumed shall (unless otherwise agreed on) be provided by the Corporation at a reasonable rent to be fixed by the Corporation.

Corporation
to estimate
annual sums
required.

74. The Corporation 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 purposes of this Act for defraying the costs charges and expenses of supplying water for and during the year then current the annuities and the interest of money that may be borrowed or due under the provisions of this Act and the payment to the sinking funds together with the expense of maintaining and managing the works mains and pipes and obtaining and providing and distributing supplies of water within or beyond the limits of this Act and the whole or such portion of the salaries wages and other expenses of the treasurers engineers surveyors clerks collectors or other officers or servants employed by the Corporation as they shall think equitable and fair to charge to such account and all other charges and expenses in connexion with the water undertaking properly chargeable against revenue.

Rates vested
in Cor
poration.

75. The several rates from time to time made or receivable under this Act by the Corporation are by this Act vested in the Corporation and shall be payable when and as they appoint and to the collectors and other persons whom they appoint to receive the same.

Rates.

76. In order to raise the amount of the estimate made by the Corporation in each year under the provisions of this Act the Corporation may and they are hereby required to assess and levy within the limits of compulsory supply rates to be called respectively "the domestic water rate" and "the public water rate" upon the persons and property and subject to the limitations in this Act specified.

Domestic
water rate.

77. The domestic water rate shall be levied on the occupiers of—

- (1) All dwelling-houses and buildings used partly as dwelling-houses according to the full annual value thereof with their pertinents according to the valuation roll for the time being in force;
- (2) All shops warehouses counting-houses chambers or offices of any description according to the full annual value thereof

but so as not to exceed sixpence in each pound of such value according to the valuation roll for the time being in force :

Provided—

- (A) That in every case in which any part of a building shall be appropriated and occupied as a dwelling-house and the remainder of such building shall be appropriated and used only as a building other than a dwelling-house and such parts are separately valued in the valuation roll they shall be deemed for the purposes of this enactment a separate dwelling-house and separate building respectively and where in any case such parts are not separately valued in the valuation roll it shall be lawful for the Corporation and they are hereby required upon the request in writing of the occupier of such building to appropriate to such part of the building as shall be occupied as a dwelling-house its due proportion of the value of the entire building as valued in the valuation roll and to apportion to the remainder of such building the residue of the entire value thereof and thereupon such parts shall for the purposes of this enactment be deemed a separate dwelling-house and separate building respectively of such apportioned yearly values respectively and the Corporation may for the purposes of assisting them in making any such apportionment employ any surveyor or other skilled person :
- (B) That the amount to be paid in respect of any dwelling-house shop or premises shall not be less than the sum of five shillings in any year :
- (C) That when the annual value of any building or part of a building liable to be rated separately under this section shall not exceed the sum of ten pounds the rate shall in every such case be paid by the owner of such building or part of a building :
- (D) That as regards all persons who shall be the occupiers of any subjects or premises (other than tenements situate in a private close or place) they shall not be liable to be assessed in respect thereof for the said rate unless some pipe of the Corporation shall be laid down within one hundred feet of the outer wall fence or boundary of the same :
- (E) That as regards the occupiers of tenements situate in a private close or place they shall not be liable to be assessed in respect of such tenements for the said rate unless some pipe of the Corporation shall be laid down within one hundred feet of the entrance to such close or place or the nearest part thereof.

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Public
water rate.

78—(1.) When the domestic water rate leviable in respect of dwelling-houses and buildings used partly as dwelling-houses under the provisions of the next preceding section shall exceed elevenpence in the pound a public water rate of one penny in the pound shall be levied on the owners of all lands and heritages according to the full annual value thereof (subject as in this section provided) according to the valuation roll for the time being in force. Provided always that such rate may be levied and collected by the Corporation from the occupiers of such lands and heritages and any occupier paying the same shall be entitled to deduct the same from any rent payable by him in respect of such lands or heritages.

(2.) The annual value of the following lands or heritages shall for the purposes of the public water rate be held to be the nearest aggregate sum of pounds sterling to one-fourth of the annual value thereof entered in the valuation roll namely:—

- (a) All lands and heritages used exclusively as a canal or basin of a canal or towing path for the same or as a railway excepting the stations depôts wharves and buildings thereof which shall be assessable to the same extent as other lands and heritages;
- (b) All the underground gas-pipes or underground works of any gas undertaking;
- (c) All woodland arable meadow or pasture ground or other ground used for agricultural purposes.

Rate to be
levied for
supply of
water for
domestic
purposes
beyond limits
of compul-
sory supply.

79. The charge to be made by the Corporation for the supply of water for domestic purposes to any person beyond the limits of compulsory supply but within the limits of this Act shall be at least equal to the combined amount of the domestic water rate and the public water rate which would be payable for the time being to the Corporation in respect of such supply if the premises to which the supply is given were situate within the limits of compulsory supply.

Mode of
ascertaining
rental of
property.

80.—(1.) The annual value of all lands heritages houses buildings and other premises and property liable to be assessed for the domestic water rate and the public water rate respectively shall be fixed by the valuation roll or valuation rolls subject as in this section provided.

Assessment
roll to be
made up.

(2.) The Corporation shall annually cause to be made up rolls or books of assessment from the valuation roll or valuation rolls showing the annual value of the lands and heritages within the limits of compulsory supply so far as such lands and heritages are liable to be assessed for the rates authorised to be levied under the provisions of this Act and showing also the amount of such rates due by each occupier or owner and according to which rolls or books such rates

or any of them are intended to be levied or showing the amount per pound of such rates and in such rolls or books of assessment there shall in no case be entered any fractional part of a pound of the assessable annual value aforesaid and when such fractional part shall not amount to ten shillings the sum shall not be entered at all in such annual value and when such fractional part shall amount to or exceed ten shillings the sum shall be entered as one pound of such annual value in addition to the actual number of pounds of such annual value and shall be assessed and reckoned accordingly.

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81. The Corporation shall from time to time so regulate the rates to be levied for the supply of water under the provisions of this Act that the amount of such rates with the aid of the public water rate shall be sufficient to pay the interest on money borrowed for water purposes under the authority of this Act together with all the charges and expenses in this Act specified with regard to the estimate of costs charges and expenses of supplying the burgh with water for and during the year then current including such sum as the Corporation is required to set apart for the purpose of the sinking funds and if in any year the amount received shall not be sufficient for all the purposes aforesaid the Corporation may include the amount of the deficiency in the estimate for the next year.

Rates to be regulated by annual expenditure and provision for sinking fund.

82. The provisions of the following sections of the Act of 1871 shall be deemed to be incorporated with this Act and shall extend and apply to the rates by this Act authorised (that is to say):—

Certain provisions of Act of 1871 to apply to rates.

Section 159 (assessment of rates);

Section 161 (unoccupied premises may be included in rates);

Section 162 (owner may be rated without stating his name);

Section 163 (form of rate);

Section 164 (rate to be open to inspection of ratepayers);

Section 165 (rates may be amended);

Section 166 (any person aggrieved may lodge objection and be heard);

Section 167 (appeal to sheriff against rates);

Section 168 (decisions as appealed from to be final);

Section 169 (second notice of every rate to be given to defaulters);

Section 170 (recovery of rates);

Section 171 (regulating sales of effects for payment of assessments);

Section 172 [(collector to account for surplus proceeds of such sales);

Section 173 (providing appeal against any oppressive proceedings of collector);

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Section 174 (rate books to be evidence);

Section 175 (application of rates);

Section 176 (extent to which occupier is liable in default of owner);

Section 177 (notice of rate to be given);

Section 178 (rate to be sealed by Corporation).

Rates may
be collected
under Burgh
Acts.

83. If it shall appear to the Corporation that the rates to be levied for the supply of water under the provisions of this Act may be more expediently levied collected or recovered under the provisions of the Burgh Acts in force for the time being than under the provisions herein-before expressed it shall be lawful for the Corporation to levy collect and recover the said rates accordingly and that along with the police assessment or with the assessment for prison purposes or separately as may be deemed most expedient notwithstanding the provisions herein-before contained.

Power to
borrow.

84.—(1.) The Corporation may from time to time (in addition to any moneys which they are now authorised to borrow) borrow at interest the sums of money hereinafter specified or any part thereof (that is to say):—

(A) For the purpose of paying the several sums which under the agreement are payable by them to the company including the Commercial Bank debt the amount of such several sums;

(B) For the purpose of paying off or redeeming the mortgage bond and debenture debts of the company any sum or sums not exceeding eleven thousand two hundred pounds;

(C) For the redemption of the annuities under the provisions of this Act the amounts from time to time paid or agreed to be paid for such redemption not exceeding ninety-three thousand pounds:

(D) For the works authorised by this Act and the general purposes of their water undertaking and for payment of the costs of this Act any sum or sums not exceeding thirty thousand pounds:

And in order to secure the moneys so borrowed they may mortgage the rates and charges leviable under the provisions of this Act.

Application
of borrowed
money.
Sinking
fund.

(2.) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed.

(3.) Money borrowed under this section for the redemption of annuities shall be repaid within the time within which the annuities issued under this Act are required to be redeemed or within which provision for their redemption is required to be made and the mortgage bond or debenture debt of the company for the repayment

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—

of which the Corporation become liable under this Act and any moneys borrowed under this section for paying off or redeeming the same shall be repaid within sixty years from the passing of this Act and all other moneys borrowed under this section shall be repaid within sixty years from the borrowing of the same either by instalments or by means of a sinking fund appropriated for that purpose and with the accumulations thereof (if any) from time to time applied for that purpose Provided that it shall not be obligatory on the Corporation to pay off any money or make any appropriations for a sinking fund before the expiration of one year from the time of borrowing.

(4.) If having borrowed any money under the provisions of this Act the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of lands mines or minerals sold under the powers of this Act they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

Re-borrow-
ing.

85. The Corporation shall make provision for the redemption of any annuities issued by them under this Act by means of a sinking fund appropriated for that purpose and with the accumulations thereof from time to time applied for that purpose so as to extinguish or be in a position to extinguish the whole of such annuities within sixty years from the passing of this Act and if at the end of that time the annuities or any of them are not wholly extinguished then the Corporation shall so long as they are liable to pay the same apply in or towards that payment the annual income arising from the sinking fund provided under this section.

Sinking fund
for annuities.

86. The following regulations shall be observed by the Corporation in relation to the sinking funds formed under this Act:—

Regulations
as to sinking
funds.

(1) The sums paid into any sinking fund shall be accumulated in the way of compound interest by investment in the name of the Corporation in any securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures or debenture stocks duly created and issued by any local authority (other than the Corporation) in Scotland within the meaning of the Public Health (Scotland) Act 1867 or by any local authority in England within the meaning of the Local Loans Act 1875;

(2) The Corporation shall from time to time apply the sinking fund in or towards the discharge or redemption of the principal moneys or annuities for the discharge whereof it was created

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until thereby or otherwise the whole of such principal moneys or annuities have been discharged or redeemed ;

- (3) Whenever any of such principal moneys have been paid off or annuities redeemed by means of the sinking fund the Corporation shall until the whole of the principal moneys have been paid off or the whole of the annuities have been redeemed as the case may be pay into the sinking fund which has been so applied every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate of three pounds per centum per annum ;
- (4) Whenever and so long as the value of the securities in the sinking fund for the discharge of the principal moneys borrowed or becoming payable under this Act is equal to the amount of the principal moneys then outstanding the Corporation may in lieu of investing the yearly income arising from such securities apply the same in payment of the interest on the said principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto ;
- (5) Whenever and so long as the value of the securities in the sinking fund for the redemption of the annuities issued under this Act is not less than thirty years purchase of the annuities then outstanding and unredeemed the Corporation may in lieu of investing the yearly income arising from such securities apply the same in payment of such annuities and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

Form of
mortgage.

87. Every mortgage to be granted by the Corporation shall be by deed duly stamped in which the consideration shall be duly stated and may be in the form contained in the Fourth Schedule to this Act or to the like effect or as the circumstances may require.

Mortgages
may be ac-
companied
with interest
warrants.

88. It shall be lawful for the Corporation to issue along with any such mortgage and during the period of any postponement of the term of payment thereof interest warrants in the form contained in the Fourth Schedule to this Act or to the like effect signed by the treasurer for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgage is intended to subsist and the delivery to the Corporation or their treasurer or to any person on their behalf of any such interest warrant duly stamped as a receipt shall be a valid

and sufficient discharge to the Corporation for the interest in respect of which the same was issued.

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89. It shall be lawful for the Corporation to accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Corporation according to the usage of bankers in Scotland to the extent of the aggregate amount which the Corporation are at the time authorised to borrow or any part thereof and to make and grant mortgages of the property and works vested in and to be acquired and constructed by the Corporation in virtue of this Act and the several rates and charges leviable by them under the provisions of this Act in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon. Provided always that the whole sum due and owing by the Corporation on such cash account and for money borrowed by them on mortgage as aforesaid shall not when taken together exceed the aggregate amount of the sum by this Act authorised to be borrowed.

Corporation may borrow on credit of a cash account.

90. Every mortgage to be granted by the Corporation may be partly in writing and partly printed and shall besides being under the common seal of the Corporation be signed by at least two members of the Corporation and the town clerk and treasurer and all drafts or orders on the cash account before mentioned shall be signed by any two members of the Corporation authorised so to do and by the town clerk and treasurer. Provided always that no member of the Corporation or town clerk or treasurer shall by his subscription of any such mortgage draft or order be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed drawn or received or any interest thereon or of any sums whatsoever in respect thereof.

Manner in which mortgages and orders on bank account to be signed and executed.

91. No person lending money to the Corporation shall be bound to inquire as to the observance by the Corporation of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Protection of lender from inquiry.

92. Nothing in this Act contained shall prejudicially affect any mortgage heretofore granted by the Corporation on the credit of any rate fund income or property which the Corporation before the commencement of this Act had power to levy or over which they had control and now in force and all mortgages so granted and now in force shall have in all respects the same priorities and be secured in full to all intents and purposes upon such rate fund income or property of the Corporation as if this Act had not been passed.

Saving for existing mortgages of Corporation.

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Arrears may
be enforced
by appoint-
ment of
judicial
factor.

93. In the event of any principal money borrowed by the Corporation as aforesaid or any interest thereon or of any annuity not being paid within one month after such payment shall have become due and after demand thereof in writing it shall be lawful for any mortgagee holding mortgages in arrear or annuitant to the amount of one thousand pounds or for several mortgagees holding mortgages in arrear or annuitants to the amount of one thousand pounds in the aggregate to render the security by this Act conferred effectual by the appointment of a judicial factor and the application for such appointment shall be made by summary petition to the court of session or in time of vacation to the Lord Ordinary on the Bills who are hereby respectively authorised and required on such application being made by any mortgagee or mortgagees or annuitant or annuitants holding the respective sums in arrear before specified to appoint some person as judicial factor to the effect and with the powers herein-after mentioned unless previously to such application being advised the amount of such mortgages or annuities as the case may be with interest and expenses shall have been paid to the petitioner or petitioners or unless the said court or Lord Ordinary as the case may be shall be satisfied that consignment thereof should under the circumstances be accepted in lieu of payment and such consignment be made accordingly and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and
duties of
judicial
factor.

94. The judicial factor so appointed on finding security in common form shall exercise all the powers conferred by this Act upon the Corporation for and in relation to assessing levying and recovering the several rates and charges by this Act authorised to be levied and managing and maintaining the undertaking works and property to be vested in or to be acquired or constructed by the Corporation under the provisions of this Act and the Corporation shall deliver to him all rate books and other books and documents necessary for that purpose and after defraying the expenses of such application management and maintenance the said judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment out of such rates and revenues and such judicial factor shall continue not only until all arrears of mortgages and annuities due at the date of the appointment of such judicial factor and all interest due on any of the said sums and any annuity or interest which shall have become due during his continuance in office with interest and expenses including the expenses of the application for such appointment and of carrying the purposes thereof into execution shall

have been paid but also until any half year's annuity or interest which although not due may become current during his continuance in office and a sufficient sum to meet expenses shall have been paid or consigned in one of the chartered banks in Scotland and upon payment and consignment as aforesaid of such mortgages annuities interest and expenses it shall be lawful for the Corporation to apply to the court of session or Lord Ordinary as aforesaid for the recall of the appointment of the judicial factor who may recall such appointment accordingly.

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95. All mortgages to be granted by the Corporation under the authority of this Act and all money to be advanced and lent on the security of the rates and charges leviable by them shall be movable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Mortgages to
be personal
estate.

96. Any person entitled to any mortgage granted by the Corporation under the authority of this Act may discharge the same and his right and interest therein in favour of the Corporation 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 Act 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.

97. Subject to the provisions of this Act the Corporation shall apply all moneys from time to time received by them under the powers of this Act (not being money raised by borrowing for the application of which provision is herein-before made) in manner and order following and not otherwise (that is to say):—

Application
of revenue.

(First.) In payment of the expenses of and incidental to the raising levying and recovering rates rents charges and revenues and the borrowing of moneys under this Act;

(Secondly.) In payment of the expenses of managing and maintaining the Corporation waterworks;

(Thirdly.) In payment of interest on the mortgage bond and debenture debt of the company;

(Fourthly.) In payment of the annuities issued under this Act;

(Fifthly.) In payment of the interest on moneys borrowed under this Act;

(Sixthly.) In setting apart annually the sums necessary for the sinking funds;

(Seventhly.) In carrying the powers and provisions of this Act into execution including any extensions of the waterworks not chargeable to capital;

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(Eighthly.) In providing a reserve fund which the Corporation are hereby authorised to make to meet any contingencies;

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

Certain
sections of
Act of 1871
incorporated.

98. The provisions of the following sections of the Act of 1871 shall be deemed to be incorporated with this Act (that is to say):—

Section 214 (power to order prosecutions);

Section 215 (liability to rates et cetera not to disqualify);

Section 218 (form and service of notices et cetera by the Corporation);

Section 219 (service of notice on Corporation);

Section 220 (contents of warrant);

Section 221 (warrant shall include costs);

Section 224 (as to recovery of fines);

Section 225 (penalties on repetition of offences);

Section 226 (proceedings when offender refuses to state his name);

Section 227 (punishment of abettors et cetera).

Expenses of
Act.

99. The costs charges and expenses of and incident to the preparing for obtaining and passing this Act or otherwise in relation thereto (in this Act referred to as "the costs of this Act") shall be paid by the Corporation out of any of their moneys but shall be recouped by and charged to moneys to be raised under this Act.

The SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

It is mutually contracted and agreed between the Kilmarnock Water Company (herein-after called "the company") incorporated by and acting under the Kilmarnock Water Company's Act 1866 and also the Kilmarnock Water Act 1875 on the one and first part and the provost magistrates and town council of the burgh of Kilmarnock (herein-after called "the Corporation") acting under and in virtue of the Act (local and personal) tenth and eleventh of Victoria chapter two hundred and seven the General Police and Improvement (Scotland) Act 1862 or some of its provisions and the Kilmarnock Municipal Extension and Improvement Act 1871 and the other Acts or portions of Acts incorporated with those above specified on the other and second part in manner under written (that is to say) :—

First. The company have agreed to sell and do hereby agree to sell on the terms after mentioned and the Corporation have agreed and do hereby agree to purchase on these terms but subject to the condition of their obtaining an Act of Parliament in the ensuing session of Parliament as after mentioned all the waterworks reservoirs mains pipes plant fixed and movable machinery apparatus implements buildings lands heritages easements stock in trade books chattels and effects and all authorities powers rights and privileges of the company at the thirtieth day of June one thousand eight hundred and ninety-two and all other property of or belonging to the company or to which the company is entitled on that date (herein-after referred to as "the undertaking of the company" or as "the purchased premises") except such property as the company is entitled to retain as provided for in article third hereof and the said parties respectively shall perform all acts and execute all deeds necessary to carry out such sale or purchase.

Second. The consideration for the said purchase shall be the following :—

- (1.) The granting by the Corporation as from the thirtieth day of June one thousand eight hundred and ninety-two of ten per centum perpetual annuities payable yearly at the term of Whitsunday to the holders at thirtieth of June one thousand eight hundred and ninety-two of the one thousand five hundred ordinary shares of ten pounds each and the one thousand four per centum preference shares of ten pounds each of the company ;
- (2.) The granting by the Corporation as from the date aforesaid of six per centum perpetual annuities payable yearly at the term of Whitsunday

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to the holders at thirtieth of June one thousand eight hundred and ninety-two of the one thousand four and a half per centum preference shares of ten pounds each of the company ;

(3.) The taking over by the Corporation as from the date aforesaid of the debentures and bonds granted by the company amounting to eleven thousand two hundred pounds and the relieving of the company from all liability for payment of the same and all interest accruing thereon from the date aforesaid ;

(4.) The taking over and payment by the Corporation as from the date aforesaid of the sum of one thousand one hundred and seventy-three pounds five shillings due by the company to the Commercial Bank of Scotland Limited in so far as the said sum has been applied by the company to capital expenditure ; and

(5.) The payment by the Corporation to the company of the sum of five thousand pounds in consideration of unpaid dividends and of a further sum of twelve hundred pounds making a total sum of six thousand two hundred pounds which sum of six thousand two hundred pounds shall bear interest at the rate of four per centum from the date aforesaid until paid.

Third. It is hereby stipulated and agreed to that the company shall be entitled to retain for its own use and there shall not be included in the sale to the Corporation under this agreement the present reserve fund of the company amounting to nine hundred and twenty pounds nine shillings and one penny and the sum of fifty-one pounds sixteen shillings and tenpence being the amount carried forward by the company at their last balance on thirtieth June one thousand eight hundred and ninety-one and such rates or sums as may be due to the company on revenue account for water supplied prior to thirtieth June one thousand eight hundred and ninety-two.

Fourth. The sale to the Corporation shall take effect as from the thirtieth day of June one thousand eight hundred and ninety-two and from that date till payment of the said sum of six thousand two hundred pounds the company shall carry on the undertaking at the risk and expense and for the benefit of the Corporation. The actual transfer shall take place and the said sum of six thousand two hundred pounds and interest shall be paid as soon as conveniently may be after the passing into law of the said Bill.

Fifth. Upon the actual transfer and on payment by the Corporation to the company of the said sum of six thousand two hundred pounds above-mentioned with interest thereon as aforesaid and on implement of the remaining considerations stipulated for in article second hereof the company shall deliver the purchased premises to the Corporation with the whole works in as complete working condition as at present (damage by inevitable accident and reasonable tear and wear excepted) and so that the supply of water to the community may not in any way be interrupted. An acknowledgement receipt and discharge to the Corporation signed by three of the directors of the company authorised to that effect shall be conclusive evidence of the implement of the foresaid considerations and the payment of the said sum of six thousand two hundred pounds and interest if incurred.

Sixth. If the Corporation shall so require the purchase shall be completed by the execution of a formal conveyance in their favour by the company.

Seventh. Until the said thirtieth day of June one thousand eight hundred and ninety-two the company shall (subject to the provisions contained in articles

eight and ninth) carry on the undertaking of the company as heretofore at their own expense and risk and for their own benefit and will maintain and keep in as good order as at present (reasonable tear and wear being allowed) all the purchased premises and any extensions or additions thereto.

Eighth. Until the said thirtieth day of June one thousand eight hundred and ninety-two the company shall upon obtaining the sanction of the Corporation in writing make all such extensions of and additions to the undertaking of the company as shall be necessary for the due carrying on as heretofore and development of the undertaking of the company and shall (subject to the provisions of article ninth hereof) provide the funds for all expenditure on that behalf.

Ninth. The company shall keep and shall be bound to exhibit proper and sufficient accounts and vouchers or discharges or other evidence of the expenditure to be incurred in virtue of article eighth hereof and at the actual transfer the Corporation shall repay to the company all such expenditure.

Tenth. The Bill now promoted or about to be promoted in Parliament by the Corporation for ratifying confirming and giving effect to this agreement shall inter alia contain such provisions as may be proper and sufficient for providing for the distribution of the funds and winding up and dissolution of the company and the said Bill shall also contain clauses to enable the Corporation to raise the money required by them in purchasing and carrying on the undertaking of the company on security of rates to be levied by them and all such other clauses as may be necessary for giving effect to and fully carrying out this agreement.

Eleventh. The said Bill shall be prosecuted solely by the solicitors and agents of the Corporation but the same so far as relates to the sale of the undertaking of the company shall be submitted to and revised by the agents of the company who shall be empowered if deemed expedient by the company at any time during the progress of the Bill in Parliament to employ a solicitor or counsel in London or both to watch the clauses of the Bill bearing on the purchase of the undertaking of the company before being passed into an Act and to see that the interests of the company are sufficiently protected.

Twelfth. The Corporation shall pay to the company the sum of one hundred and fifty pounds towards the costs charges and expenses which have already been or shall or may hereafter be incurred by the company as well in connexion with and incidental to this agreement and the promotion and prosecution of as in negotiation for and incidental to the said agreement and Bill and the transfer and conveyance (if required as aforesaid) of the purchased premises to the Corporation the revising fees of said Act so far as relates to the sale of the undertaking of the company and fee to the solicitors or counsel in London if incurred The stamp duties payable in respect of this agreement and on the conveyance of the purchased premises shall be borne by the Corporation.

Thirteenth. This agreement is made subject to such alterations as Parliament may see fit to make thereon and shall be scheduled to and confirmed by the said Bill Should any alterations be made on this agreement by Parliament which either of the contracting parties shall consider material thereto either of the parties may withdraw therefrom and the party so withdrawing shall pay the whole of the expenses incurred by both of the parties in promoting the Bill.

Fourteenth. The company and the Corporation bind themselves to do everything in their power directly and indirectly by counsel and otherwise to carry out in their entirety the terms of this agreement.

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Fifteenth. If any questions shall arise between the company and the Corporation as to the intent construction effect and meaning of this agreement or the implement thereof every such question shall (unless it can be otherwise satisfactorily arranged and disposed of) be submitted and referred to the determination of David Hall Esquire Advocate Sheriff Substitute of the county of Ayr whom failing of James Graham Esquire Dean of the Faculty of Procurators in Glasgow the decision of either of whom shall be final and conclusive and binding on both parties In witness whereof

THE SECOND SCHEDULE.

FORM OF WATER ANNUITY CERTIFICATE.

KILMARNOCK CORPORATION WATER.

No.

This is to certify that A.B. (name and designation) is entitled to receive from the Corporation under the Kilmarnock Corporation Water Act 1892 an annuity of _____ pounds payable yearly on the fifteenth day of May in each year beginning the first payment thereof on the fifteenth day of May one thousand eight hundred and ninety-three for the year preceding and so forth thereafter and which annuity is subject to the provisions of the Act secured on the rates rents charges and other revenues to be levied and received by them for the supply of water and with the privileges conferred by the said Act.

Dated this _____ day of _____ one thousand eight hundred and _____
(To be signed by _____ and by the clerk and treasurer and
to have the corporate seal affixed.)

THE THIRD SCHEDULE.

FORM OF TRANSFER OF WATER ANNUITY CERTIFICATE.

I A.B. (name and designation) in consideration of the sum of _____ pounds [or other consideration as the case may be] paid to me by C.D. (name and designation) do hereby transfer to the said C.D. and his executors administrators or assignees the annuity of _____ pounds No. [as the case may be] of the Kilmarnock Corporation Water Annuities created under and by virtue of the Kilmarnock Corporation Water Act 1892 now standing in my name in the books of the Corporation appointed under the said Act with the rights and privileges and subject to the conditions and provisions specified in the said Act And I the said C.D. do hereby agree to hold the said annuity subject to the same

conditions and provisions In witness whereof [insert testing clause according to the form of the law of Scotland if executed in Scotland and if executed in England or elsewhere the form of attestation used in England].

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THE FOURTH SCHEDULE.

No. 1.—FORM OF MORTGAGE.

KILMARNOCK CORPORATION WATER.

Mortgage No. £

By virtue of the Kilmarnock Corporation Water Act 1892 we "the Corporation of Kilmarnock" in consideration of the principal sum of [specify amount] paid by [name and designation of mortgagee] to the treasurer to the said Corporation for the purposes of the said Act do hereby grant and assign to the said [name of mortgagee] and his executors administrators and assignees [or as the case may be] such proportion of the several rates and charges applicable to the said water-works to be levied by the said Corporation under the authority of the said Act as the said sum of [specify amount] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and charges to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied and it is hereby stipulated that the said principal sum shall be repayable on the [date] or shall thereafter in virtue hereof remain as a loan to the said Corporation until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon and signed by the said mortgagee or his foresaids and by the treasurer to the said Corporation and which minute or minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of the said mortgagee or his foresaids or of the said treasurer nor tested and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of [specify rate] per centum per annum) the said Corporation shall pay the several sums contained in the [state number] interest warrants bearing the number and date hereof and delivered herewith and that at the several times mentioned in such warrants upon delivery of the same respectively and such delivery shall be a sufficient receipt and discharge to the said Corporation for the contents of such warrants declaring that the said mortgagee and his foresaids shall not be entitled to make and that the said Corporation shall not be bound to recognise or register any partial assignation of these presents or of the sums of money principal or interest herein contained and that the said Corporation shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation revision adjustment or execution of this mortgage or of any discharge renunciation release assignation or minute of postponement or renewal thereof.

In witness whereof [testing clause according to law of Scotland].

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No. 2.—FORM OF INTEREST WARRANT.

KILMARNOCK CORPORATION WATER.

Mortgage No. Dated 18

INTEREST WARRANT.

For	pounds	shillings and	pence	£	:	:
			Less income tax		:	:
				£	:	:

Payable on 18 at the

Treasurer.

No. 3.—FORM OF DISCHARGE.

Received from the treasurer to the Corporation of Kilmarnock acting on their behalf the sum of being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up as paid.

Dated this day of one thousand eight hundred and

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T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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