



CHAPTER lxi.

An Act to provide an additional supply of Water to the Burgh of Falkirk and districts and places adjacent and for the construction and maintenance of new and additional Waterworks to confer further powers on the Falkirk and Larbert Water Trustees and for other purposes. A.D. 1896.
[2nd July 1896.]

WHEREAS by the Falkirk and District Water Act 1888 (in this Act referred to as "the Act of 1888") the Falkirk and Larbert Water Trustees (in this Act called "the Trustees") were incorporated for the purpose of supplying water to the burgh of Falkirk and districts and places adjacent and the powers of the Trustees were therein defined and regulated :

And whereas the existing waterworks and water supply are inadequate and insufficient to meet the wants and convenience of the rapidly increasing population trade and manufactures within the limits of supply and it would be for the public advantage that the Trustees should be authorised to provide an increased supply of water to the burgh of Falkirk and districts and places adjacent and for that purpose to acquire the lands and construct and maintain the several waterworks in this Act mentioned :

And whereas the boundaries of the burgh of Falkirk were extended by the Falkirk Corporation Act 1890 :

And whereas it is expedient that the limits of compulsory supply should be extended and defined so as to include therein in addition to the existing limits of compulsory supply the districts annexed to the said burgh by the said Falkirk Corporation Act 1890 :

And whereas it is expedient that the Trustees should be authorised to levy rates and to raise further money for the purposes of the works authorised by this Act and for the purchase of lands and for the general purposes of their undertaking :

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And whereas it is expedient that the other powers in this Act mentioned should be conferred on the Trustees :

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Act and also a book of reference thereto containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands and other property required or which may be taken for the several purposes or under the powers of this Act were duly deposited in the offices at Stirling and Falkirk respectively of the principal sheriff clerk of the county of Stirling and are in this Act referred to as the deposited plans sections and book of reference :

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

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

Short title.

1. This Act may be cited for all purposes as the Falkirk and District Water (Additional Supply) Act 1896.

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned in the Act of 1888 and in any Acts wholly or partially incorporated therewith shall have the meanings attached to them in those Acts unless there be something in the subject or context repugnant to such construction and subject to the variations and amendments following (that is to say) :—

The expression "the Act of 1888" means the Falkirk and District Water Act 1888 ;

The expression "the Trustees" means the Trustees for the time being constituted and incorporated by the Act of 1888 ;

The expression "the burgh of Falkirk" means and includes the burgh of Falkirk according to the municipal and police boundaries thereof at the passing of this Act ;

The expression "commissioners" in the Act of 1888 and this Act shall mean the magistrates and council for the time being of the burgh of Falkirk as commissioners for the time being of the said burgh under the Burgh Police (Scotland) Act 1892 ;

The expression "the undertaking" includes in addition to all the other waterworks and property vested in and belonging to the Trustees under the Act of 1888 the waterworks authorised by this Act and all lands property and buildings and all streams springs wells reservoirs cisterns tanks aqueducts sluices mains pipes culverts and all machinery material plant

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on things for supplying water or used in or connected with the supply of water under the authority of this Act and all the

rights powers authorities and privileges vested in the Trustees ;

The expression "the waterworks" means the waterworks of the Trustees including the works authorised by this Act ;

The expression "drainage area" means lands off and from which water flows directly or indirectly into the Trustees' reservoirs and works respectively ;

The expression "limits of compulsory supply" means the limits for the compulsory supply of water by the Trustees as defined in the Act of 1888 and extended by this Act ;

The expression "the limits of the Act" means the limits of the Act referred to in the Act of 1888.

3. This Act and the Act of 1888 as such last-mentioned Act is amended and varied by this Act shall be read and construed together as one Act and may be cited as the Falkirk and District Water Acts 1888 and 1896.

Acts to be construed as one Act.

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

Incorporation of Acts.

The Lands Clauses Acts :

The Waterworks Clauses Acts 1847 and 1863 with the exceptions specified in the Act of 1888 :

The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith but such clauses and provisions shall apply only in the case of the reservoirs embankments and other works immediately connected therewith and the expressions "the Company" means the Trustees "the railway" means the said works authorised by this Act and "the centre of the railway" means any part of those works :

The Commissioners Clauses Act 1847 with the exceptions specified in the Act of 1888.

5. Subject to the provisions of this Act the Trustees may make construct lay down and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the several waterworks and other works shown on the deposited plans and herein-after described or some of them or some part or parts thereof together with all proper embankments reservoirs weirs

Power to execute works and take lands.

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A.D. 1896. bridges roads approaches ways wells dams tanks basins gauges waste weir channels filter beds stand pipes discharge pipes wash-outs culverts adits shafts tunnels aqueducts cuts channels catchwaters bye washes conduits sewers drains mains pipes junctions valves apparatus houses buildings gates approaches communications and conveniences connected with or auxiliary to the said works or any of them or necessary for conducting inspecting maintaining repairing cleansing managing and using the same and may enter upon purchase take hold appropriate and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for those purposes The works herein-before referred to are the following (that is to say):—

Work No. 1.—An enlargement of the existing reservoir of the Trustees known as Faughlin Reservoir situate partly in the parish of Kilsyth and partly in the parish of Denny in the county of Stirling by (first) a heightening extension and enlargement of the existing embankment of the said reservoir and a raising of the waste weir thereof and by (second) a new embankment situate on the north-west side of the said reservoir by means of which heightening extension enlargement and new embankment certain lands and other property adjacent to the said reservoir will or may be submerged :

Work No. 2.—A diversion of the public road leading from Kilsyth to Crosspath known as the Takmadoon Road situate partly in the parish of Kilsyth and partly in the parish of Denny in the county of Stirling :

Work No. 3.—A catchwater drain or conduit wholly situate in the parish of Kilsyth and county of Stirling commencing by a junction with Slachristock Burn and terminating at a point one thousand four hundred and sixty-seven yards or thereabouts measured in a westerly direction from the Ordnance Bench Mark 1411·9 at Chapman's Graves on March Wall :

Work No. 4.—A catchwater drain or conduit for diverting the waters of Slachristock Burn into Faughlin Burn situate wholly in the parish of Kilsyth and county of Stirling :

Work No. 5.—An enlargement of the existing reservoir of the Trustees known as Little Denny Reservoir situate wholly in the parish of Denny in the county of Stirling by a heightening extension and enlargement of the existing embankment of the said reservoir and the raising the waste weir thereof by means of which heightening extension and enlargement certain lands and other property adjacent to the said reservoir will or may be submerged :

Work No. 6.—A clear water basin and two filter beds with screening chambers branch inlet and outlet pipes and other apparatus and appliances at or near the southern end of Little Denny Reservoir of the Trustees situate wholly in the parish of Denny and county of Stirling : A.D. 1896.

Work No. 7.—An aqueduct conduit or line of pipes situate wholly in the parish of Denny and county of Stirling commencing by a junction with the existing line of pipes from Faughlin Reservoir to Little Denny Reservoir and terminating at the filter beds herein-before described (Work No. 6) :

Work No. 8.—Two filter beds at and adjoining the existing filter beds of the Trustees at Little Denny situate wholly in the parish of Denny and county of Stirling :

Work No. 9.—A road of access to the property of the Trustees situate wholly in the parish of Denny and county of Stirling commencing at a point sixteen feet or thereabouts measured in a westerly direction from the north-east corner of the waterman's house at or near the filter beds at Little Denny and terminating at a point eighty-seven yards or thereabouts from the point of commencement measured along the centre of the road leading to Cuthelton Greens Farm :

Work No. 11.—An aqueduct conduit or line of pipes commencing by a junction with the clear water basin (Work No. 6) herein-before described and terminating in the burgh of Falkirk.

6. If there be any omission mis-statement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Trustees after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission mis-statement or erroneous description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the principal sheriff clerk of the county of Stirling and kept by such principal sheriff clerk with the other documents to which the same relates and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Trustees may enter on take hold and use those lands and execute the works in accordance with such certificate.

Errors and omissions in plans and book of reference may be corrected by sheriff who shall certify the same.

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Power to deviate laterally and vertically.

7. The Trustees may in constructing the works by this Act authorised deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and when the line of any work is shown on those plans as passing along any road and no limits of lateral deviation are marked on the deposited plans the Trustees may in making such work deviate laterally to any extent within the boundaries of such road and the Trustees may also deviate from the levels of all or any of the works authorised by this Act as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided always that in the exercise of such powers of vertical deviation the Trustees shall not lay above ground any pipe which is shown on the deposited plans to be underground or lay any pipe at a greater height above ground than is shown on the deposited sections Provided also that if the Trustees shall in the case of the embankments exercise the powers of vertical deviation hereby granted they shall construct the embankments of such additional thickness at the base as shall be equal to five feet for every additional foot of additional height and shall make a corresponding addition to the strength of any retaining wall.

Power to alter roads &c. temporarily.

8. For the purposes and during the execution of the several works which the Trustees are by this Act authorised to make and in maintaining the same and subject to the provisions of this Act the Trustees may from time to time in any of the lands shown on the deposited plans and specified in the deposited book of reference break up or cross over or under temporarily alter stop up or divert any streets highways roads lanes paths bridges railways canals passages sewers drains streams watercourses gas pipes and water pipes and electric or telephonic apparatus which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway or railway or the flow of water gas sewage or electricity in any such sewer drain stream watercourse pipe or apparatus and making full compensation to all persons injuriously affected by anything done under the provisions of this section 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 Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

9. Sections 37 (For protection of road trustees) 38 (Works affecting Caledonian Railway) 39 (Works affecting the Forth and Clyde Navigation) and 40 (Differences between Trustees and Caledonian Railway Company to be settled by arbitration) of the Act of 1888 shall extend and apply to the works authorised by this Act and in the said section 37 the county road trustees shall be read as the county council of the county of Stirling and in the said section 39 and in sub-section (6) thereof the words "the conduit or line of pipes (No. 15)" occurring therein shall for the purposes of this Act be read as "the conduit or line of pipes Work No. 11" before described.

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For protection of road trustees and Caledonian Railway Company.

10. So soon as the substituted portion of the public road leading from Kilsyth to Crosspath known as the Takmadoon Road situate partly in the parish of Kilsyth and partly in the parish of Denny in the county of Stirling and by this Act authorised to be diverted is formed and ready for traffic and certified by the sheriff as in the next following section provided and open to the public the Trustees may stop up and extinguish all rights of way over the portion of the said existing road between the points of the commencement and termination of the said diversion thereof and they may appropriate for the purposes of this Act the site of so much of the said road so stopped up and diverted as may be bounded on both sides by lands of the trustees.

On completion of diverted portion of road site of existing road so far as superseded to vest in Trustees.

11. Immediately upon the completion of the said substituted portion of road the Trustees shall make an application to the sheriff to certify as to the completion of the same and the county road authority shall be made parties to such application. The said diverted portion of road when its completion is so certified (of which completion such certificate shall be conclusive evidence) shall become and the same shall thenceforth be part of the said public road and shall subject to the proviso herein-after contained be upheld and maintained by the county road authority. Provided always that the trustees shall pay to the county road authority the cost of upholding and maintaining the said diverted portion of said road for a period of twelve months after the date of the said certificate of completion.

Maintenance of diverted road.

12. The Trustees may by means of the waterworks herein-before described or some of them collect intercept divert abstract appropriate and take into and impound and store up in the enlarged Faughlin Reservoir (Work No. 1) and in the enlarged Little Denny Reservoir (Work No. 5) both herein-before mentioned and may subject to the provisions of this Act use and distribute for the water

Power to divert and impound water.

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A.D. 1896. supply of the Trustees to the burgh of Falkirk and districts and places adjacent and for the purposes of the Act of 1888 and this Act the waters of the streams known as Slachristock Burn and Faughlin Burn and all streams brooks springs and waters flowing into or arising within the said streams or intercepted by the Works No. 3 and No. 4 herein-before mentioned or flowing into or within the site of the said enlarged Faughlin Reservoir and may for the purpose of providing compensation water take use and appropriate the waters of the stream known as Earls Burn flowing into the existing reservoir of the Trustees known as Earls Burn Reservoir and all waters and streams running or draining into or within the site of the said Earls Burn Reservoir.

For protec-
tion of mill-
owners &c.

13. The following provisions shall have effect and shall be binding on the Trustees for the protection of all mill-owners and other persons interested in the waters intercepted abstracted and appropriated under the powers and for the purposes of this Act and in the waters intercepted abstracted and appropriated under the powers and for the purposes of the Act of 1888:—

- (1) The Trustees shall on and after the completion of the Works Nos. 3 and 4 authorised by this Act from and out of the existing Earls Burn Reservoir (or as after provided out of the Faughlin Reservoir) of the Trustees and during every day of twenty-four hours in every year permit to flow or shall deliver into the Earls Burn from the Earls Burn Reservoir (or as after provided into the Faughlin Burn from the Faughlin Reservoir) in addition to the eight hundred and twenty-eight thousand gallons of water which the Trustees are presently bound to discharge from the Earls Burn Reservoir under the provisions of the Act of 1888 a further quantity of not less than one hundred and fifty-two thousand gallons of water:
- (2) The provisions of section 44 of the Act of 1888 shall so far as capable of being applied and not altered by this Act apply to such increased quantity of compensation water in the same way and to the same effect as the provisions of the said section apply to the quantity of compensation water therein prescribed and the said two quantities of water amounting together to nine hundred and eighty thousand gallons are herein-after called "the compensation water":
- (3) The Earls Burn Reservoir having been constructed with an outlet fifteen inches in diameter the lowest point of which is at a level of five feet below the top water line thereof as shown on the plans and sections deposited with reference to the Bill of 1888 (afterwards the Act of 1888) and with

a second outlet of fifteen inches in diameter the lowest point of which is at a level of ten feet below said top water line it is provided that said second outlet shall be altered in form but not so altered as to make the draw-off level at a greater depth than ten feet below said top water line and that the said second outlet shall be of such dimensions as shall pass not less than nine hundred and eighty thousand gallons per day when the surface of the water is at a level of nine feet six inches below said top water line and that if and while and so often as the surface of the water in the Earls Burn Reservoir is not higher than a point nine feet six inches below said top water line the Trustees shall cease to discharge the compensation water therefrom and shall instead thereof but before causing such discharge from the Earls Burn Reservoir to cease commence to deliver the compensation water into the Faughlin Burn from the Faughlin Reservoir : A.D. 1896.

- (4) The Trustees shall continue so to discharge the compensation water from the Faughlin Reservoir until the surface of the water in the Earls Burn Reservoir rises to a point nine feet below said top water line when they may resume the discharge of the compensation water from the Earls Burn Reservoir and thereafter cease the discharge of the compensation water from the Faughlin Reservoir :
- (5) While the alteration of outlet provided for in sub-section (3) hereof is proceeding the compensation water shall be discharged from the Faughlin Reservoir :
- (6) The compensation water when delivered from the Faughlin Reservoir shall be so delivered in preference to any water supplied therefrom for domestic and other purposes :
- (7) The flow or delivery of the compensation water whether from the Earls Burn Reservoir or the Faughlin Reservoir shall be in a continuous and uniform stream :
- (8) The Trustees shall construct and for ever thereafter maintain at the Faughlin Reservoir a suitable measuring-gauge or gauges over or through which the compensation water if and while and so often as discharged therefrom shall flow or be delivered :
- (9) The said gauge or gauges and Faughlin Reservoir and works connected therewith shall be open to the inspection and examination of and made convenient of access for the mill-owners or other persons interested as aforesaid or any one or more of them respectively or of any persons or person deputed by them or any of them :

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- (10) If at any time the Faughlin Reservoir or such gauges and works be out of repair or in an unfit condition for the supply of the compensation water the Trustees shall forthwith put the same into fit repair and condition and if they fail to do so within seven days after notice in writing to that effect given to them or any proper official on their behalf by or on behalf of the mill-owners or any one or more of them then any such mill-owners or mill-owner may cause the same to be put in fit repair and condition for the supply of the compensation water and may recover the reasonable cost of so doing with full costs of suit in any court of competent jurisdiction :
- (11) The Trustees shall not divert any of the waters which by the said Works Nos. 3 and 4 they are authorised to divert nor shall they interfere with the continuous natural flow thereof until they have made provision in terms of this Act for the delivery of the compensation water :
- (12) Convenient access for the said mill-owners or other persons interested shall be made to the gauge by which the delivery of the compensation water from the Earls Burn Reservoir is at present measured :
- (13) The Trustees shall forthwith place and for ever after maintain in proper position within the Earls Burn Reservoir and close to the outlet therefrom by which the compensation water is to be discharged a suitable gauge rod marked in feet and inches the zero of which shall indicate the level of said top water line and the Trustees shall weekly transmit to the occupants for the time being of the Carron Grove Paper Works and of the Stoneywood Paper Works in whose hands the same shall be open to the inspection of the other mill-owners and other persons interested a record of the height for the time being of the water in the Earls Burn Reservoir :
- (14) It is hereby expressly provided and declared that the said quantity of one hundred and fifty-two thousand gallons has been adjusted on the footing of the additional drainage area the water of which is to be intercepted and appropriated by the said works Nos. 3 and 4 being limited to two hundred and seventy acres and the Trustees shall so construct the said Works Nos. 3 and 4 as to include no larger drainage area :
- (15) The alteration of outlet referred to in sub-section (3) hereof shall be made and the limits of the works referred to in sub-section (14) hereof shall be fixed at the sight and to the satisfaction of James Wilson civil engineer in Edinburgh on behalf

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of the mill-owners whom failing then at the sight and to the satisfaction of a hydraulic engineer to be nominated as arbitrator (unless otherwise agreed on between the parties in difference) on the application of either party after seven days notice in writing to the other of them by the sheriff principal of the county of Stirling for the time being and the expenses incurred to the said James Wilson or such other arbitrator shall be paid by the Trustees:

(16) If any difference arise between the Trustees and the mill-owners or any one or more of them with respect to any of the matters in this section contained (other than those referred to in the immediately preceding sub-section) such difference shall be settled and determined by a hydraulic engineer to be nominated as arbitrator (unless otherwise agreed on between the parties in difference) in manner mentioned in the immediately preceding sub-section and the costs of and incident to the reference shall be borne as the arbitrator shall direct.

14. The compensation water discharged under the provisions of this Act if and while discharged shall subject to the provisions of the Act of 1888 be and be deemed to be full compensation to all mill-owners and other persons interested in the waters intercepted abstracted and appropriated under the powers and for the purposes of the Act of 1888 and this Act.

Compensation.

15. The Trustees 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 easement servitude interest right or privilege (not being an easement or servitude of water in which other persons than the parties to the agreement have an interest) in over affecting or belonging to lands at a price or yearly rent feu duty or otherwise but in the case of a person not enabled otherwise than by the said Acts to sell lands then subject and according to the provisions relative to the taking of lands by agreement contained in the said Acts and for the purposes of this section any such easement servitude interest right or privilege shall be deemed to be lands within the meaning of those Acts.

Power to agree for easements &c.

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

Limiting time for exercise of compulsory powers of purchase.

17. If the works authorised by this Act are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Trustees for executing any works not so completed shall cease except as to so much thereof

Period for completion of works.

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A.D. 1899. — as is then completed but nothing herein contained shall restrict the Trustees from maintaining using extending enlarging altering replacing relaying increasing adding to or removing any of their filters filter beds tanks conduits aqueducts mains or pipes at any time and from time to time as occasion requires for the purpose of supplying water within the limits within which the Trustees may supply water.

Restriction on taking houses of labouring class.

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

Trustees may enlarge or increase number of pipes.

19. The Trustees 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 mains pipes filters filter beds tanks channels and other works and conveniences from time to time in use or required for filtering storing and conveying and distributing water for the purposes of their undertaking. Provided always that such extension enlargement or increase shall be executed only on lands or property belonging to the Trustees or which may be acquired by them by agreement or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes.

Pressure.

20. The water to be supplied from any main or pipe of the Trustees 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.

Lands for extraordinary purposes.

21. The Trustees may from time to time for the purposes of this Act and in addition to the other lands authorised to be taken and acquired by this Act purchase by agreement any additional lands not exceeding five acres but such lands shall not be used for any building except in connexion with and for the purposes of the water undertaking of the Trustees,

22. The Trustees may by agreement purchase acquire and hold any lands or take easements or restrictions over any lands which may in their opinion be necessary or desirable for the purpose of securing the purity of the water in the drainage area of the waterworks of the Trustees and of protecting their water supply against pollution nuisance encroachment or injury and so long as such necessity shall continue such lands to be acquired shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Act.

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Power to acquire and hold lands for protection of works and prevention of pollution.

The Trustees may let for such period as they think fit or sell or feu any land acquired under this section on such terms conditions and restrictions as regards its use as the Trustees may see fit and to secure that such land shall not be broken up for tillage and that no buildings which may prejudicially affect the water supply or the purity of the water shall be erected thereon The proceeds of the sale of any lands by the Trustees shall only be applied to purposes of this Act to which capital is properly applicable.

23. Nothing in this Act shall exonerate the Trustees from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands taken or acquired under the powers of this Act and the Trustees shall not erect or permit the erection of any buildings on such lands except such as are required in connexion with their waterworks undertaking or for farm buildings.

Prohibition against nuisance and restrictions against buildings.

24. On any sale by the Trustees of any lands the Trustees may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservation accordingly and also subject to such other reservations special conditions restrictions and provisions as they may think fit.

Power to reserve rights on sale of lands.

25. For the purpose of executing any necessary work of repair or of cleansing or of examining any reservoir filter or tank aqueduct or conduit by this Act authorised the Trustees may cause the water in any such reservoir filter or tank aqueduct or conduit to be temporarily discharged into any available stream or watercourse In the exercise of the power conferred by this section the Trustees shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

Powers for repair of aqueducts and temporary discharge of water into streams.

26. Subject to the provisions of this Act the limits of compulsory supply specified in the Act of 1888 are hereby extended to and shall in addition to such limits comprise and include the burgh

Extension of limits of compulsory supply.

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A.D. 1896. of Falkirk as extended by the Falkirk Corporation Act 1890 and the provisions of the Act of 1888 as amended and varied by this Act and this Act shall apply to the extended limits of compulsory supply as fully and effectually as such provisions apply to the limits of compulsory supply defined in the Act of 1888. Provided that in any extension of the said burgh under the provisions of the Burgh Police (Scotland) Act 1892 the sheriff may if he thinks fit extend the limits of compulsory supply to such extended boundary.

Power to Trustees and local boards to agree as to supply of water.

27. The Trustees may supply water in bulk beyond the limits of the Act to any owners and occupiers of lands and heritages and to any local authority or other public authority or person within the parishes of Falkirk Larbert Bothkennar Airth and Polmont in the county of Stirling from any of the mains conduits or pipes of the Trustees or from any of the reservoirs of the Trustees and the Trustees may contract with all or any such persons and authorities for such supply upon such terms and conditions and for such period or periods of time as they may agree. Provided always that such supply shall not prejudicially affect or restrict the supply of water from time to time required within the limits of the Act. Provided further that the supply of water by the Trustees under this section shall be subject to the consent of any local authority or any company who at the passing of this Act are authorised to supply water within the said parishes beyond the limits of the Act.

Estimates &c. by Trustees to include purposes of this Act.

28. The estimate required to be made and the rates rents and charges authorised and required to be levied by the Trustees under and for the purposes of the Act of 1888 shall be made levied and charged so that the same shall not only include and be sufficient with the other rates and revenue of the Trustees for the purpose of defraying the annual sums or expenditure specified in the Act of 1888 but also the interest of any money which may be borrowed or raised under the provisions of this Act and the payments to the sinking fund or other instalments and the expense of maintaining and managing the additional works authorised by this Act and all other annual expenditure arising out of the exercise of the powers by this Act conferred or consequent on the construction maintenance and use of the works so authorised.

Rates a preferable charge.

29. All rates rents and charges imposed under the Act of 1888 and this Act shall in the case of bankruptcy insolvency or liquidation be a preferable claim to all debts of a private nature due by the person or persons so rated or charged or by the person or persons liable in payment of such rates rents and charges.

30. The powers to borrow and raise money contained in the Act of 1888 and to grant security as provided by the next following section for such borrowed money shall and may be exercised by the Trustees for the purposes of this Act as well as for the purposes of the Act of 1888 and the money so borrowed may be applied for the said purposes so far as the same are purposes to which capital is properly applicable.

A.D. 1896.
As to borrowing powers in the Act of 1888.

31. In addition to any money which the Trustees have borrowed or raised or are authorised to borrow or raise under the Act of 1888 the Trustees may from time to time under the authority of this Act borrow or raise all such sums as they think requisite for the purposes of the Act of 1888 and this Act and for the purchase of lands and the construction of the works authorised by this Act and for the other purposes of this Act and of the undertaking not exceeding the sum of seventy thousand pounds and may make and grant mortgages or create and issue stock on the security of the several rates rents and charges leviable by the Trustees under the provisions of the Act of 1888 and this Act and on the other revenues of the Trustees and if after having borrowed or raised the said sums or any part thereof the Trustees pay off the same except by means of the sinking fund or by way of repayment by annuity or instalment it shall be lawful for them again to borrow or raise the amount so paid off and so from time to time and any sums so to be borrowed may be borrowed on terms of the repayment thereof by annuity instalment or by means of a sinking fund And all the provisions as to security reborrowing borrowing on cash account and application for judicial factor contained in the Act of 1888 with reference to the sums therein authorised to be borrowed shall subject to the provisions of this Act apply to the additional sums to be borrowed under this Act.

Power to borrow additional money.

32. The Trustees may and in the event of their borrowing otherwise than on terms of repayment by annuity or instalment shall in each year after the expiration of three years from the fifteenth day of May one thousand eight hundred and ninety-six set apart as a sinking fund from and out of the rates rents and charges and other moneys received by them from or on account of the undertaking (other than money borrowed and other moneys in the nature of capital) such a sum as will by accumulation with compound interest thereon at the rate of three per centum per annum be sufficient to pay off the whole of the moneys for the time being outstanding whether already borrowed by the Trustees or that may be borrowed by them under the powers and for the purposes of this Act within fifty years from the time of borrowing such moneys respectively

Sinking fund.

[Ch. lxi.] *Falkirk and District Water (Additional [59 & 60 Vict.]
Supply) Act, 1896.*

A.D. 1896. Provided always that in the event of such repayment being made by way of annuity or instalment the annual amount of such annuity or instalment shall be sufficient to pay off as aforesaid the whole of such money so borrowed within the foresaid period of fifty years.

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

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

Application
of borrowed
money.

34. The several sums to be borrowed by the Trustees on mortgage or otherwise under the authority of this Act shall be applied for the purposes of the Act of 1888 and this Act only to which capital is properly applicable.

Borrowing
power for
current
expenses.

35. In order to raise such money as may be necessary to defray the current annual expenditure for the undertaking of the Trustees until the rates rents and charges which they are authorised to levy shall be levied and collected they may borrow during the currency of any year from the fifteenth day of May in one year to the fifteenth day of May in the succeeding year in addition to the other sums authorised to be borrowed on the security of such rates rents and charges in such way and manner as they may deem most

expedient any sum or sums not exceeding in the whole two-third parts of the estimated amount of such rates rents and charges for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided always that such sums so borrowed shall be paid off and extinguished at or before the fifteenth day of May concluding the year to which such borrowing applies.

A.D. 1896.

36. Nothing in this Act contained shall prejudice or affect any mortgages or assignments or other writs granted in security for money borrowed (whether repayable by instalments or otherwise) by the Trustees under the Act of 1888 and subsisting at the passing of this Act and the same shall during the continuance thereof be as valid and effectual in all respects as if this Act had not been passed Provided always that all securities granted by the Trustees for money borrowed or raised under this Act shall rank together *pari passu* without preference or priority the one over the other.

Saving existing mortgages and securities.

37. Any person lending or paying money to the Trustees shall not be bound to inquire as to the observance by the Trustees of any provisions of the Act of 1888 or this Act or of any Act incorporated therewith or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Protection of lenders from inquiry.

38. In borrowing and re-borrowing money under the Act of 1888 and in borrowing and re-borrowing money under this Act the mortgages and transfers and discharges of the same shall from and after the passing of this Act be in the forms appended to this Act as nearly as may be in lieu of the forms appended to the Act of 1888 but it shall not be necessary in any mortgages which may be hereafter granted under the powers of the Trustees to refer to the objects for which the money is borrowed.

Application of forms of mortgage &c.

39. The works to be constructed under the authority of this Act shall be part of the undertaking of the Trustees.

New works to form part of Trustees undertaking.

40. The Trustees may by agreement acquire from the proprietor or proprietors of the estates of Callendar and Denny and the proprietor or proprietors of the said estates for the time being may sell to the Trustees for such consideration as may be agreed the sporting and other rights of such proprietor or proprietors in the Little Denny Reservoir of the Trustees conferred on such proprietor or proprietors by section 35 of the Act of 1888 Provided that if the said estates are held under a deed of entail the price so agreed shall be dealt with under the provisions of the Entail Acts.

Power to acquire sporting rights in Little Denny Reservoir.

A.D. 1896.

Amendment
of Act of
1888.

41. The Act of 1888 is hereby amended as follows:—

The quorum of the Trustees shall be seven and section 21 of the Act of 1888 shall be read as if the word "nine" occurring therein were omitted and the word "seven" were inserted in lieu thereof:

Section 56 of the Act of 1888 shall be read as if the word "feet" three times occurring therein were omitted and the word "yards" were in each case inserted in lieu thereof:

Section 58 of the Act of 1888 is hereby repealed and in lieu thereof the following provisions shall have effect and shall apply to the Act of 1888 and to this Act (that is to say):—

The Trustees may furnish to any person 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 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 sale or 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 and either in bulk or otherwise and such respective supplies shall be furnished upon such terms and conditions and at such rates as shall be fixed from time to time by the Trustees and approved by the sheriff and published by being exhibited in the office of the treasurer of the Trustees at Falkirk or upon such terms as may be agreed between the Trustees and any person desiring such supply Provided that the rate for any such supply of water charged for by the Trustees in bulk shall not exceed four pence halfpenny for each quantity of one thousand gallons Provided also 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 the Act of 1888 and this Act and of the Waterworks Clauses Acts 1847 and 1863 Provided further that when water is so supplied the Trustees shall have the option either to charge the persons obtaining the same with the domestic water rate in respect of the premises for which such supply is given or to charge for the same by measure Provided further that the supply of water

[59 & 60 VICT.] *Falkirk and District Water (Additional Supply) Act, 1896.* [Ch. lxi.]

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 compulsory supply : A.D. 1896.

Section 71 of the Act of 1888 shall be read as if the word "feet" occurring twice therein were omitted and the word "yards" inserted in each case in lieu thereof.

42. All the powers and provisions vested in and applicable to the Trustees by the Act of 1888 with reference to their undertaking in so far as they are not repealed or altered by this Act shall be and the same are hereby in so far as applicable extended and applied to the purposes of this Act. Application of Act of 1888.

43. All the costs charges and expenses incurred preparatory to and in applying for obtaining and passing this Act or in any way incidental thereto shall be paid by the Trustees out of the rates and charges to be levied by them or other revenue of the Trustees or moneys borrowed or to be borrowed on the security of the same. Expenses of Act.

[Ch. lxi.] *Falkirk and District Water (Additional [59 & 60 Vict.] Supply) Act, 1896.*

A.D. 1896.

The SCHEDULE referred to in the foregoing Act.

FORM OF MORTGAGE.

FALKIRK AND DISTRICT WATER.

Mortgage No. £.

By virtue of the Falkirk and District Water Act 1888 and the Falkirk and District Water (Additional Supply) Act 1896 we the Falkirk and Larbert Water Trustees in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer to the said Trustees for the purposes of the said Acts do hereby subject to the provisions of the said last-mentioned Act in favour of mortgages and assignments in security for money borrowed under the Act of 1888 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 rents and charges to be levied by the said Trustees under the authority of the said Acts as the said sum of [*specify amount*] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates rents and charges to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied and it is hereby stipulated that the said principal sum shall be repayable on the [*date*] or shall thereafter in virtue hereof remain as a loan to the said Trustees until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be indorsed hereon and signed by the said mortgagee or his foresaids and by the said treasurer and clerk which minute or minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of the said parties nor tested and the said Trustees shall pay interest on the said principal sum from the day of _____ to the said date of repayment first above-mentioned (being at the rate of [*specify rate*] per centum per annum) declaring that the said mortgagee and his foresaids shall not be entitled to make and that the said Trustees shall not be bound to recognise or register any partial assignation of these presents or of the sums of money principal or interest herein contained and that the said Trustees shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation revision adjustment or execution of any discharge renunciation assignation or minute of postponement or renewal of this mortgage.

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

[*Signed by two trustees and the treasurer*]

L.S.

[59 & 60 VICT.] *Falkirk and District Water (Additional [Ch. lxi.] Supply) Act, 1896.*

FORM OF TRANSFER OF MORTGAGE.

A.D. 1896.

I [*name and designation of mortgagee*] in consideration of the sum of [*specify amount*] paid to me by [*name and designation of transferee*] do hereby transfer to the said [*name of transferee*] and his executors administrators and assignees [*or as the case may be*] a certain mortgage number [*number of mortgage*] dated the [*date of mortgage*] made in my favour by the Falkirk and Larbert Water Trustees by virtue of the Falkirk and District Water Act 1888 and the Falkirk and District Water (Additional Supply) Act 1896 in connexion with the undertaking authorised by those Acts for securing the sum of [*principal sum in mortgage*] [*or if the transfer be by indorsement the within mortgage*] together with the interest thereon from and after the [*date from which transferee is to be entitled to the interest*] and all my right and interest in and to the principal money thereby secured and interest thereon as aforesaid and in and to the rates rents and charges thereby assigned In witness whereof [*testing clause according to the law of Scotland*].

FORM OF DISCHARGE.

Received from the treasurer to the Falkirk and Larbert Water Trustees 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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FOR

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

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