CHAPTER cxlv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Arbroath Corporation Water. [1st August 1904.] A.D. 1904.

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

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Confirmation of Order in schedule.

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

Short title.

2. This Act may be cited as the Arbroath Corporation Water Order Confirmation Act 1904.

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SCHEDULE.

ARBROATH CORPORATION WATER.

Provisional Order to authorise the Provost Magistrates and Councillors of the Burgh of Aberbrothock or Arbroath to provide an additional supply of water and to construct and maintain new waterworks and for other purposes.

WHEREAS the burgh of Aberbrothock or Arbroath in the county of Forfar (herein-after called "the burgh") is a Royal burgh under the management and administration of the provost magistrates and councillors thereof (herein-after called "the Corporation") who are also the local authority within the burgh under the Public Health (Scotland) Act 1897:

And whereas the existing water supply of the burgh is mainly derived from wells within the burgh sunk by the Corporation acting as the Commissioners of Police of the burgh under the General Police and Improvement (Scotland) Act 1862 and the Burgh Police (Scotland) Act 1892 and such existing water supply is now inadequate and insufficient for the wants and conveniences of the present population and the trade and manufactures of the burgh:

And whereas it is expedient that an additional supply of water should be provided for the burgh and that the Corporation should be empowered to introduce such additional supply and for that purpose to acquire lands springs streams waters and other property and construct and maintain the works herein-after described:

And whereas it is expedient that the limits within which the Corporation are authorised and required to give a supply of water should be defined and that they should be authorised to supply water beyond such limits:

And whereas it is expedient that the Corporation should be authorised to raise money by rates assessments and charges and by borrowing for the purposes of this Order:

And whereas it is expedient that the other powers herein-after mentioned should be conferred on the Corporation in relation to their water undertaking:

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands springs streams waters

and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited in the offices at Dundee Forfar and Arbroath respectively of the principal sheriff clerk of the county of Forfar and are herein-after respectively referred to as "the deposited plans sections and books of reference":

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

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

Short title and commencement of Order.

1. This Order may be cited for all purposes as the Arbroath Corporation Water Order 1904 and shall come into operation at the date of the passing of the Act confirming the same which date is referred to in this Order as "the commencement of this Order."

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 Order) are hereby incorporated with and form part of this Order:—

The Lands Clauses Acts:

The Waterworks Clauses Act 1847 except the clauses and provisions with respect to the communication pipes to be laid by the undertakers and with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except the words "with the consent in writing of the owner or "reputed owner of any such house or of the agent of such "owner" in clause 44 of that Act and also with the exception of clauses 68 70 71 and 72 Provided that the clauses of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply to the lines of pipes which may be laid under this Order:

The Waterworks Clauses Act 1863:

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 and in construing the said clauses and provisions

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"the company" means the Corporation "the railway" means the reservoirs authorised by this Order and the works immediately connected therewith and "the centre of the railway" means any part of those works.

Interpretation.

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

"The burgh" means the burgh of Aberbrothock or Arbroath;

"The Corporation" means the provost magistrates and councillors of the burgh;

"The undertakers" "the company" and "the promoters of the undertaking" mean the Corporation;

"The water undertaking" means the waterworks and water undertaking by this Order authorised;

"The Police Acts" means and includes the Burgh Police (Scotland) Acts 1892 to 1903 and Acts amending and extending the same;

"Lands and heritages" has the same meaning as in the Lands Valuation (Scotland) Act 1854 and "valuation roll" means the valuation roll for the burgh made up in terms of that Act and any Act amending the same;

"The sheriff" means the sheriff of the county of Forfar or any of his substitutes.

Power to make new waterworks.

4. The Corporation subject to the provisions of this Order may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works herein-after described or some of them together with all necessary and proper embankments dams weirs channels sluices outlets outfalls catch-water drains cuts culverts aqueducts tunnels bridges roads approaches ways tramways wells tanks basins gauges filters filtering apparatus stand-pipes main and distributing pipes junctions valves meters pumps pumping stations engines houses buildings works apparatus and conveniences in connection with the said works herein-after described or any of them or necessary or convenient for diverting taking collecting storing conducting distributing and regulating the supply of water by the Corporation and for diverting any sewerage or drains which might pollute or

otherwise injuriously affect the same and for conducting inspecting maintaining repairing cleansing managing or using the said several works and may purchase enter upon take hold and use compulsorily or by agreement such of the lands springs streams waters and other property delineated on the deposited plans and described in the deposited books of reference as may be required for such purposes.

Description of works.

5. The works herein-before referred to and authorised by this Order are as follows:—

(1) A conduit or line of pipes (Work No. 1) commencing in the parish of Tannadice in the bed or channel of the stream known as the Noran Water at a point 290 yards or thereby measured in a south-easterly direction from the south-east corner of Redheugh farm buildings in the said parish and terminating in the parish of Aberlemno in the service reservoir (Work No. 2) next herein-after described at a point one hundred and twenty yards or thereby measured in a north-westerly direction from the south-west corner of Framedrum farm buildings in the said parish of Aberlemno:

(2) A service reservoir (Work No. 2) (herein-after called "Framedrum Service Reservoir") to be wholly situate in the parish of Aberlemno in the county of Forfar and within the plantation numbered 770 on the 25-inch Ordnance Survey map of the parish of Aberlemno published in 1902 at a point one hundred and thirty yards or thereby measured in a westerly direction from the north-west corner of the said Framedrum farm buildings:

(3) A conduit or line of pipes (Work No. 3) commencing in the parish of Aberlemno in Framedrum Service Reservoir at a point eighty yards or thereby measured in a north-westerly direction from the south-west corner of the said Framedrum farm buildings and terminating in the parish of Arbroath and St. Vigeans in the service reservoir (Work No. 4) next herein-after described at a point fifty yards or thereby measured in a westerly direction from the milestone on the Arbroath and Forfar road indicating 3 miles from Arbroath:

(4) A service reservoir (Work No. 4) (herein-after called "Muirheads Service Reservoir") to be wholly situate in the parish of Arbroath and St. Vigeans in the county

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of Forfar and within the field or enclosure numbered 537 on the 25-inch Ordnance Survey map of the parish of Arbroath and St. Vigeans published in 1903 at a point one hundred and twenty yards or thereby measured in a north-westerly direction from the north-west corner of Muirheads farm buildings in the said parish of Arbroath and St. Vigeans:

(5) A conduit or line of pipes (Work No. 5) commencing in the parish of Arbroath and St. Vigeans in Muirheads Service Reservoir at a point eighty yards or thereby measured in a southerly direction from the milestone on the Arbroath and Forfar Road indicating 3 miles from Arbroath and terminating in the said parish and in the burgh of Aberbrothock or Arbroath at a point in the Arbroath and Forfar road where that road crosses the boundary of the said burgh one hundred and twenty-five yards or thereby measured in a northerly direction from the north-east corner of the lodge at the eastern entrance to the Western Cemetery Arbroath:

(6) A conduit or line of pipes (Work No. 6) to be wholly situate in the parish of Tannadice in the county of Forfar commencing by a junction with the conduit or line of pipes (Work No. 1) at a point one hundred yards or thereby measured in a south-easterly direction from the north-east corner of Tannadice Parish Church and terminating in the bed or channel of the River South Esk at a point one hundred yards or thereby measured in a southerly direction from the north-east corner of the said Tannadice Parish Church:

(7) A road of access (Work No. 7) to be wholly situate in the parish of Tannadice in the county of Forfar commencing by a junction with the Glenogil public road on the north side thereof at a point one hundred and eighty yards or thereby measured in a south-westerly direction from the south-west corner of Glenley farmhouse in the said parish and terminating at a point two hundred and ninety yards or thereby measured in a south-easterly direction from the south-east corner of the said Redheugh farm buildings.

Power to deviate laterally and vertically.

6. The Corporation may in constructing the works by this Order authorised deviate laterally from the lines thereof as shown

on the deposited plans to the extent of the limits of lateral deviation respectively shown thereon and when the line of any work is shown on the said plans as passing along any road and no limits of lateral deviation are marked thereon the Corporation may in constructing such works deviate laterally to any extent within the boundaries of such road and may deviate vertically from the levels of the various works as shown on the deposited sections to any extent not exceeding in the case of reservoirs three feet upwards and five feet downwards and not exceeding five feet downwards or upwards as regards the other works by this Order authorised Provided that in the exercise of such powers of vertical deviation the Corporation shall not except in the case of crossing bridges or culverts or streams lay above the ground any pipe unless and except so far as is shown on the deposited sections Provided further that the Corporation shall not construct any embankment of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition Provided further that as far as practicable the conduits or lines of pipes authorised by this Order and shown on the deposited plans as passing along any roads shall be laid at the side of such roads and clear of the metalled part thereof.

Power to alter roads &c. temporarily.

7. For the purposes and during the execution of the works which the Corporation are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Corporation may open break up or cross over or under alter divert or stop up and use temporarily any highways roads streets lanes paths passages bridges rivers streams railways culverts sewers drains watercourses gas pipes and water pipes and telegraphic electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited books of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such highway road or street or the flow of gas water sewage or electricity in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with electric apparatus or other property of His Majesty's Postmaster-General or with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1902 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

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New portions of road to be subject to same provisions as existing roads.

8. Where in the construction of the works by this Order authorised any diverted or altered portion of road is formed in lieu of any existing road such diverted or altered portion shall as respects management and maintenance and in all other respects but subject to the provisions of this Order be held as part of and be subject to the same provisions as any existing road so diverted or altered.

For protection of Caledonian Railway Company.

9. For the protection of the Caledonian Railway Company (in this section called "the company") the following provisions shall have effect:—

(1) In carrying the conduit or line of pipes (Work No. 1) by this Order authorised across the Forfar and Brechin Branch Railway of the company the Corporation shall not interfere with the existing bridge carrying the road near the village of Tannadice over the said branch railway at a point to the south-west of Tannadice Railway Station but shall either carry the said conduit or line of pipes over the said branch railway at or near the point before-mentioned by means of an independent bridge to be constructed by them or carry the same in a culvert under the said branch railway at or near the said point:

(2) The said bridge or culvert for carrying the said conduit or line of pipes across or under the said branch railway shall be constructed by the Corporation within the limits of deviation shown upon the deposited plans:

(3) The conduit or line of pipes (Work No. 3) by this Order authorised where the same is intended to pass under the bridge carrying the company's main line of railway over the road to the east of Guthrie Station and under the two bridges carrying the company's branch railway between Guthrie and Arbroath in the vicinity of Friockheim Station shall be constructed and executed and thereafter maintained renewed and repaired at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the engineer of the company:

(4) The Corporation shall not give less than twenty-one days' notice in writing to the company of the intention to commence the construction and execution of the bridge or culvert conduits or lines of pipes or other works at

and in the vicinity of the said railways and shall at the same time submit detailed plans and sections and specifications for the approval of the company and if the company does not within fourteen days after such submission signify in writing disapproval of such plans and sections and specifications they shall be deemed to be approved and if within the said period of fourteen days the company signifies in writing disapproval of such plans and sections and specifications or makes any requirements in relation thereto to which the Corporation are unable to agree any difference arising therefrom shall be determined by the Board of Trade in manner herein-after provided :

(5) The said bridge or culvert and conduits or lines of pipes and other works at and in the vicinity of the railways shall be maintained by the Corporation in all time coming in a state of proper repair and at the sole risk of the Corporation :

(6) The Corporation shall not enter upon or interfere with any of the railways works or lands of the company further or otherwise than may be necessary for constructing maintaining and effecting repairs to any works of the Corporation to be carried under or across any railway work or land and they shall not alter or interfere with the lines of rails or levels of any such railway or works connected therewith and shall only acquire such servitude through over or in any land or property of the company as may be required for the making maintaining repairing and using the works of the Corporation in accordance with the provisions of this Order :

(7) All works and operations of the Corporation shall be constructed and executed and done so as not to cause any injury to the railways or any interruption to the passage or conduct of the traffic over the railways and if any such injury or interruption shall arise from or be in any way owing to the works or operations of the Corporation or the bursting or leakage of the said conduits or lines of pipes or other works of the Corporation the Corporation shall make good or remove such injury or interruption at their own expense or the company

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may do the same and the Corporation shall pay to the company all costs and expenses loss or damage incurred or sustained by them in respect thereof:

(8) In the event of any damage being caused to the said railways or the works connected therewith during and in consequence of the operations connected with the construction of the said bridge or culvert or other works or the laying of the said conduits or lines of pipes over and under the same or at any time thereafter the Corporation shall be liable to the company for the actual amount of such damage as the same shall failing agreement be ascertained by the Board of Trade as herein-after provided:

(9) If any difference shall arise between the Corporation and the company or between their respective engineers as to any matter arising under the provisions of this section or as to any plans or sections working drawings or specifications or the mode of executing any works or as to any costs loss or damage provided for in this section such difference shall be determined by the Board of Trade on the application by the Corporation or the company and the costs of any such reference shall be borne and paid as the Board of Trade shall direct.

Power to take water.

10. The Corporation from and after the construction and completion of the Compensation Reservoir herein-after required to be provided may by means of the works by this Order authorised or some of them at the point of commencement of Work No. 1 of this Order intercept divert take impound appropriate store use and distribute for the purposes of this Order the waters of the stream called the Noran Water and all affluents streams springs and waters flowing into or arising within the said stream above the said point of commencement and from the works by this Order authorised or some of them may supply water within the limits of this Order or to such places beyond the same as are authorised by this Order for the domestic and other purposes for which the Corporation are by this Order and the Police Acts authorised to supply water Provided that the Corporation shall not take any greater quantity of water for supply purposes from the said stream than one million two hundred and fifty thousand gallons in any one day of twenty-four hours Provided that nothing in this Order contained shall authorise the Corporation to intercept divert take impound appro-

priate store use or distribute as aforesaid the water of any affluents of the Noran Water flowing into the same below the point where the conduit or line of pipes Work No. 1 commences.

Compensation water.

11.—(1) The Corporation shall apply for and use their best efforts to obtain an Order for authority to make and maintain a reservoir for the purposes of compensation water only capable of storing at least sixty million gallons of water and having a drainage area sufficient within the drainage area of the Noran Water to guarantee the quantity of compensation water herein-after mentioned at some point above the Work No. 1 described in this Order to be mutually agreed between Charles Pullar Hogg and William Robertson Copland civil engineers Glasgow and failing agreement by an arbiter to be named by them or appointed by the sheriff and shall so soon as the same is completed and before any of the water authorised to be taken by this Order shall be taken by the Corporation for the supply purposes of this Order discharge or allow to flow as compensation water therefrom a uniform and continuous flow of water of not less than six hundred and twenty-five thousand gallons during the twenty-four hours of every day for the one million two hundred and fifty thousand gallons taken for the supply purposes of the Corporation from the said stream.

(2) Such compensation water shall if and when discharged be deemed to be full compensation to millowners riparian proprietors and other persons interested in the waters flowing down the Noran Water below the said reservoir for the said quantity of one million two hundred and fifty thousand gallons taken under the provisions of this Order for supply purposes.

(3) The Corporation shall for the purpose of ascertaining the amount of compensation water to be daily discharged construct and maintain immediately below the foot of the outer slope of the embankment of the said reservoir a suitable and sufficient recording and measuring gauge or other apparatus over or through which the compensation water shall flow or be discharged and such gauge or other apparatus shall be open to the inspection and examination at all reasonable times of all persons having an interest in the said compensation water or of persons duly authorised by them on their behalf and also of the District Fishery Board of the River South Esk Provided that the said compensation water shall be discharged into the Noran Water at a point below the point of abstraction of water from the stream for the supply purposes of this Order and which first-mentioned point shall be subject to the

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approval of the said William Robertson Copland whom failing of an engineer to be appointed by the sheriff.

(4) The Corporation shall also for the purpose of ascertaining the quantity of water daily appropriated from the said stream for the purposes of water supply construct and maintain at a point or points to be approved by the said William Robertson Copland whom failing an engineer to be appointed by the sheriff suitable and sufficient recording and measuring gauges or other apparatus over or through which such water shall flow or be discharged and such measuring gauges or other apparatus shall be open to the inspection and examination at all reasonable times of all persons having an interest in the said compensation water or of persons duly authorised by them on their behalf and also of the District Fishery Board of the River South Esk:

(5) If at any time such measuring gauges or other apparatus or any of them shall be out of repair or unfit for the purpose for which they were intended the same shall forthwith be put into a proper and efficient state of repair at the expense of the Corporation and if the Corporation shall fail to repair such gauges or other apparatus or any of them within fourteen days after notice given to them by or on behalf of any of the persons having an interest in the water as aforesaid (including the said Fishery Board) any person so interested may cause such works to be done and performed in connection with the said measuring gauges or other apparatus as shall be necessary for placing them in a proper and efficient state of repair and to recover the expense so incurred with full costs of suit against the Corporation in any court of competent jurisdiction.

Saving of rights of burgh of Forfar.

12. The rights and privileges acquired under the Forfar Water Act 1878 or otherwise by the provost magistrates and councillors of the burgh of Forfar shall be as they are hereby specially reserved and declared to be unaffected by any provisions in this Order contained.

For protection of reservoir &c. from pollution.

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

Power to agree for servitudes &c.

14. The Corporation may subject to the provisions of this Order take by agreement and any person by the Lands Clauses

Acts or otherwise enabled to sell and convey or dispose of lands may grant to them any estate servitude interest right or privilege (not being a servitude of water in which persons other than the grantors 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 estate servitude interest right or privilege shall be deemed to be lands within the meaning of those Acts.

Power to acquire servitudes only for lines of pipes.

15. The Corporation may in lieu of acquiring any lands for the purpose of the conduits or lines of pipes by this Order authorised acquire such servitudes and rights in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such servitudes and rights as fully as if the same were lands within the meaning of such Acts:

Provided that nothing herein contained shall authorise the Corporation to acquire by compulsion any such servitude 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 a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this proviso:

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

Power to acquire and hold lands for protection of

16. The Corporation may by agreement purchase acquire and hold any lands within the drainage area of the works and reservoirs by this Order authorised or take servitudes or restrictions over any such lands which may in their opinion be necessary or desirable for

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works and prevention of pollution.

the purpose of securing the purity of the water in the drainage area of the waterworks of the Corporation 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 Acts Provided that the Corporation shall not create or permit any nuisance on the lands which may be so acquired and shall not erect or permit the erection of any buildings on such lands except such as are required in connection with their waterworks undertaking or for farm buildings.

The Corporation may let for such period as they think fit or sell or feu any land acquired under this section on such terms conditions and restrictions as regards its use as to the Corporation may seem fit and to secure that such land shall not be manured or 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 Corporation shall only be applied to purposes of this Order to which capital is properly applicable.

Lands for extraordinary purposes.

17. In addition to the lands authorised to be taken and acquired under the powers of this Order 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 connection with the water undertaking of the Corporation but nothing in this Order shall exonerate the Corporation from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section and no house or building shall be erected on any such lands other than any houses or buildings which may be required in connection with the undertaking of the Corporation.

Restriction on taking houses of labouring class.

18.—(1) The Corporation shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 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.

(2) If the Corporation acquire or appropriate any house or houses in contravention of the foregoing provision they shall be

liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of lands.

19. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years after the commencement of this Order.

Period for completion of works.

20. If the works authorised by this Order are not completed within seven years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Corporation for executing any works not so completed or in relation thereto shall cease except as to so much thereof as is then completed.

Limits of Order.

21. The limits of this Order for the supply of water by the Corporation (in this Order called "the limits of this Order") shall comprise and include the burgh and the suburbs thereof and places adjacent comprehended within the parishes of Arbroath and St. Vigeans and Arbirlot all in the county of Forfar.

Limits of compulsory supply.

22. The limits for the compulsory supply of water by the Corporation (in this Order called "the limits of compulsory supply") shall be the burgh.

Corporation may enlarge or increase number of pipes.

23. The Corporation may subject to the provisions of this Order and notwithstanding the expiration of the period limited for completion of works lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the mains pipes and other conveniences of the Corporation at any time existing for conveying and distributing water under the powers of the Police Acts and this Order Provided always that such laying down extension enlargement or increase shall be executed only

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on lands or property belonging to the Corporation 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.

Laying mains on public roads.

24. The Corporation may at any time for the purposes of conveying distributing and supplying water either in bulk or otherwise and that whether within the limits of this Order or beyond the same and so far as beyond the limits of compulsory supply with the consent of the road authority lay down make and maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway and renew alter enlarge duplicate and increase the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all persons injuriously affected by anything done under the provisions of this section.

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

25. For the purpose of executing any necessary work of repair or of cleansing or of examining any of the works by this Order authorised or any tank aqueduct or conduit belonging to the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse In the exercise of the power conferred by this section the Corporation 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.

Pressure and suspension of constant supply.

26. 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 height than can be supplied or afforded by gravitation from the service reservoir from which the supply is taken and notwithstanding anything to the contrary contained in the Waterworks Clauses Acts 1847 and 1863 the Corporation until the expiration of seven years from and after the commencement of this Order or until the waterworks authorised by this Order shall have been completed and the water therefrom introduced whichever shall first happen shall not be bound to give or maintain a constant supply.

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

27. The Corporation shall 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 and shall as soon as conveniently may be after the completion of the works by this Order authorised to be constructed at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the limits of compulsory supply or any person entitled to demand a supply of water under the provisions herein contained 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 Provided that no person shall be entitled to demand such supply of water or to require the Corporation to lay down pipes or fire plugs unless some pipe of the Corporation shall have been laid within one hundred feet of the premises in respect of which such supply of water or pipes or fire plugs is or are demanded or in the case of tenements situated in a private close or place unless a water pipe of the Corporation shall have been laid within one hundred feet of the entrance to such close or place or unless the Corporation shall become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act 1847 to cause pipes to be laid down within the said distance of one hundred feet of such premises.

Corporation may supply water for other than domestic purposes.

28. The Corporation may furnish a supply of water to any person within the limits of compulsory supply 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 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 and either in bulk or otherwise such respective supplies being so furnished at such rates and upon such terms and conditions as may be agreed on or in the event of disagreement either as to the ability of the Corporation to give the supply or as to the rate or terms or conditions on or in respect of which the supply is to be given the same shall be fixed

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by the sheriff upon summary application by either of the parties and the decision of the sheriff shall be final 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 the water assessment under this Order or any other water rates or charges may be recovered under the authority of this Order Provided further that for water so supplied the Corporation shall not charge the persons obtaining the same with the domestic water rate for the premises for which such supply is given and also charge for the same by measure under this section but the Corporation shall have the option either to charge the persons obtaining such supply with the domestic water rate in respect of such premises or to charge by measure Provided also 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 compulsory supply.

Power to lay pipes in streets not dedicated to public use.

29. The Corporation may subject to the provisions of this Order upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with water and may lay in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to and for the purposes of this section.

Power to Corporation and local authorities &c. to agree as to supply of water on lines of pipes &c.

30. The Corporation may supply water in bulk by meter or otherwise from the lines of pipes by this Order authorised or from any of the works of the Corporation to any owners and occupiers of lands and heritages lying adjacent or near to the same and to any local authority or other public authority or person in the county of Forfar beyond the limits of compulsory supply through or near to which the said lines of pipes and waterworks of the Corporation may pass and the Corporation may contract with all or any such persons and authorities for such supply at such rates and upon such terms and conditions and for such period or periods of time as they may agree Provided always that any supply of water under the provisions of this Order to any local authority or other public authority or person beyond the limits of compulsory supply shall not prejudicially affect or restrict the supply of water from time to time required either for domestic trade or other purposes within

the limits of compulsory supply Provided further that the supply of water by the Corporation under this section shall be subject to the consent of any local authority affected by such supply or any company who at the commencement of this Order are authorised to supply water beyond the aforesaid limits.

Payment of charge for water supply.

31. The charge for the supply of water under the immediately preceding section of this Order shall be payable at such times and in such manner as the Corporation shall fix and unless the Corporation shall otherwise determine shall except when the same is supplied by measure 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 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.

Cleansing sewers &c.

32. 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 upon such terms and conditions as they shall think proper.

Power to provide water for hydraulic purposes.

33. The Corporation may from time to time provide from any of their sources of supply water under pressure for the purpose of supplying motive power by hydraulic pressure for any purposes to which such power is or may be applicable they may use any of their buildings works machinery mains pipes and other apparatus for that purpose or erect lay down and maintain any other buildings works machinery mains pipes and apparatus which may be necessary on their own lands or on lands to be acquired by them by agreement with any person they may make agreements with any person or company for obtaining supplies of water for such purpose from any sources of water supply belonging to such person or company they may acquire and work any patents relating to the supply of water under pressure for the purpose of supplying motive power by hydraulic pressure but not so as to acquire any exclusive rights in such patents and they may supply any person or company with water under pressure for the purposes aforesaid at such rates and charges and upon such terms and conditions as may be agreed on between them and the person or company obtaining such supply.

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Owners to provide and maintain service pipes.

34. For the purpose of providing for the better distribution of the water supply among the inhabitants of the burgh the Corporation may require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street within the limits of compulsory supply 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 connection 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 within a month of the date on which such requisition is given it shall be lawful for the Corporation to enter such house or tenement and premises connected therewith between the hours of nine in the morning and four in the afternoon 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 the water assessment or any other water rates or charges are recoverable by the Corporation under this Order and the Waterworks Clauses Acts 1847 and 1863 Provided always that in the case of houses not exceeding four pounds of yearly rent or value such owner shall not be required to introduce water into each house but only such means of supply for each tenement of houses as the 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 of 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.

Regulations for preventing waste &c. of water.

35. For the purpose of preventing the waste misuse or undue consumption or the contamination of the water supplied by the Corporation the Corporation may 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 prohibit 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 Provided always that any byelaws made by the Corporation in the exercise of the power conferred on them by this section shall be operative only in those parts of the limits of compulsory supply in which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and shall not be operative unless the same shall have been approved of and confirmed by the sheriff.

Injuring meters &c.

36. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained:

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting

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consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Corporation may repair apparatus on failure by owner or occupier.

37. 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 by the Corporation or by any officer of the Corporation the Corporation or any person authorised by them may enter upon such premises and repair renew and make water-tight all such apparatus and the Corporation shall be entitled to recover 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 connection therewith Provided that in the event of the expense 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.

Penalty for taking water except for domestic use.

38. Every person who takes or uses water belonging to the Corporation for any purpose other than domestic or drinking purposes except under and in accordance with the provisions of this Order shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds for each day any such offence continues after conviction.

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

39. 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 occupier for

the purpose of washing horses carriages or other vehicles houses or buildings or for watering gardens or washing pavements or 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.

Rent for water may be ascertained by meter.

40. The Corporation may agree with any person for supplying him with water by measure and may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure. In both cases a meter for ascertaining the quantity consumed shall be provided by the Corporation at a reasonable rent to be fixed by the Corporation and the register of such meter shall be primâ facie evidence of the quantity of water consumed.

Meters not to be connected or disconnected without notice to Corporation.

41. No person shall connect any meter with any pipe through which any water is supplied by the Corporation to such meter or disconnect any meter from any such pipe unless he shall have given to the Corporation not less than forty-eight hours' notice in writing of his intention so to do and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and be performed under the superintendence of an officer of or person authorised by the Corporation or if the Corporation in any case so elect may be done by the Corporation and the cost thereof recovered from the person requiring the same or on whose behalf the same were performed and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Corporation to estimate annual sum required.

42. The Corporation shall at and after the commencement of this Order 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 the water undertaking for defraying the costs charges and expenses of supplying water for and during the year then current and the interest and instalments of money already borrowed by the Corporation or of so much thereof as is applicable to the existing waterworks and the interest and instalments of money that may be borrowed or due under and for the purposes of this Order and the payment to the sinking and reserve funds together with the expense of maintaining and managing or extending the works mains and pipes of the water undertaking of the Corporation and obtaining and providing and distributing supplies of water within or beyond the limits of this Order and the

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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 obligations and expenses chargeable against revenue.

Water assessment.

43. The estimate to be made up in manner before provided shall be submitted to and considered by the Corporation and it shall be lawful for the Corporation and they are hereby authorised and required annually to impose and levy a water assessment within the burgh of such an amount as with the other water revenues of the Corporation shall be sufficient to meet the moneys necessary to be provided for in such estimate and such water assessment shall be imposed levied collected and recovered in the same manner and subject to the same restrictions and modifications as the water assessment leviable by the Corporation under the Police Acts is by those Acts authorised to be imposed levied collected and recovered Provided always that in the case of shops and manufactories such water assessment shall be charged only on one-fourth of the annual value of the premises as entered in the Valuation Roll Provided also that if the Corporation see cause in the special circumstances of any shops or manufactories within the burgh to charge a higher rate they may charge the water assessment on such higher proportion than one-fourth but not exceeding one-half of the annual value thereof as the special circumstances of the case may in their opinion require but in that case it shall be lawful for any person who may think himself aggrieved to appeal by petition to the sheriff who after such procedure and inquiry if any as he may think fit shall determine the question and his decision shall be final provided that the decision if by the sheriff substitute may be appealed to the sheriff.

Assessment of water rates.

44. The Corporation may assess the water assessment prospectively in order to raise money to pay the interest on borrowed money and contributions to the sinking fund and instalments and charges and expenses to fall due or to be incurred thereafter or retrospectively in order to raise money to pay interest and contributions to the sinking fund and instalments and charges and expenses already due or incurred and such assessment may be made levied and recovered notwithstanding that the works authorised by this Order may not at the time have been completed and the first assessment under this Order may be made and imposed as from the term of Whitsunday one thousand nine hundred and four.

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Rates for supply for domestic purposes beyond limits of compulsory supply.

45. It shall be lawful for the Corporation to charge for and in respect of the supply of water for domestic purposes to any person supplied by them within the limits of this Order beyond the limits of compulsory supply a rate not exceeding the amount of the water assessment which shall be levied at the time within the burgh with twenty per cent. of the amount of the said assessment in addition thereto.

Water rates to be regulated so as not to exceed expenses.

46. If in any year the water revenue of the Corporation shall be more than sufficient for all the purposes to which it is applicable the Corporation shall carry the surplus to the credit of the account for the following year and when a deficiency occurs in one year it shall be provided for by and out of the water assessment in the next year and the Corporation shall as nearly as possible so regulate the water assessment and the rates rents or charges that they may one year with another respectively produce the amount of money required Provided always that the Corporation shall not be bound to impose any assessment other than an assessment consisting of an integral number of pence in the pound.

Application of revenue.

47. The proceeds of the water assessment and rates rents and charges levied and received by the Corporation under the authority of this Order and the other income of the Corporation for the supply of water shall be applied in the manner and to the purposes following (that is to say) :—

Firstly In defraying the expense of managing and maintaining the water undertaking including salaries and other payments to officers and servants and the annual costs charges and expenses of providing and supplying water and paying any feu duties rents and ground annuals and other annual payments exigible in respect of any lands streams or property forming part of the water undertaking :

Secondly In payment of the interest on any money already borrowed and to be borrowed by the Corporation for the existing waterworks and the purposes of the water undertaking :

Thirdly In providing for the repayment by instalments or otherwise of money already borrowed or to be borrowed and setting apart the sinking fund by this Order required :

Lastly In payment of such portion of the costs of enlarging or increasing and renewing and from time to time extending the works mains and pipes of the Corporation as they shall

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think it reasonable to charge against the revenue for the year and of any other necessary annual expenditure and for providing a reserve fund which the Corporation are hereby authorised to make to meet any contingencies.

Application of penalties.

48. All penalties and forfeitures exigible under the provisions of this Order and of the Acts wholly or partially incorporated therewith (excepting any penalties which may be imposed upon the Corporation) shall be paid over to the Corporation for the purposes of the water undertaking instead of being applied in the manner provided by the last-mentioned Acts or the Acts therein referred to.

Prosecution of offences.

49. All offenders against any of the provisions of this Order or of any of the Acts incorporated with the same respectively or against any of the byelaws of the Corporation may be prosecuted and all penalties and forfeitures in respect of offences against any of such provisions or byelaws may be recovered by the Corporation under the Summary Jurisdiction Acts.

Power to borrow.

50. The Corporation may from time to time borrow on mortgage or otherwise any sums required for constructing the works authorised by this Order and for the purchase of lands and other property and rights and servitudes therein and for the other purposes of this Order and for paying the costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto not exceeding in the whole the sum of ninety thousand pounds and may make and grant mortgages as after provided of the water assessment and rates rents and charges by this Order authorised in security of the moneys so borrowed and interest thereon and any sums so to be borrowed may be borrowed on terms of the repayment thereof by instalment or otherwise.

Corporation may re-borrow.

51. If after having borrowed any sums of money by this Order authorised or any part thereof the Corporation shall pay off the same or any part thereof otherwise than by means of instalments or of the sinking fund herein-after mentioned it shall be lawful for the Corporation again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from time to time.

Borrowing power for current expenses.

52. In order to raise such money as may be necessary to defray the current annual expenditure for the water undertaking of the Corporation until the water assessment and 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 assessment and 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 assessment and 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.

Form of mortgage.

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

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

54. Every mortgage or other deed to be made granted or executed by the Corporation under this Order shall be granted in the corporate name of the Corporation and shall be executed and completed in the manner prescribed by section 9 of the Town Councils (Scotland) Act 1900 and all drafts or orders on any bank account of the Corporation for their water undertaking shall be signed by the treasurer of the Corporation with the counter signature of one or more councillors as the Corporation shall from time to time appoint Provided always that no such signature shall operate to make any person so signing individually or personally liable for any obligation or for the payment of any money borrowed drawn or received or any interest thereon or of any sums whatsoever in respect thereof.

Transfers of mortgages.

55. Any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by deed or by indorsation on the mortgage duly stamped wherein the consideration shall be truly stated and may be in the form of the Second Schedule to this Order or to the like effect.

Mortgages of rates to be personal estate.

56. All mortgages and all moneys advanced and lent on the security of the assessment and rates rents and charges under this Order shall be movable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

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Discharge of mortgages.

57. Any person entitled to any mortgage granted by the Corporation under the authority of this Order may discharge the same and his right and interest therein in favour of the Corporation and every such discharge may be indorsed on the mortgage and may be according to the form contained in the Third Schedule to this Order or to the like effect and such discharge when signed by the person entitled to such mortgage and duly stamped shall be valid and effectual to all intents and purposes.

Period of repayment.

58. The Corporation shall pay off all moneys borrowed by them under this Order for the purposes of their water undertaking within fifty years from the date or dates of the borrowing of the same and all moneys borrowed for the payment of the costs of this Order within five years from the commencement of this Order.

Mode of repayment.

59. The Corporation shall pay off all moneys so borrowed either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them.

Sinking fund.

60.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order for the purposes of their water undertaking or for the payment of costs such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested

in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed

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period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Corporation be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Corporation be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation may determine.

Reserve fund.

61. The Corporation may provide out of the water assessment and rates rents charges and other revenues of their water undertaking a reserve fund by setting aside such a sum not exceeding five hundred pounds annually as they may from time to time think fit and investing the same and the resulting income thereof upon such securities as the Corporation may by law for the time being invest their funds upon and accumulating the same at compound interest which reserve fund shall not at any time exceed in the whole the sum of ten thousand pounds and shall be applicable as and when the Corporation may determine from time to time for the renewal of the works plant and apparatus or any extraordinary claim or demand at any time arising against the Corporation in respect of the water undertaking.

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

62. The treasurer of the Corporation shall within three months after the expiration of each year during which any sum is 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 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 Corporation have failed to set apart the sum required by this Order 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 Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be 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 moneys borrowed.

63. All sums borrowed by the Corporation under the authority of this Order (except any sums borrowed for current expenses) shall be applied only to purposes to which capital is properly applicable.

Protection of lender from inquiry.

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

For appointment of a judicial factor.

65. The mortgagees of the Corporation may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than three thousand pounds.

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Existing waterworks and new works to form one undertaking.

66. Subject to the provisions of this Order the existing waterworks of the Corporation and the works to be constructed under the authority of this Order shall for all purposes whatsoever be and be deemed to be part of the water undertaking of the Corporation.

For protection of county council of Forfarshire.

67. The following provisions shall have effect for the benefit and protection of the county council of the county of Forfar (in this section called "the county council") unless otherwise agreed in writing between the county council and the Corporation :—

(1) If at any time it appears to the county council or to any committee thereof including the district committees of the Brechin and Arbroath districts of the said county acting in their respective districts (in this section called "the district committees") that having regard to the average expense of renewing maintaining or repairing the highways roads and bridges maintainable and repairable by them in the neighbourhood of any of the works authorised by this Order extraordinary expenses have been incurred by the county council or such committees in renewing maintaining or repairing any of such highways roads or bridges by reason of extraordinary traffic thereon caused by or arising in consequence of the execution of any such works the Corporation shall pay to the county council the amount of such extraordinary expenses and failing agreement as to the amount thereof the county council may recover in a summary manner from the Corporation such amount as may be proved to the satisfaction of the sheriff to have been incurred by the county council or any of such committees in respect of such extraordinary traffic aforesaid :

(2) The Corporation shall pay to the county council all reasonable costs and charges to be incurred by them or by the district committees in relation to any necessary examination amendment or approval of plans sections and specifications and any necessary superintendence attendance inspection or certificate in connection with the execution of the works by this Order authorised :

(3) No greater length then one hundred and fifty yards of any highway or road shall be broken up at any one place at one time without the consent in writing of the district

committee of the county council having charge of said highway or road A clear and sufficient carriageway shall if practicable be kept for the passage of carriages and traffic along every highway road and bridge during any interference therewith by the Corporation and in case of default in compliance with this provision the district committees of the county council may by their own servants and workmen clear any such carriageway and may recover the expenses of and incident thereto from the Corporation:

(4) Nothing in this Order shall interfere with the right of the county council to alter the level of or deviate or improve in any manner they think fit any highway or road in or across which any pipe of the Corporation shall be laid or to renew widen or improve any bridge on or near which any such pipe shall be laid and the Corporation shall forthwith on receiving notice in writing under the hand of the clerk to the county council so to do alter the position of the said pipes in the manner and to the extent prescribed by such notice:

(5) If any difference arise between the county council and the Corporation touching subsections (2) (3) and (4) of this section or anything to be done or not to be done thereunder such difference shall be determined by a summary application to the sheriff by either party and the decision of the sheriff shall be binding and conclusive on all parties and the costs shall be in the discretion of the sheriff:

(6) The Corporation shall construct and maintain in connection with the conduits or lines of pipes by this Order authorised crossing or passing along any highway or road hydrants or other suitable apparatus or appliances for taking water from the said pipes which shall be placed along and at the side of such highways or roads at intervals of not less than one mile or at such places not more numerous as shall be arranged between the Corporation and the district committees and the county council and the district committees shall be entitled to the use of the same and to take water thereby free of charge through their servants and workmen for the purpose of their road engines and the renewal maintenance and repair of highways and roads and bridges and the extinguishing of fires but the water shall not

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be so taken or used for any other purpose unless otherwise agreed upon as aforesaid:

(7) Notwithstanding the other provisions of this Order as to the supply of water beyond the limits of compulsory supply and subject to the Corporation having sufficient water for the purpose the county council or district committee or a special water supply district committee shall be entitled on an application being made to that effect to a supply of water for domestic purposes from the conduits or lines of pipes authorised by this Order for any special water district already formed or that may be formed within either the Arbroath or Brechin districts of the county whether such special water district be within or without the limits of this Order at the following rates unless otherwise agreed upon in writing between the parties viz. While and so long as the water assessment amounts to 1*s.* 6*d.* per £ or upwards for each 1000 gallons the sum of 6*d.* while and so long as the water assessment amounts to 1*s.* 3*d.* but is less than 1*s.* 6*d.* for each 1000 gallons the sum of 5*d.* and while and so long as the water assessment is less than 1*s.* 3*d.* for each 1000 gallons the sum of 4*d.* and on the further condition of the county council or such committee aforesaid at their own cost making the necessary connexions with the said conduits or lines of pipes or of paying in respect of such works if executed by the Corporation 10 per cent. upon the capital cost thereof for a period of twenty years as the Corporation may elect.

Compensation for damage caused by bursting or giving way of reservoirs or pipes.

68. The Corporation shall make full compensation to all persons (including the county council of the county of Forfar and the district committees thereof) for all damage and injury losses and expenses whatsoever which they may from time to time sustain by reason or in consequence of the bursting or giving way of the reservoirs or of any of the conduits or lines of pipes by this Order authorised and of the flooding that may be thereby occasioned.

For protection of estates of Glenogil Noranside Fearn and Letham Grange.

69. The Corporation shall after the completion of the works by this Order authorised if and when required by the proprietors of the estates of Glenogil Noranside Fearn and Letham Grange or any one or more of them supply from their supply pipe to such estates or any one or more of them requiring it such quantity of water as may be required for the supply of their respective estates

and the quantity of water supplied to each of said estates shall be ascertained by meter and shall be supplied in bulk at a price not higher than the lowest rate charged for supply of water in bulk to consumers within the limits of this Order or along the lines of pipes and the Corporation shall form such connexions with and at such place or places on their conduits or lines of pipes as shall be required for the purposes of such supplies.

Power to establish communication with works by means of electricity.

70. The Corporation may establish and maintain such wires and apparatus for the transmission of messages and other communications wholly or partially by means of electricity or by telephone (which wires and apparatus are in this section called "any such apparatus as aforesaid") as they think expedient or necessary for the better execution of any of the powers or authorities for the time being vested in them and in relation to any such apparatus as aforesaid for the purposes of the Telegraph Act 1863 the Corporation shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs would be or might have been under that Act but nothing in this Order shall authorise the Corporation to work any such apparatus as aforesaid in consideration of any money payment or any valuable consideration or for any purpose other than the execution of their powers and authorities aforesaid or in contravention of any exclusive privilege by law vested for the time being in the Postmaster-General or to construct any such apparatus as aforesaid which shall interfere in any way with any telegraphic line in the possession or under the control of the Postmaster-General and the Corporation shall within forty-eight hours of the service on them of a notice in writing by the Postmaster-General in that behalf remove or alter to the satisfaction of the Postmaster-General any such apparatus as aforesaid which in the opinion of the Postmaster-General interferes or will interfere with the efficient or convenient maintaining working or user of any telegraphic line which the Postmaster-General has constructed or desires to construct and in default of such removal or alteration as aforesaid the Postmaster-General may remove or alter any such apparatus as aforesaid at the expense of the Corporation.

Costs of Order.

71. All the costs charges and expenses of and incident to the preparing and applying for and the confirmation of this Order or otherwise in relation thereto shall be paid by the Corporation out of any moneys in their hands or out of any moneys borrowed by them under the authority of this Order.

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The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

FORM OF MORTGAGE.

ARBROATH CORPORATION WATER ORDER 1904.

Mortgage No. £

By virtue of the Arbroath Corporation Water Order 1904 we the Provost Magistrates and Councillors of the Burgh of Aberbrothock or Arbroath (herein-after called "the Corporation") in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the Treasurer to the Corporation for the purposes of the said Order 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 water assessment and rates rents and charges to be levied by the Corporation under the authority of the said Order as the said sum of [*specify amount*] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said assessment and 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 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 indorsed hereon and signed by the said mortgagee or his foresaids and by a Councillor and the said Treasurer and by the Town Clerk of the said burgh which minute or minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of any of the said parties nor tested and the Corporation 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 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.

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

THE SECOND SCHEDULE.

Form of Transfer of Mortgage.

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 Provost Magistrates and Councillors of the Burgh of Aberbrothock or Arbroath by virtue of the Arbroath Corporation Water Order 1904 for securing the sum of [*principal sum in mortgage*] [*if the transfer be by indorsement add* contained in the within mortgage] together with the interest thereon from and after the [*date from which transferee is to be entitled to the interest*].

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

THE THIRD SCHEDULE.

Form of Discharge.

Received from the Treasurer to the Provost Magistrates and Councillors of the Burgh of Aberbrothock or Arbroath 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 discharged.

Dated this day of one thousand

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