CHAPTER cv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Bridge of Allan Water &c. [19th August 1921.]

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

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

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

2. This Act may be cited as the Bridge of Allan Water &c. Order Confirmation Act 1921. Short title.

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SCHEDULE.

BRIDGE OF ALLAN WATER.

Provisional Order to authorise the provost magistrates and councillors of the Burgh of Bridge of Allan to make and maintain additional waterworks to acquire maintain improve develop and carry on the mineral waters and baths undertaking of the Bridge of Allan Mineral Wells Company Limited and for other purposes.

WHEREAS the provost magistrates and councillors of the burgh of Bridge of Allan in the county of Stirling (hereinafter referred to as "the Town Council" and "the burgh" respectively) acting under the Burgh Police (Scotland) Acts 1892 to 1911 are the municipal local and public health authority within the burgh under those Acts and under the Public Health (Scotland) Act 1897:

And whereas by the Bridge of Allan Water Company's Act 1866 the Bridge of Allan Water Company (hereinafter referred to as "the Act of 1866" and "the water company" respectively) was incorporated and authorised to supply water within the town of Bridge of Allan and places adjacent within the parishes of Logie and Lecropt in the counties of Stirling and Perth:

And whereas by the Bridge of Allan Water Order 1872 and the Bridge of Allan Water Order 1897 further powers for the construction of works and the raising of additional capital were conferred on the water company:

And whereas Edmund Pullar of Westerton House Bridge of Allan who had for many years past been associated with the burgh and had also for a long period been chairman of the water company was desirous of making and did make a gift to the Town Council of the undertaking of the water company to be administered by the Town Council for the benefit of the burgh and of the surrounding districts and did purchase the same and make the gift aforesaid:

And whereas by the Bridge of Allan Water Order 1919 the water undertaking of the water company was

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transferred to and vested in the Town Council and powers were conferred upon the Town Council for the maintenance and management of the said water undertaking:

And whereas in consequence of the increase of population and the industrial development of the burgh the present supply of water within the burgh and the limits of supply of water by the Town Council has become insufficient and the said insufficiency is rendered more serious by the presence in the Acts of the said Bridge of Allan Water Company of vague and indefinite provisions for compensation to certain lands and interests:

And whereas it is expedient that an additional supply of water and additional storage capacity and filter beds should be provided and that the Town Council should be empowered to introduce and provide the same and for that purpose to make and maintain the works hereinafter described and to acquire all necessary rights and define more clearly and restrict the compensation rights in connexion with the water undertaking and that the undertaking aforesaid and the additions by this Order authorised should be consolidated as one undertaking:

And whereas it is expedient for the aforesaid purposes that certain provisions of the Act of 1866 referred to should be repealed or varied and that the further powers in this Order contained should be conferred on the Town Council in relation to their water undertaking:

And whereas it is expedient that the Town Council should be authorised to raise money by rates assessments and charges and by borrowing for the purposes of this Order and of their water undertaking in accordance with the provisions in that behalf of the Burgh Police (Scotland) Acts 1892 to 1911 as amended by this Order:

And whereas it is expedient that provision should be made for the repayment of money to be borrowed under the authority of this Order:

And whereas estimates have been prepared by the Town Council for the construction and completion of

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the said additional waterworks and other works and for the purchase of land and are as follows :—

	£
Purchase of lands and servitudes -	600
Enlargement of existing Coxburn reservoir (Work No. 1) and reconstruction and enlargement of existing filters and pure water tank (Work No. 3) - - -	19,000
Subsidiary works - - - -	5,000
Total - - - - -	£24,600

And whereas the several works included in the said estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years and that the period of repayment of money to be borrowed for the intended waterworks should be extended beyond the period allowed by the Burgh Police (Scotland) Acts 1892 to 1911 :

And whereas the Bridge of Allan Mineral Wells Company Limited (in this Order referred to as the "Wells Company") are the owners of a mineral waters and baths undertaking within the burgh and the Wells Company are also the owners of a pump room or well house and other property and of valuable gravitation water rights under the Bridge of Allan Water Company's Act 1866 in connexion with their said undertaking :

And whereas the said mineral waters and baths have been and are a source of great attraction to the burgh and may be increasingly made attractive :

And whereas it is expedient that the Town Council should be authorised to acquire the said mineral waters and baths undertaking including the pump room or well house and other property and the gravitation water rights and to hold maintain extend and improve the said mineral waters and baths undertaking of the Wells Company and to acquire lands and provide additional baths pump room or well houses or other additional buildings of any description with all necessary appliances to take impound treat use sell and supply the mineral waters at and of the undertaking aforesaid and admit persons to bathe in the said baths and to charge such fees or charges therefor as

are hereinafter provided and to advertise the mineral waters and baths in manner by this Order provided:

And whereas the Wells Company have agreed with the Town Council for the sale to the Town Council of the whole of the said mineral waters and baths undertaking of the Wells Company at the price of two thousand pounds upon the terms and conditions contained in the agreement set forth in the First Schedule to this Order:

And whereas it is expedient that the Town Council be authorised to borrow the necessary moneys for the acquisition of the mineral waters and baths undertaking and for the improvement and extension thereof:

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property which may be taken compulsorily under the powers of this Order were duly deposited in the office at Stirling of the sheriff clerk of the county of Stirling and the same are in this Order referred to as the deposited plans sections and book 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.

1. This Order may be cited as the Bridge of Allan Water &c. Order 1921.

Commencement of Order.

2. This Order shall commence and have effect on and after the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Interpretation.

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

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to such construction In this Order unless the context otherwise requires:

"The burgh" means the burgh of Bridge of Allan;

"The Town Council" means the provost magistrates and councillors of the burgh for the time being;

"The water undertaking" means the waterworks and water undertaking vested in the Town Council and the works by this Order authorised to be constructed and the works connected therewith respectively;

"The county council" means the county council of the county of Stirling;

"The Wells Company" means the Bridge of Allan Mineral Wells Company Limited;

"The mineral waters undertaking" means the mineral waters and baths undertaking of the Wells Company by this Order transferred to the Town Council;

"The Act of 1866" means the Bridge of Allan Water Company's Act 1866;

"The Burgh Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1911;

"The sheriff" means the sheriff of the counties of Stirling Dumbarton and Clackmannan or any of his substitutes;

"The date of transfer" means the day upon which the purchase price of two thousand pounds is paid or satisfied by the Town Council to the wells company or is placed on deposit receipt to await determination of any questions in the event of the Wells Company refusing to accept tender of the said purchase price.

Incorporation of Acts.

4. 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:—

(1) The Waterworks Clauses Act 1847 except:—

(A) The clauses and provisions with respect to the communication pipes to be laid by the undertakers:

(B) Clauses 68 70 and 71;

(C) Clauses 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts.

(2) The Waterworks Clauses Act 1863:

(3) The Lands Clauses Acts:

In construing the provisions of the foregoing Acts "the undertakers" "the company" and "the promoters of the undertaking" shall mean the Town Council.

(4) The sections and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said sections and provisions "the company" means the Town Council "the railway" means the works authorised by this Order and the works connected therewith and "the centre of the railway" means any part of those works.

This Order shall be deemed a special Act within the meaning of the provisions of the said Acts wholly or partly incorporated herewith.

Power to make new water works.

5. Subject to the provisions of this Order the Town Council may in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections and may purchase enter upon take appropriate hold and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes (that is to say):—

Work No. 1.—An enlargement of the existing reservoir know as the Coxburn Reservoir authorised by the Act of 1866 by raising the embankment thereof situated wholly in the parish of Logie and county of Stirling commencing at a point one hundred and

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twenty yards or thereby south-east of the eastern end of the said existing reservoir and terminating at the said embankment.

Work No. 3.—Filters and pure water tank wholly situated in the burgh of Bridge of Allan in the parish of Logie and county of Stirling in the field or inclosure No. 424A on the 25-inch Ordnance Survey map (edition of 1915) of the parish of Logie.

In addition to the foregoing works the Town Council may upon the said lands make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices bye-washes shafts wells bores water-towers overflows waste-water channels gauges filter-beds tanks bank walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works but nothing in this section shall exonerate the Town Council from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

6. In the construction of the works authorised by this Order the Town Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels of the various works shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided as follows (that is to say) :—

The Town Council shall not construct any embankment or wall 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 five feet in addition Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to Town Council to retain lands.

7. The Town Council may hold retain and use for the purposes of the water undertaking any lands already acquired for the purposes of their existing waterworks.

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Power to take waters.

8. Subject to the provisions of this Order the Town Council may by means of the intended waterworks and the existing waterworks of the Town Council or one or other of the same or some part or parts thereof abstract appropriate intercept divert take impound collect store distribute supply and use for the purposes of the waterworks of the Town Council and of this Order as hereinafter mentioned the waters of the Coxburn and all waters springs and streams presently flowing directly or indirectly into the said reservoir and also the waters springs and streams which are or will be led into the said reservoir under the authority of this Order.

Power to agree as to drainage of lands &c.

9. The Town Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the Coxburn reservoir and of the works by this Order authorised with reference to the executing by the Town Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Order authorised to be diverted collected and appropriated by the Town Council flowing to upon or from such lands directly or derivatively into the works of the Town Council.

Persons under disability may grant servitudes &c. by agreement.

10. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Town Council any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to acquire servitudes only in certain cases.

11.—(1) The Town Council may in lieu of acquiring any lands for the purposes of the works authorised by this Order where the same are intended to be constructed underground acquire such servitudes only in such lands as they may require for such purposes and may give notice to treat in respect of such servitudes describing the nature thereof and the provisions of the Lands Clauses

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Acts shall apply to and in respect of the acquisition of such servitudes as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Town Council have acquired servitudes only under the provisions of this section the Town Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such servitudes have the same rights to use and cultivate the said lands at all times as if this Order had not been confirmed.

(3) Provided that nothing in this section contained shall authorise the Town Council to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Town Council to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this provision.

Period for completion of works.

12. If the works authorised to be constructed by this Order are not completed within ten years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Town Council for executing any such work not so completed or in relation thereto shall cease except as to so much thereof as shall then be completed.

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

13. The Town Council may hold any lands acquired by them for the purposes of or in connexion with their existing waterworks and any lands transferred to or acquired by them under this Order and may also by agreement purchase acquire and hold any lands or take servitudes or restrictions over any lands which they may deem necessary or desirable for the purpose of securing the purity of the water in the drainage area of the waterworks of the Town Council and of protecting their water supply against pollution fouling contamination nuisance encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Order or the Lands Clauses Acts respectively Provided that the Town Council shall not create or permit a nuisance on any such lands and shall not erect or permit the erection of any buildings thereon other than offices and dwellings for

persons in their employ and such buildings and works as may be incident to or connected with the water undertaking or farm buildings. A.D. 1921.

The Town Council 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 Town Council 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 land by the Town Council shall only be applied to purposes of this Order to which capital is properly applicable.

Power to acquire additional lands by agreement.

14. The Town Council may from time to time for the purposes of this Order purchase by agreement in addition to the lands by this Order authorised to be acquired by compulsion any lands not exceeding in the whole twenty acres but nothing in this Order shall exonerate the Town Council from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land purchased under the powers of this section and no house or building shall be erected on any such lands other than houses or buildings which may be required in connexion with the water undertaking.

Period for compulsory purchase of lands.

15. The powers of the Town Council for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.

Town council may enlarge or increase number of pipes.

16. The Town Council may at any time subject to the provisions of this Order or any prior Act or Order relating to the water undertaking and notwithstanding the expiration of the period limited for the completion of works maintain use extend alter renew relay replace enlarge and increase the number and size of the main pipes and other conveniences of the Town Council at any time existing for conveying and distributing water for the purposes of the water undertaking Provided always that such extension enlargement or increase shall be executed only on lands or property belonging to the Town Council or which may be acquired by agreement or which they are by the Waterworks Clauses Acts 1847 and 1863

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entitled to open and break up for such purposes or on such lands as the Bridge of Allan Water Company were by the Act of 1866 empowered to enter on and lay the lines of their conduits and lines of pipes mentioned in section 25 of the said Act and for that purpose the Town Council may enter on open up dig fill in and otherwise use each and all of the said lands.

For protection of county council.

17. In the execution of the works and the exercise of the powers by this Order authorised and conferred so far as they affect highways of the county of Stirling the following provisions for the protection of the county council shall (except so far as otherwise agreed to between the Town Council and the county council) have effect (that is to say) :—

(1) All aqueducts conduits or lines of pipes to be laid in or along any county highway or in upon or across any county bridge shall as far as practicable be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor for the district may reasonably direct :

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all county highways and county bridges opened and broken up or interfered with by the Town Council in the exercise of the powers of this Order provided that the notice required by section 30 of that Act shall be not less than seven days instead of three days :

(3) The plan required by section 31 of the last-mentioned Act shall be accompanied by a section of the proposed works and a short specification thereof and shall be delivered to the county council or their surveyor by the Town Council not less than in the case of a county bridge one month and in all other cases fourteen days before they commence to break or open up any county highway or interfere with any county bridge for the purpose of executing the works :

(4) No greater length than one hundred and fifty yards of any county highway shall be broken up at any one place at one time without the consent of the county council A clear and sufficient carriageway shall if practicable be kept for the passage of carriages and traffic along every county highway and county bridge during any interference therewith by the Town Council unless where by arrangement with the county council a county highway or county bridge may be shut up and in case of default in compliance with this provision 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 Town Council:

(5) Nothing in this Act shall authorise the Town Council to interfere with the structural part of any county bridge without the consent in writing of the district surveyor of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council or their surveyor may reasonably determine Provided that the county council shall be deemed to have given such consent required under this subsection and under subsection (1) of this section if within one month after plans have been submitted to the surveyor he shall not have given written notice to the Town Council objecting thereto:

(6) Nothing in this Order contained shall interfere with the right of the county council to alter the level of or divert or improve in any manner they think fit any county highway in or along which any aqueduct conduit or line of pipes of the Town Council shall have been laid under this Order and the Town Council shall forthwith on receiving notice in writing under the hand of the clerk or surveyor of the county council alter the position of any such aqueduct conduit or line of pipes in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner hereinafter prescribed:

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(7) Nothing in this Order contained shall interfere with the right of the county council at any time or times to remove alter or rebuild any county bridge or the approaches thereto over near or attached to which any aqueduct conduit or line of pipes of the Town Council is carried in the same manner as they might have removed altered or rebuilt any such bridge or the approaches thereto if this Order had not been confirmed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the Town Council shall at their own cost alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration or rebuilding of such bridge as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across or along any road or stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such aqueduct conduit or line of pipes:

(8) All works shall be so executed by the Town Council as not to stop the traffic and so far as reasonably practicable not in any way to impede or interfere with the traffic on any highway or over any county bridge or the approaches thereto:

(9) The county council or the central district committee of the county council shall not except in the case of their negligence be liable for or in respect of any damage or injury done to any work of the Town Council by reason of such work being laid at a depth below the surface of any highway insufficient for its protection from injury arising from the reasonable use of any steam or other roller or traction engine for the repair of

such county highway or from the passage of the traffic in such highway or in repairing any county bridge or the approaches thereto:

(10) For the purposes of section 57 of the Roads and Bridges (Scotland) Act 1878 the Town Council shall be deemed to be the person by whose order any excessive weight shall have been passed or any extraordinary traffic conducted on the county highways in connexion with the execution of the works by this Order authorised:

(11) If any difference arise between the county council or the central district committee of the county council and the Town Council touching this section or anything to be done or not to be done thereunder such difference shall failing agreement be determined by a single arbiter to be mutually agreed upon by the parties and failing agreement to be appointed by the sheriff on the application of any of the parties.

Power to discharge water into streams and lower water level of Coxburn Reservoir temporarily.

18. The Town Council may at any time for the purpose of repairing or cleaning any of their existing works or any of the works authorised by this Order cause any water to be discharged into any available stream or watercourse and may temporarily lower the water level of the Coxburn Reservoir to such extent as they may find necessary for making constructing maintaining and using the works authorised by this Order In the exercise of the power conferred by this section the Town Council shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in default of agreement by an arbiter to be agreed upon or failing agreement to be appointed by the sheriff on the application of either party.

Pressure.

19. The water to be supplied by the Town Council need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations and nothing in any Act or Order relating to the water undertaking shall be construed as rendering it necessary that the water shall be supplied in any case at a level higher or at a pressure greater than can be supplied or afforded by gravitation from the existing break pressure tank of the Town Council.

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As to repair of mill lade.

20. Section 37 (Mill lade to be kept in repair) of the Act of 1866 is hereby repealed and from and after the commencement of this Order the Town Council shall keep in repair and subject to the provisions of subsection (3) of the section of this Order of which the marginal note is "Repeal of section 36 of the Act of 1866" shall have the sole right to control the existing mill lade or conduit from the Wharrie Burn to the intake upon the said lade or conduit used for conveying water therefrom to the Coxburn Reservoir and the heirs and successors of the late Right Honourable George Ralph Lord Abercromby may if and when they think fit take a supply of water free of charge from the said mill lade at such point or points above the said intake as may be approved by the engineer to the Town Council to the farmhouse steading and offices on the farm of Pendreich.

Repeal of section 36 of the Act of 1866.

21.—(1) From and after the twenty-eighth day of May one thousand nine hundred and twenty-four section 36 (Supply of water to the mineral wells and Airthrey Mills) of the Act of 1866 shall be repealed so far as applicable to Airthrey Mills and from and after the date of transfer the said section shall be repealed so far as applicable to the mineral wells.

(2) In consideration of the augmented supply of water which will be available to the Town Council from and after the said twenty-eighth day of May one thousand nine hundred and twenty-four consequent upon the repeal as at that date of the said section 36 so far as applicable to Airthrey Mills and to enable Mrs. Gertrude Lawrence Clara Graham or her heirs or successors as proprietors of the said Airthrey Mills to provide and instal (if so desired) apparatus for adapting and utilising the water of the River Allan to the purposes of the said mills in lieu of the water to which she and her foresaids are entitled under the said section 36 the Town Council shall upon the said twenty-eighth day of May one thousand nine hundred and twenty-four make payment to the said Mrs. Gertrude Lawrence Clara Graham or her foresaids as proprietors of the said Airthrey Mills of the sum of four thousand pounds which sum shall be at the absolute disposal of the said Mrs. Gertrude Lawrence Clara Graham or her foresaids the Town Council not being entitled or bound to see to the application thereof.

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(3) Nothing in this Order contained shall prejudicially affect the right of the said Mrs. Gertrude Lawrence Clara Graham as proprietrix of the lands and estate of Airthrey or her heirs or successors in said lands to the full supply of water to Airthrey Lake and others reserved under section 35 of the Act of 1866.

Confirmation of agreement between Brigadier-General Archibald Stirling of Keir and the Town Council.

22. The agreement between Brigadier-General Archibald Stirling of Keir and the Town Council as set forth in the Second Schedule to this Order is hereby confirmed and made binding upon the parties thereto.

Power to borrow for water undertaking.

23. The Town Council may from time to time borrow any sums of money required for the construction of the works and for the purchase of lands and other property and rights authorised by this Order for the purposes of the water undertaking not exceeding twenty-six thousand pounds and with the sanction of the Secretary for Scotland but not otherwise such further sums as may be requisite for the said purposes or for the general purposes of the water undertaking and the Town Council may also borrow such further sum as may be required for the payment of seven-eighths of the costs charges and expenses of or in connexion with the obtaining and confirming of this Order and the Town Council may make and grant mortgages or other securities of the water assessment and rates rents and charges authorised by the Burgh Police Acts and this Order in security of the money so borrowed and the interest thereon and the provisions of the Burgh Police Acts with reference to the bonds or mortgages to be granted therefor shall apply The Secretary for Scotland shall have and may exercise in relation to such sanction as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889.

Limiting powers of Town Council to abstract water.

24. The Town Council shall not construct any works for taking or intercepting water for the purposes of the water undertaking from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Order or Act of Parliament.

Water undertaking.

25. Subject to the provisions of this Order the waterworks of the Town Council and the works authorised by this Order shall for all purposes whatsoever be and be deemed to be the water undertaking.

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Confirmation of agreement between the Wells Company and the Town Council.

26. The agreement between the Wells Company and the Town Council as set forth in the First Schedule to this Order is hereby confirmed and declared to be valid and made binding upon the parties thereto and may and shall be carried into effect by the Wells Company and the Town Council their successors and assignees respectively.

Transfer of mineral waters and baths undertaking.

27. On the date of transfer the mineral waters and baths undertaking of the Wells Company and all property lands premises or rights of the same shall by virtue of this Order be transferred to and vested in the Town Council to the same effect and with the same rights and interests as the Wells Company held the same but discharged from all mortgages charges and other incumbrances affecting the same other than feu duties rents and other annual payments and duplicands and casualties exigible in respect of land water or other property forming part of the undertaking of the Wells Company.

Wells Company to pay outgoings and to be entitled to receipts till transfer.

28. The Wells Company shall pay and discharge all debts (including mortgage debts) outgoings and liabilities owing or incurred by them prior to the date of transfer and may receive and retain all debts due to them and shall be entitled to all other receipts from the undertaking of the Wells Company up to the date of transfer Provided that nothing in this Order shall entitle the Wells Company to retain for their own benefit so much of any rents or charges or other payments paid or payable in advance as shall be attributable to any period after the date of transfer but such rates rents charges and other payments shall be apportioned and so much thereof as is attributable to any period after the date of transfer shall be paid over by the Wells Company to the Town Council.

Pending actions by or against the Wells Company.

29. If at the date of transfer any action or other proceeding or any cause of action or proceeding is existing by or against the Wells Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer but the same may be continued prosecuted and enforced by or against the Town Council as and when it might have been continued prosecuted and enforced if this Order had not been confirmed.

Contracts of Wells Company

30. Except as is by this Order otherwise provided all purchases sales conveyances deeds contracts bonds and agreements entered into or made by the Wells Company

and in force at the date of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Town Council and may be enforced as fully and effectually as if instead of the Wells Company the Town Council had been a party thereto Provided that as between the Wells Company and the Town Council the provisions of this and the last preceding section shall not extend or be construed to relieve the Wells Company from any payment or liability which under the section of this Order of which the marginal note is "Wells Company to pay outgoings and to be entitled to receipts till transfer" is to be made or discharged by the Wells Company.

to be binding on Town Council.

31. A receipt in writing for the said sum of two thousand pounds payable by the Town Council to the Wells Company under this Order signed by two directors and the secretary or secretaries of the Wells Company shall be conclusive evidence of the payment of the said sum and shall effectually discharge the Town Council therefrom and the Town Council shall not be bound to see to the application thereof or be accountable for the loss misapplication or non-application thereof.

Receipt for purchase money.

32. From and after the date of transfer the Wells Company shall subsist only for the purpose of recovering and enforcing payment of the rates rents and charges and other revenues due or owing to the Wells Company previous to the date of transfer and of receiving and recovering the sums (if any) payable by the Town Council to the Wells Company as provided by this Order and paying all debts and liabilities which may be due and payable by the Wells Company under this Order and distributing the balance of their funds and effects after deducting such payments and all the expenses of and incidental thereto among their shareholders and for winding up the affairs of the Wells Company and for carrying into effect the provisions of this Order so far as relating to the Wells Company and the directors of the Wells Company who are in office at the date of transfer and the survivors and survivor of them shall continue without re-election to hold the office of directors of the Wells Company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes hereinbefore mentioned.

Purposes for which Wells Company to continue to subsist.

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Books &c. to be receivable in evidence.

33. All books and documents relating to the undertaking of the Wells Company which if this Order had not been confirmed would have been received in evidence shall be received in evidence as if this Order had not been confirmed.

Mineral waters undertaking.

34. The said mineral waters and baths undertaking as transferred enlarged and held from time to time by the Town Council shall be known as the mineral waters undertaking of the burgh.

Maintenance and extension of mineral water baths after transfer.

35. After the date of transfer the Town Council may upon any premises for the time being comprised in the mineral waters undertaking maintain alter improve enlarge extend and renew the mineral water baths or any part thereof and may in connexion therewith provide acquire lay down construct take on lease or hire and maintain alter improve enlarge extend and renew additional baths of any description with all necessary and suitable buildings wells tanks springs mains pipes plant machinery lifts lavatories verandahs porticoes fittings furniture apparatus and equipment.

Power to carry on lease or dispose of mineral waters and baths undertaking.

36. After the date of transfer the Town Council may take treat sell or dispose of the mineral waters obtained and may permit the entry into or the use of any baths premises or properties for the time being held by them under the powers of this Order by any person or persons or any class of persons or by the public generally and may provide any facilities for bathing and may supply any mineral waters for the time being belonging to them or under their control to any person or persons or any class of persons for bathing or other purposes upon such terms and conditions and subject to such reasonable charges as they may think fit or may let the mineral waters undertaking and the right of selling the mineral waters to any person or company on such terms as they see fit subject always to the said lessees or grantees being restrained from exceeding the powers by this Order conferred upon the Town Council and may close any such baths or premises for such periods as they may think fit and may appoint and pay officers and servants for the purposes of the mineral waters undertaking They may further sell or dispose of the whole baths premises and properties and other assets pertaining to the said mineral waters undertaking or any part thereof on such terms and

conditions as they may think fit but always excepting from such sale or disposal the gravitation water rights possessed by the mineral waters undertaking at the date of this Order but with power always to adject to such sale or disposal such reasonable right to a water supply suitable to the undertaking as the Town Council may think fit.

Power to acquire additional lands.

37. The Town Council may for the purposes of the mineral waters undertaking by agreement acquire or lease or take for any term or terms of years in addition to the lands comprised in the existing mineral waters and baths undertaking any lands not exceeding in the whole five acres or any servitude right or privilege therein thereunder or thereon (not being a servitude right or privilege of water in which persons other than the grantors have an interest) but the Town Council shall not erect any buildings thereon other than laundries baths or washhouses and offices connected with the mineral waters undertaking and such lands servitudes rights and privileges shall form part of the mineral waters undertaking of the burgh.

Byelaws as to mineral waters undertaking.

38. The Town Council may after the date of transfer make byelaws for the regulation and management of the mineral waters undertaking and any other premises acquired or provided by the Town Council under the powers of this Order and for regulating the admission thereto the charge or charges therefor the price or prices of water and the user of the premises generally and respecting the conduct of persons therein and the provisions of sections 316 to 324 of the Burgh Police (Scotland) Act 1892 shall apply to any such byelaws.

Power to advertise baths.

39. The Town Council may pay or contribute towards the payment of the cost of maintaining at railway stations and in newspapers magazines and other publications and by handbooks or leaflets advertisements relating to the mineral waters undertaking and the waters used therein provided that such payments or contributions shall be paid out of the revenue of the mineral waters undertaking as hereinafter provided.

Power to carry on laundry &c.

40. For the purpose of the mineral waters undertaking and as part thereof the Town Council may after the transfer and subject as aforesaid provide and maintain a laundry and may provide and maintain the plant and

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machinery necessary for the condensation or other treatment of the waters and for the bottling thereof and for these purposes may upon any land for the time being belonging to the Town Council and available for the purpose construct maintain repair alter enlarge and renew all necessary or suitable buildings plant machinery fittings apparatus and appliances.

Town Council not to be exempt in case of nuisance.

41. Nothing in this Order contained shall exonerate the Town Council from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them in their conduct of the mineral waters undertaking.

Power to borrow.

42.—(1) The Town Council may from time to time independently of any other borrowing power borrow at interest for the purposes of the mineral waters undertaking any sum or sums of money not exceeding the following (that is to say):—

(A) For defraying the costs and expenses incident to the purchase of the mineral waters and baths or in pursuance of or in connexion with the agreement set forth in the First Schedule to this Order and for payment of any other sums payable by the Town Council under such agreement the sum or sums necessary for that purpose not exceeding in the whole the sum of two thousand two hundred pounds;

(B) For extensions and improvement of the mineral waters undertaking and for the development of the undertaking the sum of five thousand pounds;

(C) For paying one-eighth of the costs charges and expenses of this Order the sum necessary for that purpose;

and with the sanction of the Secretary for Scotland such further moneys as the Town Council may require for the general purposes of the mineral waters undertaking The Secretary for Scotland shall have and may exercise in relation to such sanction as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Town Council may mortgage or charge the revenue of the mineral waters undertaking and the water assessment levied in the burgh under the Burgh Police

Acts and any deficit arising from the working of the mineral waters undertaking shall be met from the said water assessment Provided that no charge shall be made on the water assessment for the purposes of this section so long as sufficient funds are available in the reserve fund hereinafter authorised to be provided.

Application of revenue of mineral waters undertaking.

43. The Town Council shall apply all money from time to time received by them in respect of the mineral waters undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the mineral waters undertaking;

Secondly In payment of the interest on moneys borrowed by the Town Council for the purposes of the mineral waters undertaking;

Thirdly In payment of the requisite instalments appropriations or sinking fund payments in respect of moneys borrowed by the Town Council for the purposes of the mineral waters undertaking;

Fourthly In repayment to the water assessment of any deficiency in the revenue or receipts of the mineral waters undertaking made good thereout;

Fifthly In payment of the cost of advertising as authorised by this Order;

Sixthly In providing a reserve fund for the mineral waters undertaking if they think fit by setting aside such moneys as they from time to time think reasonable and investing the same and the resulting income thereof in any securities in which trustees may invest trust funds under the law of Scotland for the time being or depositing the same in bank the Town Council being at liberty from time to time to vary and transpose such investments and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Town Council from the mineral waters undertaking or to meet any extraordinary claim or demand at any time arising against the Town Council in respect of

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that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens.

Periods and mode of repayment of borrowed money.

44.—(1) The Town Council shall pay off all moneys to be borrowed by them for the purposes and under the powers of this Order within the respective periods following (that is to say):

As to moneys borrowed for constructing the works and purchasing the lands and other property and rights by this Order authorised for the purposes of the water undertaking within fifty years from the date or dates of borrowing the same;

As to moneys borrowed in connexion with the purchase of the mineral waters undertaking and for the purchase of lands and property and rights authorised by this Order in connexion therewith and for the extension improvement and development of the undertaking within thirty-five years from the date or dates of borrowing the same;

As to moneys to be borrowed with the sanction of the Secretary for Scotland within such period and by such methods as the Secretary for Scotland may prescribe;

As to money to be borrowed for paying the costs charges and expenses of and in relation to this Order and the confirmation thereof within five years after the commencement of this Order.

(2) The Town Council shall pay off all money borrowed by them under this Order 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 those methods and partly by another or others of them.

Sinking fund.

45.—(1) If the Town Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A

sinking fund so formed is hereinafter 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 four per centum per annum or such other rate as the Secretary for Scotland may from time to time allow 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 hereinafter 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 Town Council or be deposited in bank the Town Council 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 Town Council towards the equal annual payments to the fund.

(4) The Town Council 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 Town Council 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

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which the annual payments to the fund are based any deficiency shall be made good by the Town Council.

(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 Town Council in addition to the payments provided for by this Order.

(7) If it appears to the Town Council or the Secretary for Scotland at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Town Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Town Council 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 Town Council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Town Council may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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(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 Town Council be sufficient to repay the loan in respect of which it is formed within the prescribed period the Town Council may with the consent of the Secretary for Scotland 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 Town Council may determine.

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

46. The treasurer of the Town Council shall within six months after the expiration of each year during which any sum is required to be paid as an instalment or to be set apart for a sinking fund under this Order transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart in respect of that year and the description of the securities 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 Town Council have failed to pay any instalment or to set apart any sum required by this Order to be set apart for the sinking fund or to make any increased payment thereto by this Order required or have applied any portion of the moneys set apart for that fund or any interest or 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

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Court of Session in Scotland pronounced in a summary application presented for that purpose.

Application of moneys borrowed.

47. All sums borrowed by the Town Council under this Order on mortgage or cash account or otherwise (except any sums borrowed for current expenses) shall be applied only to purposes to which capital is properly applicable.

Protection of lenders.

48. No person lending or paying money to the Town Council under this Order shall be bound to inquire as to the observance by them of any of the provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money or any part thereof.

Power to re-borrow.

49. If after having borrowed the sums of money by this Order authorised or any part thereof the Town Council shall pay off the same or any part thereof otherwise than by means of annuities or instalments or of the sinking fund provided by this Order or out of moneys derived from the sale of lands it shall be lawful for the Town Council 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 for current expenses.

50. In the application to the burgh of section 49 (Power to borrow temporarily) of the Burgh Police (Scotland Act 1903 the expression "any public general Act" shall be deemed to include this Order.

For protection of the Caledonian Railway Company.

51. The provisions of section 22 (For protection of Caledonian Railway Company) of the Bridge of Allan Water Order Confirmation Act 1919 shall apply to any water main pipe or other work by this Order authorised in connexion with either the water undertaking or the mineral waters undertaking which shall pass under or across or in any way affect any railway or any bridge tunnel or other work in connexion therewith or any land or property road or street belonging to the Caledonian Railway Company.

Crown rights.

52. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Town Council to take use or in any manner interfere with any land heritages or other subjects or any

rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners are hereby authorised to give).

Costs of Order.

53. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Town Council as respects seven-eighths thereof out of the revenues of the water undertaking and as to one-eighth thereof out of the revenues of the mineral waters undertaking or in either case out of money borrowed under the powers of this Order as hereinbefore provided.

FIRST SCHEDULE.

MINUTE OF SALE between the Bridge of Allan Mineral Wells Company Limited incorporated under the Companies Acts 1862 to 1890 and having their registered office in Bridge of Allan hereinafter called "the Company" of the first part and the provost magistrates and councillors of the burgh of Bridge of Allan in the county of Stirling hereinafter called "the Town Council" of the second part.

First The Company agrees to sell to the Town Council and the Town Council agrees to purchase from the Company all and whole that area of ground containing one acre and seven poles or thereby imperial standard measure part of the lands and estate of Airthrey lying in the burgh of Bridge of Allan parish of Logie and county of Stirling as delineated and coloured pink on the plan annexed and subscribed as relative hereto bounded on the south by the road leading from Kenilworth Road by way of what was formerly the Hydropathic Establishment and is now the Allan Water Hotel to Chalton Road on the west by ground formerly belonging to the Bridge of Allan Hydropathic Company Limited and now to the Allan Water Hotel Limited on the north by the area or piece of ground coloured blue on the said plan agreed to be sold by the

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together with a search of incumbrances from the date of the said feu disposition to and including the said disposition provided the same is recorded within ten days of the date of delivery thereof but the Company shall not be bound to produce any titles or searches relating to the superiority and the Town Council shall be taken bound in the said disposition in their favour to make the said feu disposition and search of incumbrances forthcoming to the said bowling club and their foresaids on all necessary occasions upon a receipt and obligation to redeliver the same within a reasonable time and under a suitable penalty and said disposition shall also contain a clause of absolute warrandice.

Sixth The expenses of these presents and of the disposition to be granted as aforesaid (including drawing and revising fee and stamp duty and the expense of preparing the said plan) shall be borne equally by the Company and the Town Council.

Seventh The Company shall not be held to warrant as correct any rental or particulars of the subjects of sale furnished by the Company to the Town Council who are held to have satisfied themselves as to all particulars relating to the subjects and extent boundaries burdens and whole other details.

Eighth This agreement is made subject to such alterations as Parliament or the Secretary for Scotland may think fit to make thereon but if any material alteration is so made it shall be competent to either the Company or the Town Council to withdraw from the same and if parliamentary authority is not obtained this agreement shall be held as annulled.

Ninth This agreement as executed or as amended by Parliament or the Secretary for Scotland shall be scheduled to and confirmed by a Provisional Order or Private Act of Parliament to be applied for forthwith by the Town Council or in the option of the Town Council such protective clauses securing to the Company the rights hereby reserved to and conferred on them as may be adjusted with the Company shall be inserted in the said Provisional Order or Private Act of Parliament.

Lastly Should any questions arise between the parties regarding the true intent and meaning of these presents or the validity of the title deeds or the sufficiency of the Company's title or otherwise in connexion with the implement of these presents including the adjustment of the disposition to follow hereon the same are hereby referred to William Chree esquire King's Counsel Edinburgh whom failing to A. Morrice Mackay esquire King's Counsel Edinburgh as sole arbiter whose awards interim or final shall be binding on both parties and both parties consent to registration hereof for preservation and execution:

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In witness whereof these presents typewritten on this and the three preceding pages of stamped paper are together with the plan annexed executed in duplicate as follows videlicet They are sealed with the common seal of the said Bridge of Allan Mineral Wells Company Limited and are subscribed on behalf of the Company by Edmund Pullar and James Smart Henderson two of the directors and Robert Whyte secretary of the company all at Bridge of Allan on the ninth day of August nineteen hundred and twenty before these witnesses Edward Irvine accountant and James Robert McArthur Spittal apprentice both in the North of Scotland and Town and County Bank Limited Bridge of Allan and they are sealed with the common seal of the burgh of Bridge of Allan and signed on behalf of the provost magistrates and councillors of the said burgh at a meeting held at Bridge of Allan on the twentieth day of the month and year last mentioned by James Alexander Innes provost and Alexander Morrison town clerk they having been first specially authorised to do so before these witnesses Harry Blackadder burgh surveyor Bridge of Allan and Katherine McLaren clerk to Wardlaw & Morrison solicitors Bridge of Allan.

(Sgd.) EDWARD IRVINE
Witness.

(Sgd.) EDMUND PULLAR
Director.

(Sgd.) J. S. HENDERSON
Director.

(Sgd.) JAS. R. M. SPITTAL
Witness.

(Sgd.) ROBERT WHYTE
Secretary.

Seal.

(Sgd.) HARRY BLACKADDER
Witness.

(Sgd.) JAMES A. INNES
Provost.

(Sgd.) KATHERINE MCLAREN
Witness.

(Sgd.) ALEX. MORRISON
Town Clerk.

Seal.

A.D. 1921.

SECOND SCHEDULE.

AGREEMENT between Brigadier-General Archibald Stirling of Keir hereinafter called the First Party of the first part and the provost magistrates and councillors of the burgh of Bridge of Allan hereinafter called the Second Parties of the second part.

Whereas the Second Parties have made application to the Secretary for Scotland under the Private Legislation Procedure (Scotland) Act 1899 for a Provisional Order entitled "Draft "Provisional Order to authorise the provost magistrates and "councillors of the burgh of Bridge of Allan to make and "maintain additional waterworks to acquire maintain improve "develop and carry on the mineral waters and baths under-"taking of the Bridge of Allan Mineral Wells Company Limited "and for other purposes":

And whereas the First Party has propriety rights which will be affected by the works described in said Provisional Order and has lodged a petition against the same:

And whereas the First Party has agreed to withdraw his opposition upon the terms and conditions hereinafter written:

Therefore the parties hereto have agreed and hereby agree as follows:—

First The Second Parties bind and oblige themselves to provide and maintain in all time coming to each of the farms of Cottonhaugh Westleys Netherton Mosside Longley and Knockhill belonging to the First Party a supply of water to the minimum extent of one hundred thousand gallons per annum the First Party paying therefor a fixed rent of two pounds per annum in respect of each of said farms and in the event of the supply to any of said farms exceeding the said minimum supply the First Party shall pay to the Second Parties for such excess at the rate of sixpence for every one thousand gallons declaring that the First Party and his tenants and occupiers of said farms shall be put in as good a position as regards regularity of supply as but no better than the other consumers of water supplied by the Second Parties.

Second The Second Parties undertake to provide and maintain a supply of water to the Beadle's house at Lecropt free of charge.

Third The Second Parties shall provide instal and maintain in good working order meters for gauging the supply of water to each of said farms and the First Party shall pay to the Second Parties in respect of the use of such meters a yearly rent at the rate of five per cent. on the cost thereof.

Fourth The Second Parties bind and oblige themselves to lay and maintain in good order a pipe of sufficient dimensions but in no case of a less diameter than two and one-half inches leading from their existing system to the point A marked on the plan annexed and subscribed as relative hereto and the First Party undertakes at his own expense to complete so far as may be necessary the piping beyond the point A required to connect the said farms with the Second Parties' system and to maintain the whole of the piping and other connexions (excluding the said meters) between the point A and the said farms and Beadle's house in good order and repair.

Fifth Byelaws at any time in operation within the burgh of Bridge of Allan for the prevention of waste undue consumption misuse or contamination of water whether such byelaws are made under the Bridge of Allan Water Company's Act 1866 the Bridge of Allan Water Order Confirmation Act 1919 the Burgh Police (Scotland) Acts 1892 to 1911 or any other Act or Order relating to the water undertaking shall apply to the supplies of water provided for by this agreement and the sheriff of the county of Perth shall have jurisdiction in any complaints at the instance of the Town Council and it shall be competent for the said sheriff to impose any penalties provided for by the byelaws Provided that all such byelaws shall so far as the same are enforceable outside the burgh be subject to the approval of the County Council of the County of Perth but such approval shall not be necessary when in the opinion of the Secretary for Scotland it has been unreasonably withheld.

Sixth The Second Parties bind and oblige themselves to complete the works necessary to provide the water supply herein agreed upon and to introduce said supply within a period of three years from the seventh day of April nineteen hundred and twenty-one.

Seventh This agreement as executed or as amended by Parliament or the Secretary for Scotland shall be scheduled to the Order and a clause sanctioning the agreement shall be inserted in the Order.

Eighth In respect of the arrangement herein set forth the First Party agrees that so long as the works contemplated in said Provisional Order are not extended or proposed to be extended the before written provisions in his favour shall be accepted by him as in full of all compensation or claim competent to him in respect of the execution of said works.

Ninth The whole expenses of every kind incurred by the First Party in connexion with his opposition to the said Provisional Order including the expense of this agreement and the negotiations which have led thereto shall be borne and paid by the Second Parties.

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Tenth This agreement is made subject to such alterations as Parliament or the Secretary for Scotland may think fit to make thereon but if any material alteration is so made it shall be competent to either of the parties to withdraw from the same and if parliamentary authority is not obtained this agreement shall be held as annulled.

In witness whereof these presents type-written on this and the three preceding pages are together with the plan annexed and subscribed as relative hereto executed in duplicate by the parties hereto as follows viz. They are sealed with the common seal of the provost magistrates and councillors of the burgh of Bridge of Allan and subscribed by James Alexander Innes provost and Alexander Morrison town clerk of said burgh all at a meeting of the town council of said burgh held at Bridge of Allan on the fourth day of April nineteen hundred and twenty-one before these witnesses Margaret Helen Meyer and Janet Duncan Howieson both shorthand typists to Messrs. Wardlaw and Morrison solicitors Bridge of Allan and they are subscribed by the said Archibald Stirling at Dunblane on the fifth day of said month of April and year last mentioned before these witnesses Minnie Hamilton Ralston secretary and James Hughes butler both to the said Archibald Stirling at Keir Dunblane.

(Sgd.) MINNIE H. RALSTON
Witness.
(Sgd.) JAMES HUGHES
Witness.
(Sgd.) MARGARET H. MEYER
Witness.
(Sgd.) JANET D. HOWIESON
Witness.

(Sgd.) ARCHIBALD STIRLING
(Sgd.) JAMES A. INNES
Provost.
(Sgd.) ALEX MORRISON
Town Clerk.

Seal.

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