CHAPTER xciv.

An Act to empower the Dundee Water Commissioners to extend, enlarge and alter their Lintrathen Reservoir and Works connected therewith; and to construct additional Aqueducts, Conduits or Lines of Pipes, and other works; and for other purposes. [3rd July 1891.]

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WHEREAS the supply of water to the burgh of Dundee, and suburbs and places adjacent, within the limits of the Dundee Water Act, 1869, is vested in the Dundee Water Commissioners (herein-after called "the Commissioners"), and the Commissioners hold and exercise under the said Act, and the Acts therein recited, the undertaking and powers, rights and privileges of the Dundee Water Company, which include reservoirs and other works at Monikie and Crombie, in the county of Forfar, and aqueducts and lines of pipes from the said reservoirs to and in Dundee, and service reservoirs in Dundee:

32 & 33 Vict. c. xlvi.

And whereas by the Dundee Water Extension Act, 1871, the Commissioners obtained power to take an additional supply of water from the Rivers Melgum and Inzion, and the Loch of Lintrathen, and the affluents of the said rivers and loch, all in the county of Forfar, for the purposes of the said Act, and for enabling them to supply water in bulk to public authorities and others beyond the limits of their ordinary supply, and for these and other purposes to make and maintain a reservoir at Lintrathen, and other works:

34 & 35 Vict. c. cix.

And whereas by the Dundee Water Amendment Act, 1872, the Commissioners obtained powers to relinquish certain of the works authorised by the second recited Act, and to make, lay down and execute an aqueduct, conduit or line of pipes from Lintrathen to Dundee, and other works:

35 & 36 Vict. c. x.

And whereas by the Dundee Water (Additional Powers) Act, 1874, the Commissioners obtained powers to construct a distributing reservoir at Clatto, adjacent to the line of their authorised main

37 & 38 Vict. c. clxv.

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pipe from Lintrathen to Dundee, and to execute certain deviations in the line of the said pipe and other works:

And whereas the Commissioners duly acquired the supply of water authorised by the second recited Act, and constructed the reservoir and other works at Lintrathen, also authorised by that Act, as well as the works authorised by the third and fourth recited Acts:

And whereas in consequence of the increasing consumption of water drawn from Lintrathen, and the pressure of water in the main line of pipes from Lintrathen to Dundee at its lower levels, it was found expedient to lay down duplicate pipes and other works at and adjacent to these lower levels, so as to insure a constant supply of water, and the Dundee Water Act, 1882, authorised such works, and the duplication of pipes thereby authorised was, with the consent of the persons interested in the lands, laid and continued further south and further north than the southern and northern authorised termini thereof:

45 & 46 Vict. c. xliii.

And whereas the consumption of water in Dundee and district has so greatly increased of late years that it is expedient to increase the lines of pipes from Lintrathen to Dundee for the whole distance, and to lay down, in lieu of some parts of the existing lines of pipes, pipes capable of resisting greater pressure:

And whereas it is also expedient to extend the limits for the supply of water and the limits for compulsory supply, defined by the first and fifth recited Acts:

And whereas it is also expedient that the Commissioners should be authorised to raise further money for the purposes of the works to be authorised by this Act, and for the general purposes of their undertaking; and that they should be enabled to create and issue additional debenture stock in manner specified in this Act:

And whereas it is expedient that the sinking fund created by the recited Acts for paying off or reducing the debt in providing the works and property of the Commissioners should be altered and reduced:

And whereas plans and sections showing the lines, situations and levels of the works authorised by this Act, and also books of reference to the said plans, containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of the lands, houses and other property required, or which may be taken for the purposes or under the powers of this Act, were duly deposited in the offices at Forfar and Dundee respectively, of the principal sheriff clerk of the county of Forfar, and in the offices at Perth and Dunblane respectively of the principal sheriff clerk of

the county of Perth, and are herein-after respectively referred to as the deposited plans, sections and books of reference:

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

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

Short title.

1. This Act may be cited as the Dundee Water Act, 1891.

Incorporation of general Acts.

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

The Lands Clauses Acts; — 8 & 9 Vict. c. 19.

The Waterworks Clauses Act, 1847, except the provisions with respect to the communication pipes to be laid by the undertakers, and also the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and also with exception of clauses sixty-eight, seventy and seventy-two; — 23 & 24 Vict. c. 106. 10 & 11 Vict. c. 17.

The Waterworks Clauses Act, 1863; — 26 & 27 Vict. c. 93.

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: — 8 & 9 Vict. c. 33.

Provided always as regards the said last-mentioned Act, that the said clauses and provisions shall be read so as to apply only to the extension and enlargement of the Lintrathen Reservoir by this Act authorised, and the works connected therewith, and as if such extension and enlargement and works were therein referred to instead of "the railway," and as if the boundaries of the said extension and enlargement and works were therein mentioned instead of "the centre of the railway," and as if the Commissioners were therein mentioned instead of "the Company."

Interpretation.

3. The several words and expressions to which, by the Acts wholly or partly incorporated herewith, meanings are assigned, shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Power to make works and take lands, &c.

4. Subject to the provisions of this Act, the Commissioners may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections, the extended and enlarged reservoir, roads and diversions of roads and other works,

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and the aqueducts, conduits or lines of pipes and other works shown on the deposited plans, with all proper approaches, works and conveniences connected therewith, and may enter on, take and use such of the lands described in the deposited plans and books of reference as they require for those purposes. The works herein-before referred to and authorised by this Act are—

(1) An extension and enlargement of the reservoir of the Commissioners, in the parish of Lintrathen, and county of Forfar, commonly called or known as the Lintrathen Reservoir, so as to increase the area thereof, and raise the water therein four feet above the present top water level of the said reservoir by adding to and increasing the height of the main embankment of the said reservoir, and of the waste weir thereof, and of the waste weir walls and other works thereof;

(2) An alteration of the levels and raising of a portion of the public carriage road leading from Alyth by Milnacraig, to and beyond Bridgend of Lintrathen, commencing at a point in the said road, ninety-three yards or thereby, south-westward from the town's outlet upstand in the said Lintrathen Reservoir, and terminating at a point in the said road, one hundred yards or thereby, south-eastward from said outlet upstand;

(3) A diversion of the said public carriage road, commencing at a point in the said road three hundred and seventy yards or thereby, and terminating at a point in the said road four hundred and fifty yards or thereby, north-eastward from the junction therewith of the road leading therefrom to Craigyloch;

(4) A diversion of the said public carriage road, commencing at a point in the said road five hundred and twenty yards or thereby north-eastward from the junction therewith of the road leading therefrom to Craigyloch, and terminating at a point in the said public carriage road one hundred and thirty yards or thereby south-westward from the south-west corner of the Corn and Meal Mill at Bridgend of Lintrathen;

(5) An alteration of the levels and raising of a portion of the public carriage road, on and along the east side of the Lintrathen Reservoir, and crossing part of said reservoir, commencing at a point in the said road five hundred and ninety-five yards or thereby south-westward from the south-west corner of the dwelling-house of Foldend, Lintrathen, and terminating at a point in the said road one hundred and eighty yards or thereby south-westward from the south-west corner of the said dwelling-house;

(6) An alteration of the levels and raising of a portion of the public carriage road leading from Kirriemuir to Glenisla, commencing at a point in the said road, four hundred and fifty yards or thereby south-eastward from the south-east corner of the dwelling-house of Inzion, Lintrathen, and terminating at a point in the said road, one hundred and sixty-six yards or thereby south-eastward from the south-east corner of the said dwelling-house of Inzion;

(7.) An alteration of the levels and raising of a portion of the public carriage road on the north-west side of the Lintrathen Reservoir, commonly called the road by Boghall or Boghall Road, commencing in the said road where it joins the public carriage road from Kirriemuir to Glenisla, at a point twenty yards or thereby southwards from the south-west corner of farm-steading of Inzion, Lintrathen, and terminating in the said Boghall Road, at or near the centre of the bridge, commonly called Boghall Bridge, carrying that road over the River Melgum;

(8) An alteration of the levels and raising of a portion of the said public carriage road, commonly called Boghall Road, commencing at a point in that road at or near the centre of the said bridge carrying the same over the River Melgum, and terminating at a point in the said road, one hundred and fifteen yards or thereby southward from the centre of the said bridge;

(9) A diversion of the public carriage road on the west side of the Lintrathen Reservoir, sometimes called the Lochside Road, and of the continuation thereof leading northwards, sometimes called the road by Kinloch, or the Kinloch Road, commencing at a point in said Lochside Road three hundred and fifty yards or thereby, and terminating at a point in said Kinloch Road one hundred and fifty yards or thereby, both south-westward from the south-east corner of the dwelling-house commonly called Kinloch, Lintrathen;

(10) An alteration of the bridge commonly called Boghall Bridge, carrying the said Boghall Road over the River Melgum, by the substitution of iron beams and steel trough floor plates for the existing stone archways of the said bridge:

All which several works herein-before described will be wholly situate in the parish of Lintrathen:

(11) An aqueduct, conduit or line of pipes, commencing in the parish of Alyth in and by a junction with the existing line of pipes firstly described in and laid under the Dundee Water Amendment Act, 1872, at a point five yards or thereabouts

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northward from the north wall of the Shangie Sluice House, on said existing line of pipes, and terminating by a junction with the said existing line of pipes in the parish of Alyth at a point two hundred and eighty-six yards or thereby, measured in a straight line northward from the north-east corner of the Isla Sluice House of the Commissioners, situate on the south side of the River Isla;

(12) A bridge (across the River Isla), commencing in the parish of Alyth, at a point two hundred and eighty-six yards or thereby northward from the north-east corner of the said Isla Sluice House, and terminating in the parish of Meigle at a point eighty-six yards or thereby southward from the said north-east corner of the said Isla Sluice House;

(13) An aqueduct, conduit or line of pipes, commencing in the parish of Alyth, in and by a junction with the existing line of pipes of the Commissioners, firstly described in and authorised by the Dundee Water Act, 1882, at a point two hundred and eighty-six yards or thereby northward from the north-east corner of the said Isla Sluice House, and crossing the River Isla by means of the intended bridge, being Work 12 before described, and terminating in the parish of Meigle, in and by a junction with the said existing line of pipes at a point eighty-six yards or thereby southward from the north-east corner of the said Isla Sluice House;

(14) An aqueduct, conduit or line of pipes, commencing in the parish of Alyth, in and by a junction with the said intended aqueduct, conduit or line of pipes, being Work 11 before described, at a point two hundred and eighty-six yards or thereby northward from the north-east corner of the said Isla Sluice House, and crossing the River Isla by means of the intended bridge, being Work 12 before described, and terminating in the parish of Meigle, in and by a junction with the intended aqueduct, conduit or line of pipes, being Work 15, and next herein-after described, at a point eighty-six yards or thereby southward from the north-east corner of the said Isla Sluice House;

(15) An aqueduct, conduit or line of pipes, commencing in the parish of Meigle in and by a junction with the intended aqueduct, conduit or line of pipes, being Work 14 before described, at the point of termination thereof, and terminating by a junction with the line of pipes firstly described in and laid down under the Dundee Water Amendment Act, 1872, at a point in that line, within the parish of Newtyle, eighty yards

or thereabouts north-eastwards from the north-east corner of the dwelling-house of Hatton of Newtyle;

(16) An aqueduct, conduit or line of pipes, commencing in the parish of Newtyle, in the reservoir of the Commissioners, commonly called or known as Pitnappie Reservoir, at the south-east corner thereof, and terminating in the west end of the inlet well of the reservoir of the Commissioners, in the united parishes of Mains and Strathmartine, commonly called or known as the Clatto Reservoir;

(17) An aqueduct, conduit or line of pipes, to be wholly situate in the united parishes of Mains and Strathmartine, commencing in the east end of the inlet well of the said Clatto Reservoir of the Commissioners, and terminating in the sluice chamber of the Commissioners, situated and being on the north side of the Clepington Road of Dundee.

Powers as regards maintenance and improvements of works.

5. The herein-before recited extension of the duplicate pipes authorised by the Dundee Water Act, 1882, is hereby confirmed, and the Commissioners may maintain the same as so extended, and may also, subject to the provisions of this Act, in connexion with the works or any of them authorised by this Act, make, lay, erect and maintain such embankments, dams, weirs, channels, sluices, overflows, catch-water drains, culverts, cuts, aqueducts, tunnels, bridges, roads, cisterns, gauges, main and distributing pipes, buildings and other works and conveniences, as may be necessary or expedient for effecting or carrying out the objects or purposes of the recited Acts and this Act, or any of them; as also the Commissioners may, subject as aforesaid from time to time, on or within any of their lands, or on or over any lands on or over which they by agreement have or may acquire right so to do, alter, replace, enlarge and increase the number and size of the works (other than reservoirs), conduits, aqueducts, mains and pipes authorised by the recited Acts and this Act, and may from time to time alter, replace, enlarge and increase the number and size of the works, mains and pipes from time to time in use for conveying and distributing water for the purposes of the recited Acts and this Act.

Reservoir to be enclosed by wire fences.

6. The said extended and enlarged reservoir firstly before described shall, in so far as not already so enclosed, be enclosed by proper and sufficient wire fences and gates, to be erected and maintained by the Commissioners.

Portions of an existing pipe may be disjoined and appropriated.

7. The Commissioners may disjoin, uplift, remove and appropriate the existing line of pipes of the Commissioners firstly described in and laid under the third recited Act, from the commencement to the termination of the aqueduct, conduit, or line of

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pipes, being Work 11 by this Act authorised and herein-before described, and from the commencement to the termination of the aqueduct, conduit or line of pipes, being Work 15 by this Act authorised and herein-before described; and the value of the portions of the said existing line of pipes so appropriated as such value shall be certified by the engineer of the Commissioners for the time being, shall be credited to capital in the accounts of the Commissioners.

Construction of diversions of roads.

8. The Commissioners shall construct the diversions of roads thirdly, fourthly and ninthly before specified, as shown on the deposited plans and sections, and every such road shall be solidly and well constructed, and in connexion with every such road the Commissioners, at their own expense, shall construct all necessary or proper side drains and culverts for carrying off the surface water, and the Commissioners shall, to the satisfaction of the surveyor for the county council of the county of Forfar, properly fence off every such road; and on the completion of the said new or diverted roads those portions of the existing public carriage roads between the points of commencement and termination of the said intended diversions thereof respectively herein-before described, shall be and are hereby, so far as the same are or shall be respectively bounded on both sides by lands of the Commissioners, absolutely vested in the Commissioners, freed and discharged from all public and other rights of way, and all other rights, charges, interests and incumbrances then affecting the same.

Maintenance of diversions of roads.

9. Every diversion of road constructed as aforesaid, and the drains, culverts and fences thereof shall be maintained by and at the cost of the Commissioners for one year after the completion of the same respectively, of which completion a certificate of two justices of the peace for the county of Forfar shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction), and on the expiration of the aforesaid period of one year each such diversion shall be and become a part of the public road and the same shall thenceforth be a public road, and shall be maintainable as such accordingly.

Limits of lateral deviation.

10. Where the line of any work shown on the deposited plans passes along any road, and limits of lateral deviation are not marked thereon, the Commissioners may, in constructing the works, deviate laterally from the lines thereof as laid down on those plans to the extent of the boundaries of the road, and elsewhere the Commissioners may, in constructing the works by this Act authorised, deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon, but not further, except in the case of works to be made and main-

tained under the surface of the ground, and in the case of such works with the consent of the owner of the lands through or in which the deviation is made.

Limits of vertical deviation.

11. In the construction of the works authorised by this Act the Commissioners may deviate vertically from the levels shown on the deposited sections in the case of the reservoir to any extent not exceeding five feet, and in the case of other works to any extent not exceeding five feet upwards or seven feet downwards.

Restriction on taking houses of labouring class.

12. The Commissioners shall not under the powers of this Act, without the consent of the Secretary for Scotland, take in any district within the meaning of the Public Health (Scotland) Act, 1867, ten or more houses, which after the passing of this Act have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

Lands for extra-ordinary purposes.

13. The Commissioners may from time to time, for the purposes of the recited Acts and this Act, purchase by agreement, in addition to lands hereby authorised to be taken by compulsion, any additional lands not exceeding in the whole fifty acres; but the Commissioners shall not create or permit a nuisance on any such lands, and such lands shall not be used for any building except in connexion with the water undertaking of the Commissioners.

Notice to be served before breaking up public roads and roads to be broken up under superintendence.

14. Before any public road shall be opened or broken up for the purposes of this Act by the Commissioners, they shall give to the persons under whose control or management such road may be, or their clerk or surveyor, notice in writing of their intention to open or break up the same six days at least before the commencement of such operation; and every such road shall be opened or broken up under the superintendence of the persons so having the control or management of the same as aforesaid, or their officer, if such persons or their officer choose to attend.

Roads broken up to be re-instated

15. When the surface or soil of any public road shall be opened or broken up by the Commissioners, they shall, with all convenient speed, complete the work on account of which the same shall be

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without delay.

opened or broken up, and carry away the rubbish occasioned thereby, and shall, in the meantime, cause the place where such surface or soil shall be so opened or broken up to be fenced and guarded, and set up and maintain upon or against the part of the said surface or soil so broken up or opened, a sufficient light during every night during which such surface or soil shall be continued open or broken up, and shall, after executing the work for or applicable to the roads which have been opened or broken up, keep the same in good repair for three months thereafter, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Penalty for failure to give notice and for delay in reinstating roads.

16. If the Commissioners fail to give notice of their intention to open or break up any public road, as herein-before required, or shall open or break up any such road without having given such notice, or shall make any delay in completing any such work, or in carrying away the rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the place where such surface shall have been opened or broken up, they shall forfeit a sum not exceeding five pounds for every such offence, and a further sum not exceeding five pounds for each day during which such delay shall continue.

Provisions for protection of railway works.

17. Any works to be constructed in exercise of the powers conferred by this Act in laying down, altering, replacing, or repairing any mains or pipes (except in cases of emergency arising from defects in any pipes or other works) upon, across or under any bridge or railway now belonging to, or worked or maintained by any railway company, shall be done under the superintendence and to the reasonable satisfaction of the engineer of such railway company for the time being, and according to such plans and at such times as shall be reasonably approved by him before any such works are begun (except in cases of emergency arising from defects in any pipes or other works), but always at the expense of the Commissioners, and so as to cause no injury to any such bridge or railway or the works thereof, or interference with the passage or conduct of traffic over such bridge or railway; and if any injury shall arise to any such bridge or railway or the works thereof, or if any interference with the passage or conduct of traffic over such bridge or railway shall arise, or if the said railway company incur any extra expense by reason of the laying or keeping laid of the mains or pipes belonging to the Commissioners, the Commissioners shall make full compensation to the said railway company for any such injury or interference or extra expense, and the amount thereof shall be recoverable with full costs from the Commissioners by all and the same means as a simple contract debt is recoverable.

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Power to divert and impound water.

18. Subject to the provisions of this Act, it shall be lawful for the Commissioners to collect, intercept, divert and take into and impound and store up in the said extended and enlarged Lintrathen Reservoir, for the purposes of the undertaking of the Commissioners and of the recited Acts and this Act, the waters of the Loch of Lintrathen and affluents thereof, and of the River Melgum and affluents thereof, and of the Inzion Burn and affluents thereof, all in the county of Forfar, in so far as not heretofore collected, intercepted, diverted and taken into and impounded and stored in the existing Lintrathen Reservoir, and from thence by the existing undertaking and works of the Commissioners, and the said intended works, or one or more of them, to use and appropriate the said several waters for an additional supply of water to the city and burgh of Dundee and suburbs and places adjacent, and other places within the limits prescribed by the recited Acts and this Act, and for the other purposes of those Acts; and to provide compensation water to streams and persons whose present supply of water may be affected by or in consequence of the works to be authorised by this Act or any of them.

Quantity of water to be discharged as compensation water.

19. Section fifteen of the second recited Act is hereby repealed, and in lieu and place thereof the Commissioners shall cause to flow out of and from their Lintrathen Reservoir, now and as from time to time existing, for the supply of mills, factories, works, lands, buildings and others on the Rivers Melgum and Isla below the said reservoir, and for the benefit of all parties interested in the water of the said rivers, a constant quantity of not less than seven and one half cubic feet of water per second as full compensation to such mills, factories, works, lands, buildings and others, and to the owners, lessees and occupiers thereof, and to all other parties interested as aforesaid, for the taking, diverting, impounding and appropriating of the respective waters by the recited Acts and this Act authorised to be taken, diverted, impounded and appropriated, and sections sixteen and seventeen of the second recited Act shall apply to the provisions of this section in the same way as they applied to section fifteen of that Act hereby repealed.

Extension of power of Commissioners to supply water to local boards.

20. Section twenty-nine of the second recited Act and section thirteen of the fourth recited Act shall apply to any owners and occupiers of lands and heritages and to any local board of health, police commissioners, parochial board or other public authority within the county of Perth, as well as within the county of Fife and the county of Forfar, and the provisions of the said sections applicable to supplies of water as therein mentioned shall be read and construed accordingly.

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Power to agree for easements, &c.

21. The Commissioners may, subject to the provisions of this Act, take by agreement, and any person by the Lands Clauses Acts, or otherwise enabled to sell lands, may grant to them any estate, easement, servitude, interest, right or privilege, not of water, 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, easement, servitude, interest, right or privilege shall be deemed to be lands within the meaning of those Acts.

Agreements with Lord Airlie and Colonel Ogilvy confirmed.

22. The agreement between the Right Honourable David William Stanley Ogilvy, Earl of Airlie of the first part, and the Commissioners of the second part, dated the third and sixth days of March, one thousand eight hundred and ninety-one, and the agreement between Colonel Thomas Wedderburn Ogilvy of the first part, and the Commissioners of the second part, dated the thirtieth day of May, one thousand eight hundred and ninety-one, and respectively set forth in the First and Second Schedules to this Act are hereby confirmed, and shall be carried into effect by the said parties thereto respectively.

Limiting time for exercise of compulsory powers of purchase.

23. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act, shall not be exercised after the expiration of five years from the passing of this Act.

Period for completion of works.

24. If the works authorised by this Act are not completed within ten years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Commissioners for executing any works not so completed, or in relation thereto, shall cease, except as to so much thereof as is then completed; but nothing herein contained shall restrict the Commissioners from extending, enlarging, altering, replacing, increasing or removing any of their engines, machinery, conduits, aqueducts, mains or pipes, or improving their supply of water at any time and from time to time as occasion requires, subject to the provisions of this Act.

Certain sections of second recited Act to apply and extend to reservoir and works.

25. Sections twenty and twenty-seven of the second recited Act shall apply to the Lintrathen Reservoir, as extended and enlarged under the authority of this Act, and sections twenty-one and twenty-two of the second recited Act shall, so far as applicable, extend to the extension and enlargement of the said reservoir and the other works by this Act authorised.

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Extension of limits of Act and of compulsory limits of supply.

26. Subject to the provisions of this Act the limits of supply specified in the first and fifth recited Acts shall be extended to and shall comprise and include the following additional area in the parish of Monifieth, and county of Forfar, viz. :—

The area embraced by a straight line drawn from the north-east corner of the present limits in the said parish (at Ordnance bench mark indicating altitude 142·8 on the Dundee and Arbroath public road within the parish of Monifieth, in the county of Forfar) in a north-easterly direction to the Ordnance bench mark indicating altitude 123·8 on Greystone Old Toll House, on said Dundee and Arbroath public road; and thence in a straight line south-eastward to the centre of the bridge carrying the Dundee and Arbroath Joint Railway over the Buddon Burn, in the said parish of Monifieth; and thence in continuation of said line south-eastward to the Firth of Tay, the southern boundary being the Firth of Tay from the said extended east boundary at said Firth west to the present limits at said Firth :

And the limits of compulsory supply specified in the said first and fifth recited Acts shall be extended to and shall comprise and include the following areas, viz. :—

(1) Extension on the east, in the county of Forfar, commencing at the north-east corner of the present limits for compulsory supply, at the junction of the road leading eastward from Barnhill Steading with the Barnhill Road; thence in a straight line north-eastward to the northmost point of the boundary of the special water supply district of the local authority of the parish of Monifieth, under the Public Health (Scotland) Act, 1867, and Acts amending the same; and thence eastward and southward along the eastern boundary of said local authority's said district to the Firth of Tay, the boundary on the south being the Firth of Tay from the said extended east boundary at said Firth west to the present limits at said Firth, all in the parish of Monifieth, and county of Forfar;

(2) Extension on the north, in the county of Forfar, commencing at the present limits for compulsory supply, at the Ordnance bench mark indicating altitude 294·6 on the Mains Road where joined by the roads leading to East Balgray and West Balgray; thence in a straight line north-west to Ordnance bench mark indicating altitude 290·9 at the junction of the road leading from Baldovan to Baldovan Mill with the road on the south side of the Dighty water or burn which goes eastward to Balmuir and Harestane; thence in a straight line north-westward to the south-east corner of the farm buildings of

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Old Baldragon; thence in a straight line south-westward to the west end of St. Mary's Road where it joins the road leading north to and beyond St. Mary's farm steading; thence south-east in a straight line to a point on the road from American Muir to King's Cross, said point being two hundred and fifty yards due north from the north boundary of the parliamentary burgh of Dundee, measuring south from the said point, the boundary on the south being the north boundary of the present compulsory limits of supply from the bench mark 294·6, before referred to, to the point on the road from American Muir to King's Cross, herein-before described, all in the united parishes of Mains and Strathmartine, and county of Forfar;

(3) Extension on the east, in the county of Fife, viz.: (A) the police burgh of Tayport, and (B) the area lying between the west boundary of the said burgh of Tayport and the east boundary of the special water supply district of the parish of Forgan in the county of Fife, commencing at a point in the west boundary (Crossgreen to Downie Well) of the said police burgh of Tayport, two hundred and ninety yards south from Downie Well, measured along said Crossgreen to Downie Well boundary, and running west in a straight line to the east boundary of the said special water supply district to a point in said boundary, near Northfield, and four hundred yards south from the centre of the public road between Newport and Tayport, measured along the line of the said east boundary of said special water supply district; thence northward along said eastern boundary of said special water supply district to the Firth of Tay, the boundary on the north being the Firth of Tay, from the said east boundary of said special water supply district at the Firth of Tay, eastward to the burgh of Tayport, all partly in the parish of Ferry-Port-on-Craig and partly in the parish of Forgan, both in the county of Fife;

(4) Extension on the west, in the county of Fife, commencing by a junction with the south-west boundary of the said special water supply district of the parish of Forgan, at a point in said boundary six hundred and twenty yards or thereby (measured in a straight line eastward on and along said boundary) from the centre of the public road near Woodhaven; thence in a straight line south-westward to the north end of Flass Cottage, presently occupied by Henry Smith; thence south-westward and south-eastward along an imaginary line indicating altitude of two hundred feet Ordnance datum, to a point where said imaginary line would cross the road from Wormit to Wormithill

at two hundred feet Ordnance datum; thence in a straight line south-westward to the junction of the public road to Leuchars with the road to and beyond Naughton; and thence north-westward in a straight line to Peashills Point on the Firth of Tay, the boundary on the north being the Firth of Tay, all partly in the parish of Forgan and partly in the parish of Balmerino, both in the county of Fife:

And the provisions of the recited Acts and this Act shall apply to the said extended limits respectively as fully and effectually as they apply to the limits of supply and the limits of compulsory supply respectively specified in the first and fifth recited Acts.

As to debt on and works in Monifieth special water supply district.

27. Whereas the Commissioners at present supply water to the special water supply district of the landward part of the parish of Monifieth, under an agreement between them and the parochial board of that parish as local authority of such landward part thereof by which it is, inter alia, provided that it should continue and endure till the said district is brought within the compulsory limits of the recited Acts: And whereas the said local authority under the said agreement laid and constructed the necessary mains, pipes, valves, apparatus and works within the said district for the purposes of such supply of water thereto, and by the said agreement provision was made for the Commissioners taking over and relieving the said local authority and the said district, on the said district being included within the said compulsory limits, of the debt then existing incurred by the said local authority in respect of the said works, and for such works becoming the property of the Commissioners: And whereas the said local authority borrowed the money required for the said works, amounting to the sum of two thousand pounds, from the Public Works Loan Commissioners, repayable by half-yearly instalments in thirty years, and the balance of such loan remaining unpaid at the passing of this Act amounts to the sum of one thousand nine hundred pounds: Therefore and in implement of the said agreement in that behalf the following provisions shall have effect (that is to say):—

(1) The Commissioners shall, as from and after the passing of this Act, relieve the said parochial board of the parish of Monifieth, the former local authority in said parish, and the Dundee district committee of the county council of Forfarshire, as being now the local authority in said parish and the said special water supply district, of and from the payment of the said sum of one thousand nine hundred pounds still remaining due to the said Public Works Loan Commissioners of the said loan, and the half-yearly instalments repayable in respect thereof, and the interest to accrue due to the said

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Public Works Loan Commissioners on the balance of the said principal sum for the time being, remaining unpaid;

(2) The whole water mains, pipes, valves, plant, apparatus, and generally the whole water undertaking which belonged to the said local authority, and which were laid and constructed within and for the purpose of the supply of water to the said special water supply district, shall be the property of and are hereby vested in the Commissioners, and shall form part of their undertaking in all respects as if the same had been laid and constructed by them within their compulsory limits of supply.

Agreement with North British Railway Company confirmed.

28. The agreement between the North British Railway Company of the first part, and the Commissioners of the second part, with the addition thereto, all set forth in the third schedule to this Act is hereby confirmed.

Change of Commissioner as regards Forgan and Newport.

29. From and after the passing of this Act, the chief magistrate of the burgh of Newport, in the county of Fife, and his successor in office for the time being, shall be and become a Commissioner in room and place of the chairman of the parochial board of the parish of Forgan, and his successor in office for the time being, who shall no longer be a Commissioner, and section eighteen of the fifth recited Act is hereby amended accordingly; and the expression "the Commissioners," in the recited Acts and this Act, shall be read and construed accordingly.

As to borrowing powers in recited Acts.

30. The powers to borrow and raise money contained in the recited Acts, and to grant security or create debenture stock for such borrowed money, shall and may be exercised by the Commissioners for the purposes of this Act, as well as for the purposes of the recited Acts, and the money so borrowed or raised may be applied for the said purposes, so far as the same are purposes to which capital is properly applicable.

Power to borrow additional money.

31. In addition to any money which the Commissioners have borrowed or raised, or are authorised to borrow or raise under the recited Acts, the Commissioners may from time to time, under the authority of this Act, borrow or raise all such sums as they think requisite for the purposes of the recited Acts and of this Act, and of their undertaking, not exceeding the sum of one hundred and fifty thousand pounds, on the security of the revenues of the property and works forming their undertaking, and of the several rates and charges leviable by them under the provisions of the recited Acts and this Act; and if, after having borrowed or raised the said sums, or any part thereof, the Commissioners pay off the same, except by means of the sinking fund, it shall be lawful for

them again to borrow or raise the amount so paid off, and so from time to time.

Security for borrowed money.

32. Subject to the provisions of this Act, the money authorised to be borrowed or raised by this Act may be secured by mortgages in terms of and as provided for in the first recited Act with regard to the money thereby authorised to be borrowed, or may be raised by the creation and issue of debenture stock of the Commissioners in terms and as mentioned in the fifth recited Act; and all the powers, forms and provisions of the first and fifth recited Acts with regard to the borrowing or raising of money and the granting and issuing of mortgages therefor, and the conversion of borrowed money into debenture stock, shall apply to the money by this Act authorised to be borrowed or raised, and to the debenture stock by this Act authorised to be created and issued, and to the transfer of mortgages or debenture stock, or of deeds of mortgage or debenture stock certificates granted for the same or any part thereof.

Priority and ranking of securities.

33. All annuities created and issued under the first recited Act, and all mortgages granted and debenture stock created and issued by the Commissioners, in pursuance of any of the recited Acts, and subsisting at the passing of this Act, shall, during the continuance thereof, have priority over all mortgages that may be granted and all debenture stock that may be created and issued under this Act, and all such last-mentioned mortgages and debenture stock shall rank together pari passu, and without any preference or priority the one over the other.

Estimates to be made up by Commissioners.

34. The estimate to be made up by the Commissioners under section forty-four of the first recited Act, and the assessments and rates authorised and required to be levied under sections forty-five and forty-six of the said Act, shall not only include and be sufficient, with the other rates and income of the Commissioners, to defray the annual sums or expenditure specified in the recited Acts, but also the interest of any money borrowed or raised under the provisions of this Act, and the payments to the sinking fund, and the expense of maintaining and managing the additional works hereby authorised, and all other annual expenditure arising out of or consequent on the works hereby authorised.

Application of rates and charges.

35. The rates and charges levied or leviable under the authority of the recited Acts and this Act, and the other income of the Commissioners, whether arising under the recited Acts or this Act, shall be applied in the following order of priority (that is to say):—

(Firstly) In defraying the expenses of the management and maintenance of the undertaking of the Commissioners under

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the recited Acts and this Act, including the salaries and other payments to the officers and servants of the Commissioners, and the annual costs, charges and expenses of providing and supplying water, and in payment of any feu duties and ground annuals, and other annual payments exigible in respect of any lands, streams or property forming part of the said undertaking;

(Secondly) In payment of the perpetual annuities by section twenty-four of the first recited Act required to be paid, and of the interest on any moneys, not exceeding in the whole the sum of eighty thousand pounds, now or hereafter borrowed or raised under the authority of that Act;

(Thirdly) In payment of the interest of money which may have been or may be borrowed or raised under the authority of the second, third, fourth and fifth recited Acts and this Act, or any of them;

(Fourthly) In payment of the sums by this Act directed to be set apart as a sinking fund; and

(Lastly) In payment of such portion of the cost of enlarging or increasing and renewing the number of mains and pipes, and of extending the works, mains and pipes from time to time, as the Commissioners shall think it reasonable to charge against the revenue for the year, and of any other necessary annual expenditure.

Application of borrowed money.

36. The several sums to be borrowed by the Commissioners on mortgage or raised by means of debenture stock, under the authority of this Act, shall be applied for the purposes of the recited Acts and this Act only, being in all cases purposes to which capital is properly applicable.

Protection of lenders from inquiry.

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

Sinking fund.

38. The provisions of the recited Acts in regard to a sinking fund shall be and the same are hereby repealed; but the Commissioners shall set apart annually as a sinking fund, from and after the fifteenth day of May, one thousand eight hundred and ninety-one, the sum of five thousand pounds, together with a sum equal to one per centum on the amount of money borrowed or raised by them under the authority of this Act, and shall accumulate such sums in the way of compound interest by investing the same in

any of the securities specified in the Trusts (Scotland) Amendment Act, 1884, other than securities of the Commissioners.

Application of sinking fund.

39. The Commissioners may at any time and from time to time apply the whole or any part of the sinking fund in or towards paying off or redeeming the annuities created and issued under the first recited Act, or the mortgages made and issued under the recited Acts and this Act, or any of them, or the debenture stock created and issued under the fifth recited Act and this Act, or either of them, and to no other purposes whatever: Provided that they pay into the fund in each year and accumulate for payment from time to time of such annuities, mortgages and debenture stock until the whole are paid off or discharged, a sum equivalent to (first) one half of the interest which would have been produced by the investment of the payments to the sinking fund of the annual sums of five thousand pounds mentioned in the next preceding section in so far as the same have been applied as aforesaid; and (second), a sum equivalent to the interest which would have been produced by payments to the sinking fund in respect of money borrowed or raised under this Act, in so far as such payments have been applied as aforesaid.

Costs of Act.

40. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the moneys to be raised under the authority of the recited Acts and this Act.

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SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

AGREEMENT between the Right Honourable David William Stanley Ogilvy, Earl of Airlie, proprietor of the lands and estates of Lintrathen, Alyth and Airlie, of the first part, and the Dundee Water Commissioners, incorporated by Act of Parliament, of the second part.

WHEREAS the second parties and the late David Graham Drummond Ogilvy, Earl of Airlie, the predecessor in title of the first party hereto, entered into an agreement, dated thirty-first March and third April, eighteen hundred and seventy-one, scheduled to and confirmed by the Dundee Water Extension Act, 1871 (herein-after called the Extension Act), and into another agreement, dated fifteenth March, eighteen hundred and seventy-two, scheduled to and confirmed by the Dundee Water Amendment Act, 1872: And whereas the said second parties have deposited and are promoting a Bill in the present session of Parliament, intituled, "A Bill to empower the Dundee Water Commissioners to "extend, enlarge and alter their Lintrathen Reservoir and works connected "therewith, and to construct additional aqueducts, conduits or lines of pipes, "and other works; and for other purposes": And whereas by the said deposited Bill, the second parties propose inter alia (section 19), to repeal section 15 of the said Extension Act, and in lieu and place thereof to provide for a reduced quantity of compensation water as therein mentioned: And whereas, irrespective of compensation for the value of any lands that may be taken from the first party hereto, under the powers and for the purposes of the said Bill if passed into an Act, and for any damage that may be sustained as regards any lands belonging to the first party, by the construction or maintenance of the new works that may be authorised by the said Bill, the first party intimated that he would make a claim against the second parties in respect of the repeal of said section 15 of the Extension Act, and the substitution therefor of the proposed enactment of section 19 of the present Bill, copy whereof is appended and specially referred to: And whereas both parties negotiated on the matter of the said intended claim, and have now agreed thereon: Therefore both parties hereto do hereby, subject to the passing of the said Bill into an Act of Parliament, containing inter alia said repeal and substitution, agree as follows, viz.:—

First.—That the second parties shall pay to the first party, and his heirs and successors in the foresaid estates, the sum of three thousand pounds in full of all claims at the instance of the said first party and his foresaids, and his and their tenants against the said second parties, by or in consequence of the repeal of the said section 15 of the Extension Act, and the substitution therefor of the said section 19 of the present Bill, or howsoever the said

section may be numbered when the said Bill has passed into an Act; payable the said sum of three thousand pounds within two months after the passing of the said Bill into an Act, authorising the foresaid works and containing the repeal and substituted provision as aforesaid, and in return for a valid and effectual discharge by the first party or his successors to the second parties, of the provisions of section 15 of the Extension Act and the substitution aforesaid, but declaring that nothing herein contained shall prejudice or affect any claims by the first party or his foresaids against the second parties, in respect of any additional lands the second parties may hereafter take from him or them, under the provisions of the said Bill if passed into an Act, or for any damage that may be sustained as aforesaid.

Second.—All charges incurred and to be incurred by the first party with respect to said Bill and the intended Act and this agreement, and carrying the same respectively into effect, including the charges of any engineers consulted or employed by the first party shall be borne and paid by the second parties: Provided always that the amount of all such charges up to and including the date or last date of this agreement shall not exceed seventy-five pounds.

Third.—This agreement is made subject to the sanction of Parliament and to such alterations as Parliament may think fit to make therein. In witness whereof, these presents written on this and the two preceding pages of stamped paper by George Duke Milne, clerk to Thomas Thornton, Son and Company, solicitors, Dundee, are along with the said copy section on the immediately succeeding page marked "page fourth," also written by the said George Duke Milne, executed (in duplicate) by the parties hereto, as follows, viz.:—The same are subscribed by the said Earl of Airlie, at Winchester, on the third day of March, eighteen hundred and ninety-one years, before these witnesses, Jocelyn Batten, butler, and William Lowdon, piper, both to the said Earl of Airlie; and the same are duly sealed with the common seal of the said the Dundee Water Commissioners, and subscribed for and in name and on behalf of and as duly authorised by the said Commissioners, by William Brownlee, John Craig, Hugh Ballingall, Robert Keith, Alexander McCulloch, James Low, Henry McGrady, and Alexander Mathewson, all Commissioners foresaid, and by William Hay, clerk to the said Commissioners, all duly and regularly at Dundee, on the sixth day of said month of March and year last-mentioned, before these witnesses, John Croll, and William Martin Jarvis, both clerks to the said William Hay. Declaring that the word "therein," in the second line of article third hereof, was partly altered in the writing before execution.

(Signed)

Airlie.

W. Brownlee, Commissioner.
Jno. Craig, Comr.
Hugh Ballingall, Comr.
Robert Keith, Comr.
Alex. McCulloch, Comr.
James Low, Comr.
H. McGrady, L.D.G. Comr.
A. Mathewson, L.P. and Comr.
William Hay, Clerk to Comrs.

Jocelyn Batten, Witness.
William Lowdon, Witness.

Seal of the Dundee Water Commissioners.

Jno. Croll, Witness.
W. M. Jarvis, Witness.

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COPY SECTION NINETEEN IN BILL REFERRED TO IN THE FOREGOING AGREEMENT.

Quantity of water to be discharged as compensation water.

19.—Section fifteen of the second recited Act is hereby repealed, and in lieu and place thereof the Commissioners shall cause to flow out of and from their Lintrathen Reservoir, now and as from time to time existing for the supply of mills, factories, works, lands, buildings and others on the Rivers Melgum and Isla below the said reservoir, and for the benefit of all parties interested in the water of the said rivers, a constant quantity of not less than seven and one half cubic feet of water per second as full compensation to such mills, factories, works, lands, buildings and others, and to the owners, lessees and occupiers thereof, and to all other parties interested as aforesaid, for the taking, diverting, impounding and appropriating of the respective waters by the recited Acts and this Act authorised to be taken, diverted, impounded and appropriated, and sections sixteen and seventeen of the second recited Act shall apply to the provisions of this section in the same way as they applied to section fifteen of that Act hereby repealed.

(Signed)
AIRLIE.
W. BROWNLEE, Comr.
JNO. CRAIG, Comr.
HUGH BALLINGALL, Comr.
ROBERT KEITH, Comr.
ALEX. McCULLOCH, Comr.
JAMES LOW, Comr.
H. McGRADY, L.D.G. Comr.
A. MATHEWSON, L.P. and Comr.
WILLIAM HAY, Clerk.

JOCELYN BATTEN, Witness.
WILLIAM LOWDON, Witness.

Seal of the Dundee Water Commissioners.

JNO. CROLL, Witness.
W. M. JARVIS, Witness.

THE SECOND SCHEDULE.

AGREEMENT between Colonel Thomas Wedderburn Ogilvy, of Ruthven, proprietor of the lands and estates of Ruthven, in the county of Forfar, of the first part, and the Dundee Water Commissioners, incorporated by Act of Parliament, of the second part.

WHEREAS the said second parties have deposited and are promoting a Bill in the present session of Parliament, now intituled "An Act to empower the "Dundee Water Commissioners to extend, enlarge and alter their Lintrathen "Reservoir and works connected therewith, and to construct additional aque-"ducts, conduits, or lines of pipes, and other works; and for other purposes": And whereas by the said Bill the second parties propose, inter alia (section nineteen), to repeal section fifteen of the Dundee Water Extension Act, 1871, herein-after called "the Extension Act," and in lieu and place thereof to provide for a reduced quantity of compensation water, as therein mentioned: And whereas the first party intimated a claim against the second parties in respect of

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the repeal of said section fifteen of the Extension Act, and the substitution therefor of the proposed enactment of section nineteen of the present Bill, and both parties negotiated, and have now agreed thereon: Therefore both parties hereto do hereby, subject to the passing of the said Bill into an Act of Parliament, containing, inter alia, said repeal and substitution, agree as follows, videlicet :—

First.—That the second parties shall pay to the first party, and his heirs and successors in the foresaid estates, the sum of two hundred and fifty pounds, in full of all claims, at the instance of the said first party and his foresaids, and his and their tenants, against the said second parties, by or in consequence of the repeal of the said section fifteen of the Extension Act, and the substitution therefor of the said section nineteen of the present Bill, or howsoever the said section may be numbered when the said Bill has passed into an Act, payable the said sum of two hundred and fifty pounds within two months after the passing of the said Bill into an Act authorising the foresaid works, and containing the repeal and substituted provision as aforesaid, and in return for a valid and effectual discharge by the first party, or his successors, to the second parties, of the provisions of section fifteen of the Extension Act, and the substitution aforesaid.

Second.—The second parties shall pay to the first party the sum of seventy-five pounds for and in name of expenses.

Third.—This agreement is made subject to the sanction of Parliament, and to such alterations as Parliament may think fit to make therein. In witness whereof these presents, written on this and the preceding page by George Thow, clerk to Messieurs Mackenzie and Black, writers to the signet, Edinburgh, are subscribed in duplicate by the parties hereto as follows, videlicet, by Alexander David Martin Black, writer to the signet, Edinburgh, as agent for and acting on behalf of the said Thomas Wedderburn Ogilvy, and by William Brownlee, one of the said Commissioners, and the convener of their works committee, and for and in their name and on their behalf and duly authorised by them, both at Edinburgh, on the thirtieth day of May, in the year eighteen hundred and ninety-one, before these witnesses, James Howie and John Forgan, both clerks to the said Mackenzie and Black.

James Howie, Witness.
John Forgan, Witness.

A. D. M. Black,
for Colonel Ogilvy.
W. Brownlee, Commissioner.

THE THIRD SCHEDULE.

It is contracted and agreed, between the North British Railway Company, incorporated by Act of Parliament, of the first part, and the Dundee Water Commissioners, of the second part, in manner following (that is to say): Whereas by section nineteen of the North British Railway (New Tay Viaduct) Act, 1881, the agreement between the parties and the addition thereto, set forth in the second schedule to the North British (General Powers) Act, 1879, and by that Act confirmed, was continued in force and made binding on both the parties thereto, and was made applicable to the new viaduct by the said Act of 1881

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authorised, instead of the bridge referred to in the said Act of 1879: And whereas by article first of said agreement it was provided that the pipe therein mentioned should be an iron pipe six inches in diameter: And whereas the parties have agreed to the said pipe being nine inches in diameter, upon the following terms and conditions, viz. :—

First.—The said pipe shall be a wrought steel pipe, in place of a cast iron pipe.

Second.—The body of the aforesaid wrought steel pipe must be made of a thickness not exceeding three eighths of an inch. The ordinary joints of the pipe to be spigot and faucit joints. The expansion joints must not be greater at any part thereof than fourteen inches in diameter, subject to such modifications as may be mutually agreed by the engineers of the first party and the engineers of the second party.

Third.—The pipes to be made in lengths of eighteen feet throughout, except where shorter lengths may be required for closers.

Fourth.—The pipes intended for laying round the curve must be made with a camber of one third of an inch.

Fifth.—The pipes must be of the same diameter throughout the length of the viaduct.

Sixth.—All the pipes to be tested to double the working pressure.

Seventh.—There shall be a valve for cutting off the water at each end of the bridge.

Eighth.—There shall be one outlet valve at the Dundee end of the pipe, in order to empty the pipe in case of a break in it.

Ninth.—There shall be from thirty to forty expansion joints in the total length of the bridge, to be put in at such places as shall be pointed out by the engineers of the first parties.

Tenth.—A suitable tap shall be inserted at every three hundred yards of the pipe, to provide against fire, as in previous agreements.

Eleventh.—The second parties shall bear the whole cost of construction and laying of said pipe, and its maintenance and renewal when necessary shall be done at the sight and to the satisfaction of the engineer for the time being of the first parties, and subject to such regulations as the first parties shall fix, so as not to interfere with the regular working of traffic over the first parties viaduct, and railways of the first parties, and the Newport Railway Company.

Twelfth.—The first parties shall construct the casing for the pipe, and the second parties shall pay the first parties the sum of six hundred and forty pounds, being their proportion of payment for the casing of their water pipe along the full length of the viaduct.

Thirteenth.—If a leakage occurs in the pipe of such a nature that it cannot be got at for repairs by lifting the cover of the casing, and that it becomes necessary to remove part of the side of the casing, the first parties, on receiving notice from the second parties or their engineer, shall remove such parts of the side of the casing as may be necessary to enable the repairs to be effected, and the second parties shall defray the reasonable costs and charges of the first parties for so doing at the prices for labour and material as certified by the engineer of the first parties. The repairs in such cases shall be effected, and the casing shall be reinstated with the greatest possible expedition.

Fourteenth.—The pipe shall be covered with felt throughout its length, if such is found necessary to protect the water from freezing.

Fifteenth.—The first parties shall incur no responsibility whatever in connexion with the said pipe, and the second parties hereby undertaking all risk from accident or any other cause whatsoever.

Sixteenth.—The said agreement between the parties and the addition thereto, referred to in the preamble hereof, so far as not altered by the said Act of eighteen hundred and eighty-one and these presents, shall remain in full force and effect and shall be binding upon the parties. In witness whereof these presents, written upon this and the preceding page by Andrew Wilkie Paterson, clerk to William White Millar, solicitor to the said North British Railway Company, Edinburgh, are, along with a duplicate hereof, subscribed by Alexander McCulloch and John Craig, two of the said Dundee Water Commissioners, and duly authorised to execute this agreement for and on behalf of the said Dundee Water Commissioners, and by William Hay, clerk to said Commissioners, and sealed with the common or corporate seal of said Commissioners, all at Dundee, on the twenty-eighth day of April, in the year eighteen hundred and eighty-seven, before these witnesses, James Smith, treasurer to the Dundee Water Commissioners, and John Croll, clerk to the town clerk of Dundee; and are also subscribed by Henry John Trotter, M.P., Langton Grange, Gainford, near Darlington, and Alexander Charles Pirie, merchant, Craibstone House, Auchmill, Aberdeenshire, two of the directors, and by George Bradley Wieland, secretary of the said North British Railway Company, and sealed with the common or corporate seal of said Company, all at Edinburgh, on the twelfth day of May, and year last above mentioned, before these witnesses, John Martin and Robert Paton, both clerks in the head office, Edinburgh, of the said North British Railway Company.

(Signed) H. J. Trotter, Director.
(„) A. Ch. Pirie, Director.
(„) G. B. Wieland, Secy.
N. B. Ry. Coy.
(„) Alex. McCulloch, Comr.
(„) Jno. Craig, Comr.
(„) William Hay, Clerk.

(Signed) Jhn. Martin, Witness.
(„) Robt. Paton, Witness.

(Signed) Jas. Smith, Witness.
(„) Jno. Croll, Witness.

Seal of the North British Railway Company.

Seal of the Dundee Water Commissioners.

Addition to the Foregoing Agreement.

It is hereby agreed and declared, by and between the North British Railway Company of the first part, and the Dundee Water Commissioners of the second part, that the foregoing agreement was and is made and entered into,

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and is hereby confirmed, subject to such alterations as Parliament may think fit to make therein. In witness whereof these presents, written upon this page by Alexander Cruickshank, clerk to Thomas Thornton, Son and Company, solicitors, Dundee, are duly executed as follows, viz., the same are subscribed by Robert Young, of number four West Nile Street, Glasgow, and Randolph Gordon Erskine Wemyss, of Wemyss Castle, Fife, two of the directors, and by George Bradley Wieland, secretary of the said North British Railway Company, and sealed with the common or corporate seal of said Company, all at Edinburgh, on the eleventh day of December, eighteen hundred and ninety years, before these witnesses, John Martin and William Irving, both clerks in the head office, Edinburgh, of the said North British Railway Company, and the same are also subscribed by John Craig and Alexander McCulloch, two of the said the Dundee Water Commissioners, and by William Hay, the clerk of the said Commissioners, and sealed with the common or corporate seal of said Commissioners, all at Dundee, on the twelfth day of the said month and year, before these witnesses, John Croll and William Martin Jarvis, both clerks to the said William Hay.

Robert Young, Director.
R. E. Wemyss, Director.
G. B. Wieland, Secy.
Jno. Craig, Comr.
Alex. McCulloch, Comr.
William Hay, Clerk.

Jhn. Martin, Witness.
W. Irving, Witness.

Jno. Croll, Witness.
W. M. Jarvis, Witness.

Seal of the North British Railway Company.

Seal of the Dundee Water Commissioners.

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