CHAPTER cii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Montrose Water &c. [3rd August 1910.]

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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:—

Confirmation of Order in schedule.

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

Short title.

2. This Act may be cited as the Montrose Water &c. Order Confirmation Act 1910.

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SCHEDULE.

MONTROSE WATER &c.

Provisional Order to consolidate the powers of the Provost Magistrates and Councillors of the Burgh of Montrose with respect to their existing Waterworks to authorise them to provide an additional Water Supply and to construct and maintain new Waterworks and for other purposes.

WHEREAS the water supply for the burgh of Montrose was originally introduced in or about the year one thousand seven hundred and thirty-nine by the then Town Council of the burgh from the spring or well of Glenskenno and the proprietor of the lands surrounding the said spring disponed in their favour an area of ground containing the said well:

And whereas in or about the year one thousand eight hundred and fifty-six the said water supply was found to be inadequate for the requirements of the burgh and the then police commissioners of the burgh acting under the provisions of the Act 13 and 14 Vict. c. 33 introduced a supplementary supply from the haugh of Kinnaber adjoining the river North Esk by means of an adit or adits driven under the said haugh and leading to a well from which the supply was pumped by means of water power to a service reservoir constructed on the estate of Sunnyside the sites of the said well and reservoir having been feued by the said police commissioners from the then proprietors of the said estate which supply was from time to time augmented by the extension of the said adits and the then police commissioners in the years one thousand eight hundred and seventy-four and one thousand eight hundred and ninety-seven acquired additional portions of the said haugh of Kinnaber for the purposes of their said water supply:

And whereas the affairs of the burgh including the existing waterworks and water supply are now managed and administered by the provost magistrates and councillors thereof (herein-after called "the Town Council") under among others the Burgh Police (Scotland) Acts 1892 to 1903 and the Town Council are also the local authority within the burgh under the Public Health (Scotland) Act 1897:

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And whereas the boundaries of the burgh of Montrose were defined by the Representation of the People (Scotland) Act 1832:

And whereas owing to the increasing demand for water for domestic and industrial purposes within the burgh the present supply is inadequate and insufficient for the health and convenience of the community:

And whereas the Town Council with a view to the augmentation and improvement of their water supply have agreed to purchase and acquire the remainder of the said haugh of Kinnaber and the lower mills of Kinnaber together with the water and water power and water rights pertaining thereto:

And whereas the Town Council by agreement with local authorities and others supply water to certain areas outside the burgh and it is expedient that the Town Council should be authorised to continue such supplies:

And whereas it is expedient that a better and more abundant supply of water should be provided to the burgh and the said outside areas:

And whereas it is expedient to authorise the Town Council to provide such supply from Kinnaber Mill Lade flowing out of the river North Esk and for that purpose to acquire the lands and construct the works herein-after described:

And whereas it is expedient that section 12 of the Salmon Fisheries (Scotland) Act 1868 relating to the watercourse or mill lade known as the Mill Lade of Kinnaber should be repealed:

And whereas it is expedient to make provision for the closing of the intake sluice of Kinnaber Mill Lade for enabling the water of the mill lade to flow down the North Esk:

And whereas it is expedient that the Town Council should be authorised to maintain their existing waterworks and to hold the same and the works authorised and constructed under this Order as the water undertaking of the Town Council:

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

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And whereas it is expedient that the Town Council should be authorised to levy rates assessments and charges and borrow money for the purposes of this Order and of their water supply in accordance with the provisions in that behalf in the Burgh Police (Scotland) Acts 1892 to 1903 and this Order:

And whereas it is expedient that further powers should be conferred on the Town Council in relation to their waterworks and water supply:

And whereas it is expedient that provision should be made for the repayment of any 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 the said additional waterworks by this Order authorised and other works and for the purchase of lands as follows:—

	£
For the purchase of lands and servitudes - -	5,650
Construction of storage and service reservoirs and filter beds - - - - - - - - -	16,790
Mains conduits &c. - - - - - -	1,950

And whereas the said 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 whereas the links of Montrose situate in the burgh of Montrose have from time immemorial been held by the Town Council of the burgh for behoof of the community:

And whereas by the Burgh of Montrose Act 1873 the Town Council obtained power to sell feu or lease the south links and were required as a condition thereof to add to the lands of the north links then used as a common and for public purposes certain parts of other lands held by the Town Council:

And whereas it is expedient and would be for the advantage of the burgh and the inhabitants thereof that the Town Council should be further authorised to sell feu or lease a portion of the east links and to appropriate and add to the lands in the north links now used as a common and for public purposes certain parts of other lands held by the Town Council near the north links:

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And whereas the game of golf has from time immemorial been played upon the said links of Montrose and the maintenance preservation and regulation of the said links is essential to the prosperity of the burgh and it is expedient that the Town Council should be authorised to exercise in regard thereto the powers in this Order conferred:

And whereas plans and sections showing (1) the lines and levels of the waterworks authorised by this Order (2) plans of the lands in the east links of Montrose proposed to be sold feued or leased and the lands proposed to be added to the north links of Montrose and also a book of reference containing the names of the owners and lessees and of the occupiers of lands and other property acquired or which may be taken or used for the purposes or under the powers of this Order and (3) plans of the existing waterworks and lands were duly deposited in the offices at Dundee and Forfar of the sheriff-clerk of the county of Forfar and in the office at Stonehaven of the principal sheriff-clerk of the county of Kincardine and are herein-after referred to as the deposited plans sections and books of reference:

And whereas a supplementary plan and section describing an additional work by this Order authorised and the lands which may be taken or used for the purposes thereof and also a book of reference to such supplementary plan were duly deposited in the month of April last with the sheriff-clerk of the county of Forfar which supplementary plan and book of reference are in this Order respectively included in the expression "the deposited plans and books of reference":

And whereas the purposes aforesaid cannot be effected without an order of the Secretary of 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:—

Division of Order into Parts.

1. This Order is divided into Parts as follows:—

I.—Preliminary.

II.—Existing and Additional Waterworks.

III.—Burgh Lands.

IV.—Borrowing Powers and Miscellaneous.

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Part I.

Preliminary.

Short title and commencement of Order.

2. This Order may be cited for all purposes as the Montrose Water &c. Order 1910 and shall come into operation at the date of the passing of the Act confirming the same which date is referred to in this Order as "the commencement of this Order."

Interpretation.

3. In this Order unless there be something in the subject or context inconsistent with or repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall so far as applicable and not inconsistent with this Order have the same respective meanings and the following expressions shall have the meanings assigned to them in this section:—

"The burgh" means the burgh of Montrose according to the boundaries thereof existing at the date of the commencement of this Order;

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

"The Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1903;

"The Public Health Acts" means the Public Health (Scotland) Acts 1897 to 1907;

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

The words "lands and premises" shall have the same meaning as in the Police Acts;

"The burgh lands" means the lands vested in and held and administered by the Town Council and forming part of the common good of the burgh;

"The existing waterworks" means the waterworks and water supply of the Town Council forming the present water supply of the burgh and the lands and property held in connexion therewith;

"Water undertaking" means and includes the existing waterworks and the waterworks authorised by this Order and the lands and property already belonging to or authorised to be acquired by the Town Council in connexion therewith.

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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:— Incorporation of Acts.

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 except the clauses and provisions with respect to the communication pipes to be laid by the undertakers and with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and also with the exception of clauses 68 70 71 and 72;

The Waterworks Clauses Act 1863;

The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith;

and in construing the said clauses and provisions "the company" means the Town Council "the railway" means the storage reservoir authorised by this Order and the works immediately connected therewith and "the centre of the railway" means any part of these works.

Part II.

Existing and Additional Waterworks.

Existing waterworks.

5. The Town Council may subject to the provisions of this Order hold use maintain and continue the existing waterworks as the same are shown on the deposited plans including the works herein-after enumerated (that is to say):—

(1) A catch-water drain with wells thereon commencing in the inclosure numbered 14 on the 25-inch Ordnance Survey map of the parish of Dun in the county of Forfar (second edition 1903) and terminating in the gathering well or cistern (number 2) herein-after mentioned:

(2) A gathering well or cistern situate in the inclosure numbered 170 on the said Ordnance map of the parish of Dun:

(3) A catch-water drain aqueduct conduit or line of pipes commencing in the said gathering well or cistern

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(number 2) herein-before described and terminating in the Glenskenno reservoir of the Montrose water-works (number 4) herein-after described:

(4) A reservoir or water tank known as the well or spring on Glenskenno with land adjacent situate in the inclosure numbered 150 on the said Ordnance map of the parish of Dun:

(5) An aqueduct conduit or line of pipes commencing at the Glenskenno reservoir (number 4) herein-before described and terminating in the ditch which forms the south-eastern boundary of the said inclosure numbered 150 on the said Ordnance Survey map of the parish of Dun at a point eighty-five yards or thereabouts to the north-east of the road which leads from Montrose to Langley Park and Glenskenno Farm:

(6) An aqueduct conduit or line of pipes commencing at the Glenskenno reservoir (number 4) herein-before described and terminating in the parish of Montrose at the point in the public road between Montrose and Brechin where the boundary of the burgh of Montrose crosses the said road:

(7) The following works so far as the Town Council have rights and interests in the same:—

(*a*) The weir or dam dyke (No. 7 on the deposited plans) known as the Morphie Dam Dyke across the river North Esk commencing at or near the intake to the Kinnaber Mill Lade in the parish of Logie-Pert and county of Forfar and terminating at or near the intake to the Morphie Mill Lade in the parish of St. Cyrus and county of Kincardine;

(*b*) The intake to the Kinnaber Mill Lade from the river North Esk (No. 8 on the deposited plans) situate in the parish of Logie-Pert and county of Forfar;

(*c*) The Kinnaber Mill Lade (No. 9 on the deposited plans) commencing at the intake from the river North Esk in the parish of Logie-Pert and county of Forfar and passing through the

parishes of Logie-Pert and Montrose in the said county and the parish of St. Cyrus in the county of Kincardine and terminating at its junction with the river North Esk;

(*d*) The bye-lade or bye-pass channel (No. 10 on the deposited plans) commencing by a junction with the Kinnaber Mill Lade at a point three hundred and thirty-five yards or thereabouts to the south-west of Kinnaber Corn Mill and terminating by junction with the river North Esk at a point one hundred yards or thereabouts northward from the said Kinnaber Corn Mill which bye-lade or bye-pass channel is situate partly in the parish of St. Cyrus and county of Kincardine and partly in the parish of Montrose and county of Forfar:

(11) The open cut or channel situate in the parish of St. Cyrus and county of Kincardine in the haugh of Kinnaber parallel to the river North Esk commencing at a point three hundred and fifteen yards or thereabouts southwards from the cottage at Ponage Pool and terminating at a point two hundred and fifty yards or thereabouts southwards from the said cottage:

(12) An underground conduit adit or channel with manholes commencing at the northern end of number 11 (herein-before described) and terminating at the Upper Mills of Kinnaber in the pump well (number 13 herein-after described) being part of the existing waterworks of the Town Council which adit conduit or channel with manholes is situate partly in the parish of St. Cyrus and county of Kincardine and partly in the parish of Montrose and county of Forfar:

(13) The pump well in connexion with the existing waterworks of the Town Council situate at the Upper Mills of Kinnaber in the parish of Montrose and county of Forfar:

(14) Three aqueducts conduits or lines of suction pipes commencing in the pump well (number 13 herein-before described) and terminating in the pump house aftermentioned belonging to the Town Council at Upper

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Mills of Kinnaber and all situate in the parish of Montrose and county of Forfar:

(15) Pump house with machinery at Upper Mills at Kinnaber situate in the parish of Montrose and county of Forfar:

(16) Aqueduct conduit or lines of pipes commencing at the said pump house and terminating at the service reservoir (number 19 herein-after described) in the inclosure number 120 on the 25-inch Ordnance Survey map of the parish of Montrose and county of Forfar second edition 1904:

(17) Aqueduct conduit or line of pipes commencing at the said pump house and terminating at the said service reservoir in the inclosure number 120 on the said Ordnance Survey map:

(18) Aqueduct conduit or line of pipes commencing at the said service reservoir and terminating in the Kinnaber Mill Lade at the said pump house and all situate in the parish of Montrose and county of Forfar:

(19) A service reservoir before mentioned situate in the inclosure number 120 on the said Ordnance Survey map:

(20) An aqueduct conduit or line of pipes wholly situate in the parish of Montrose and county of Forfar commencing at the said service reservoir and terminating in the public road between Hillside and Montrose at the point where the boundary of the burgh of Montrose crosses the said road:

(21) An aqueduct conduit or line of pipes wholly situate in the parish of Montrose and county of Forfar commencing in the said pump house and terminating at the water tower or tank at the Montrose Royal Lunatic Asylum:

(22) An aqueduct conduit or line of pipes wholly situate in the parish of Montrose and county of Forfar commencing at the water tower at the Montrose Royal Lunatic Asylum and terminating at the high level cistern of the Hillside water supply.

Power to hold and use lands.

6. The Town Council may subject to the provisions of this Order continue to hold and use for the purposes of the water undertaking the following lands belonging to the Town Council and may in respect to the said lands exercise all the powers of section 12 of the Waterworks Clauses Act 1847 (that is to say) :—

(1) A piece of land in the parish of Logie-Pert and county of Forfar marked "A" on the deposited plans:

(2) A piece of land in the parish of Montrose and county of Forfar marked "B" on the deposited plans:

(3) A piece of land in the parish of St. Cyrus and county of Kincardine marked "C" on the deposited plans:

(4) A piece of land in the parish of Montrose and county of Forfar marked "D" on the deposited plans:

(5) A piece of land in the parish of Montrose and county of Forfar marked "E" on the deposited plans:

(6) A piece of land in the parish of Dun and county of Forfar marked "F" on the deposited plans.

Power to make new waterworks.

7. The Town Council may subject to the provisions of this Order make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described or some of them or some part or parts thereof (that is to say) :—

(24) A heck or grating (work number 24) in the bed of the river North Esk in the parish of Logie-Pert and county of Forfar to be placed opposite to the intake of Kinnaber Mill Lade before mentioned:

(25) A widening enlargement and straightening of Kinnaber Mill Lade (work number 25) commencing at the measuring gauge (work number 26) herein-after mentioned in the parish of Logie-Pert and county of Forfar and passing through the parishes of Logie-Pert and Montrose in the said county and the parish of St. Cyrus in the county of Kincardine and terminating notwithstanding anything shown on the deposited plans at or near the south-west side of the Lower North Water Bridge:

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(26) A measuring weir or gauge (work number 26) in the said Kinnaber Mill Lade situate in the parish of Logie-Pert and county of Forfar at a point thirty yards or thereabouts measured in a southerly direction from the intake to the said lade herein-before mentioned:

(27) An aqueduct conduit or line of pipes (work number 27) situate in the parish of Montrose and county of Forfar commencing in the said Kinnaber Mill Lade at a point immediately to the south-east of the pump house at Upper Mills of Kinnaber and terminating in the pump well at the said Upper Mills of Kinnaber together with a measuring gauge to regulate the quantity of water authorised to be abstracted from the said Kinnaber Mill Lade by this Order:

(28) A sluice with gate (work number 28) across the said Kinnaber Mill Lade situate partly in the parish of Montrose and county of Forfar and partly in the parish of St. Cyrus and county of Kincardine and at a point one hundred and fifty yards or thereabouts measured in a south-westerly direction from the junction of the bye-lade or bye-pass channel being the existing work number 10 before mentioned with the said Kinnaber Mill Lade:

(30) A filter house water tower and filters (work number 30) situate in the inclosure number 120 on the 25-inch Ordnance Survey map of the parish of Montrose and county of Forfar second edition 1904 adjacent to the existing service reservoir of the Town Council:

(31) A conduit aqueduct or line of pipes (work number 31) situate in the inclosure number 120 on said Ordnance map commencing by junctions with the existing aqueducts conduits or lines of pipes of the Town Council being the existing works (16) (17) and (21) before mentioned near the north-east corner of the existing service reservoir and terminating in the water tower part of the filter house (work number 30):

(32) An aqueduct conduit or line of pipes (work number 32) situate in the parish of Montrose and county of Forfar commencing in the water tower part of the filter house (work number 30) and terminating in the storage reservoir (work number 33) herein-after described:

(33) A storage reservoir (work number 33) situate in the parish of Montrose and county of Forfar partly in the inclosure number 45 and partly in the inclosure number 46 on the said Ordnance Survey map:

(34) An aqueduct or line of pipes (work number 34) situate in the parish of Montrose and county of Forfar commencing in the storage reservoir (work number 33) and terminating in the filter house (work number 30) herein-before described:

(36) A clear water or service reservoir (work number 36) situate in the parish of Montrose and county of Forfar in the inclosure number 120 on the said Ordnance Survey map adjacent to the filter house and water tower (work number 30):

(37) An aqueduct conduit or line of pipes (work number 37) situate in the said inclosure number 120 on the said Ordnance Survey map commencing in the filter house (work number 30) and terminating in the service reservoir being number (19) of the existing works of the Town Council herein-before described:

(38) An aqueduct conduit or line of pipes (work number 38) situate in the said inclosure number 120 on the said Ordnance Survey map commencing in the filter house (work number 30) and terminating in the clear water or service reservoir (work number 36):

(39) An aqueduct conduit or line of pipes (work number 39) situate in the said inclosure number 120 on the said Ordnance map commencing in the clear water or service tank (work number 36) and terminating by a junction with the existing aqueduct conduit or line of pipes of the Town Council being number (20) of the existing waterworks before mentioned at or near the southern end of the existing service reservoir being No. 19 of the existing waterworks:

(40) An aqueduct conduit or line of pipes (work number 40) situate in the said inclosure number 120 on the said Ordnance map in the parish of Montrose and county of Forfar commencing in the filter house (work number 30) and terminating by a junction with the existing aqueduct conduit or line of pipes of the

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Town Council being number (21) of the existing waterworks before mentioned:

(41) An aqueduct conduit or line of pipes (work number 41) commencing by a junction with the proposed work No. 34 at a point in the public road leading from Montrose to Marykirk forty-four yards or thereby north of the point where the line of the north side of the existing service reservoir No. (19) cuts the aforesaid road and terminating by a junction with the existing aqueduct conduit or line of pipes No. (17) at a point seventeen yards or thereby from the point of commencement.

Power to make subsidiary works.

8. The Town Council in addition to the waterworks authorised by this Order and in connexion therewith may upon or in the lands which they are by this Order authorised to acquire or use for the purposes thereof make erect and maintain or alter all such embankments dams weirs intake weirs lades bye-wash channels tunnels adits bridges roads accesses approaches wells bores water towers overflows tanks gauges filter-beds sluice outlets conduits culverts drains aqueducts channels cuts mains pipes engines machinery buildings telegraphs telephones posts wires and such other works and conveniences as may be necessary or convenient in connexion with or subsidiary to the waterworks or any of them 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 Provided that any telegraphs telephones posts wires and other works made erected or maintained by the Town Council shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to deviate laterally and vertically.

9. The Town Council may in constructing the works by this Order authorised deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation respectively shown thereon and when the line of any work is shown on the said plans as passing along any road and no limits of lateral deviation are marked thereon the Town Council may in constructing such works deviate laterally to any extent within the boundaries of such road and the Town Council may deviate vertically from the levels of the various works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards

Provided that in the exercise of such powers of vertical deviation the Town Council shall not except in the case of crossing bridges or culverts or streams lay above the ground any pipe unless and except so far as is shown on the deposited sections Provided that if the Town Council shall in the case of embankments exercise the powers of vertical deviation hereby granted they shall construct the embankments of such additional thickness at the base as shall be equal to five feet for each additional foot and shall make a corresponding addition to the height of any retaining wall Provided further that 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.

For protection of Caledonian and North British Railway Companies.

10. For protection of the Caledonian Railway Company and the North British Railway Company (in this section called "the railway companies") the following provisions shall (unless otherwise agreed upon) have effect and be binding on the Town Council (that is to say):—

(1) Before commencing any works or operations affecting any lines of railway or works connected therewith or lands or bridges or the roadway on or under such bridges or the approaches thereto belonging to or maintainable by either of the railway companies the Town Council shall submit plans sections working drawings and specifications of such works or operations for approval of such railway company and the said works and operations shall be constructed and carried on in conformity only with plans sections working drawings and specifications so approved and at the sight and to the reasonable satisfaction of the engineer of such railway company and such works shall thereafter be maintained in a state of perfect repair by the Town Council at their sole cost at the sight and to the satisfaction of the said engineer and the Town Council shall not commence any works or operations affecting the property or works of either of the railway companies until the said plans sections working drawings and specifications are approved of as aforesaid Provided always that the Town Council shall not without the consent of the railway company

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concerned take or acquire any of the lands or property belonging to either of the railway companies or in which they are interested but only such a servitude of wayleave therein as may be necessary for the construction of the works by this Order authorised:

(2) Before commencing any alteration replacing or repair of any works constructed under the authority of this Order in under or affecting the property or works of either of the railway companies or in under or affecting any bridge roadway or approach maintainable by either of them the Town Council shall submit plans sections working drawings and specifications of such alteration replacing or repair to such railway company for approval and the said alteration replacing or repair shall be carried out by the Town Council in accordance with plans sections working drawings and specifications so approved and not otherwise and at the sole cost of the Town Council and at the sight and to the reasonable satisfaction of the engineer of such railway company Provided that the approval of the railway company under this and the preceding subsection shall not be unreasonably withheld:

(3) The Town Council shall pay to and reimburse the railway companies or either of them in all costs charges and expenses which they may incur in connexion with the approval of any plans sections working drawings and specifications which may be submitted to them for approval as aforesaid or in connexion with the construction of the works authorised by this Order in under or affecting the property or works of the railway companies or either of them or the subsequent maintenance alteration replacing or repair thereof including (without prejudice to said generality) any expenses which either of the railway companies may reasonably incur for inspection or superintendence of the said works during execution or in connexion with the maintenance alteration replacing or repair thereof at any time or in protecting their property during or connected with the construction maintenance alteration replacing or repair of the said works:

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(4) The Town Council shall not in the construction maintenance use alteration replacing or repair of any works by this Order authorised injure alter or interfere with or endanger the stability of any of the lines of railway or works connected therewith or bridges or the roadway on such bridges or thereunder or the approaches thereto belonging to or maintainable by either of the railway companies or cause any interruption or impediment to or interference with the traffic of either of the railway companies and if any injury to or interference with or danger to the stability of any railway or works connected therewith or bridges or the roadway on such bridges or thereunder or the approaches thereto belonging to or maintainable by either of the railway companies or any interruption or impediment to or interference with the traffic on the railways shall arise from or be occasioned at any time by the works or operations of the Town Council or the bursting leakage or failure of the said works or operations or any of them or be reasonably apprehended the Town Council shall forthwith make good or remove or prevent such injury interference interruption impediment or danger as the case may be or the railway company concerned in their option may themselves do so always at the expense of the Town Council and further the Town Council shall make full compensation for all loss or damage including loss of traffic sustained by the railway companies or either of them in consequence of such injury interference interruption impediment or danger:

(5) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the railway companies or either of them from maintaining and repairing and whenever in their discretion thought necessary deviating altering or reconstructing their railways bridges or approaches or other works without interference on the part of the Town Council and without incurring any liability to the Town Council or to any party using the works authorised by this Order for any loss injury damage or expense which

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may arise from such maintenance repair deviation alteration or reconstruction and any extra expense which the railway companies or either of them may incur in such maintenance repair deviation alteration or reconstruction by reason of the existence of the said works authorised by this Order shall be paid by the Town Council Provided that in the event of the railway companies so deviating altering or reconstructing their railways bridges or approaches or other works they shall so conduct their operations as not to interfere with or interrupt the continuous supply of water from the said waterworks by means of the existing or any substituted pipes Provided also that all such operations shall be executed by the railway companies in such manner as to cause as little damage and interference as practicable to and with the said works of the Town Council hereby authorised and that the railway companies shall give due notice to the Town Council before commencing any such operations:

(6) Any question or difference between the Town Council and the railway companies or either of them or their respective engineers or any of them arising under this section shall be determined by an arbiter to be agreed upon or failing agreement to be nominated by the Board of Trade on the application of either party.

Saving agreement with Scottish North Eastern (now Caledonian) Railway Company.

11. Nothing in this Order contained shall alter diminish prejudice or affect the existing agreement between the Scottish North Eastern Railway Company (now vested in the Caledonian Railway Company) and the Police and Improvement Commissioners of the burgh of Montrose dated the fourth and eighth and recorded at Aberdeen the eleventh all days of December eighteen hundred and fifty-six.

Power to alter roads &c. temporarily.

12. For the purposes and during the execution of the several works which the Town Council are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Town Council may temporarily break up or cross over or under alter or stop up any streets highways roads lanes paths bridges railways canals passages sewers drains watercourses gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans

and specified in the deposited books of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway road lane path bridge or railway or passage or the flow of water gas sewage or electricity or telephonic communication in any such sewer drain watercourse canal pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply. A.D. 1910.

For protection of county council of county of Forfar.

13. In the execution of the works by this Order authorised so far as they affect the highways of the county of Forfar the following provisions for the protection of the county council of the county of Forfar (in this section called "the county council") shall (except so far as may otherwise be agreed in writing between the Town Council and the county council) have effect (that is to say):—

(1) The conduits or lines of pipes authorised by this Order and shown on the deposited plans as passing along any highways belonging to the county council shall as far as practicable be laid at the side of such roads and clear of the metalled part thereof:

(2) No greater length than 150 yards of any highway shall be broken up at any one place at one time without the consent in writing of the Brechin District Committee of the county council A clear and sufficient carriageway shall so far as reasonably practicable be kept for the passage of carriages and traffic along any highway and bridge during any interference therewith by the Town Council and in case of default in compliance with this provision the Brechin District Committee of the county council may by their own servants and workmen clear any such carriageway and may recover the expense of and incident thereto from the Town Council:

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(3) The Town Council shall make full compensation to the county council for all damage and injury loss and expense whatsoever which the county council may from time to time sustain by reason or in consequence of the bursting or giving way of the reservoirs or of any conduits or lines of pipes by this Order authorised and of the flooding that may be thereby occasioned:

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

(5) The Town Council shall affix in connexion with the existing conduits or lines of pipes conveying water from the spring or well of Glenskenno to the town of Montrose and crossing or passing along any highway but only when such highway requires to be open for renewals by the Town Council three hydrants or other suitable apparatus or appliances for taking water from the said conduits for the purposes of road making and maintenance of the roads within which such conduits are for the time being placed and the Town Council shall also fix in connexion with the new conduits or lines of pipe by this Order authorised crossing or passing along any highway two hydrants or other suitable apparatus or appliances for the aforesaid purpose And the county council and

the Brechin District Committee of the county council shall be entitled to the use of the said five hydrants and to take water for the purposes aforesaid free of charge by their servants and workmen Provided that such hydrants shall not be affixed directly to the main pipe but shall be fixed on branch pipes at the side thereof which shall not exceed three quarters of an inch internal diameter Provided further that the county council shall pay to the Town Council the whole cost of the maintenance and renewal of such hydrants and in every case of taking water therefrom the county council or the Brechin District Committee shall give one day's previous notice in writing to the Town Council of such intention:

(6) If any difference shall arise between the county council or the Brechin District Committee and the Town Council touching this section or anything to be done or not to be done thereunder or as to the quantity of water to be taken for the purposes aforesaid such difference shall failing agreement be referred to the decision of an arbiter to be appointed (failing agreement of the parties to name such arbiter) by the sheriff on the application of either party and the decision of such arbiter on any question arising under this section shall be final.

Power to take water.

14. The Town Council may subject to the provisions of this Order by means of the works by this Order authorised and by the existing waterworks of the Town Council or some of them or some part or parts thereof divert take appropriate impound store use and distribute the waters of the stream known as the river North Esk flowing down the mill lade known as the Kinnaber Mill Lade and from the said works authorised by this Order and the existing waterworks of the Town Council or from some of them the Town Council may supply water within the limits of compulsory supply as defined by this Order and to such places beyond the same as are authorised by this Order for the domestic and other purposes for which the Town Council are by this Order and the Police Acts authorised to supply water.

For protection of riparian proprietors &c.

15. The following provisions shall have effect and shall be binding on the Town Council for the protection of all riparian

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proprietors and other persons interested in the waters flowing down the said river North Esk and mill lade (that is to say):—

(1) The Town Council shall construct the heck or grating (work No. 24) and the aqueduct conduit or line of pipes (work No. 27) together with a measuring gauge in connexion therewith to regulate the quantity of water to be abstracted from the said Kinnaber Mill Lade:

(2) The Town Council shall not abstract from the said Kinnaber Mill Lade a greater amount of water than seven million five hundred thousand gallons per week as the same shall be regulated by the said measuring gauge which shall be placed at the entrance to the pipe (work No. 27) in the said lade and the said amount of water shall be abstracted between six a.m. on Monday and seven p.m. on Saturday in every week:

(3) The Town Council shall construct the measuring gauge (work No. 26) at or near the intake to the said Kinnaber Mill Lade where it flows out of the river North Esk so as to allow a flow of six thousand two hundred cubic feet per minute of water to pass down the said Kinnaber Mill Lade when the river is at such a height that the water at Morphie dam dyke is on a level with the top of the said dam dyke:

(4) The Town Council shall construct the sluice (work No. 28) in the said Kinnaber Mill Lade and the said sluice shall subject to the provisions hereinafter mentioned be lowered if and while the sluice at the existing intake of Kinnaber Mill Lade is closed to within two inches of the sill as after mentioned so as to dam back the water while the said intake sluice is lowered and preserve the same level immediately above the said sluice as when the said intake sluice is open:

(5) The sluice at the said existing intake of Kinnaber Mill Lade shall be kept shut except to the extent of two inches from the sill between the hours of seven p.m. on every Saturday and six a.m. on every Monday and section twelve of the Salmon Fisheries (Scotland)

Act 1868 is hereby repealed Provided always that either or both of the said sluices may if required be kept open or shut at the reasonable discretion of the Town Council in time of frost or during renewal or repairs:

(6) While the said sluices are lowered in terms of the two immediately preceding subsections the sluice at the existing bye lade shall be kept closed so as to allow the whole flow of water to pass down the said Kinnaber Mill Lade:

(7) The Town Council shall so long as they draw water from the Kinnaber Mill Lade under the authority of this Order maintain in full working order the measuring gauges and sluice provided for in this section which gauges and sluice shall be open to the inspection and examination of all persons interested in the water flowing or discharged through or over the same and the Town Council shall permit such persons and their respective agents at all reasonable times to have access to the same for the purposes of examination:

(8) The said heck or grating (work No. 24) the said measuring gauge (work No. 26) and the said aqueduct conduit or line of pipes together with the measuring gauge in connexion therewith (work No. 27) shall be constructed at the sight and to the satisfaction of William Allan Carter C.E. Edinburgh whom failing of an engineer to be nominated by the sheriff:

(9) If any difference arises between the Town Council and any person interested in the water of the river North Esk with respect to the construction of any gauge or sluice or the state of repair or condition thereof such difference shall be referred to the arbitration of the said William Allan Carter whom failing of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the sheriff.

For protection of North Esk Distillery.

16. If in carrying out of the powers of this Order the Town Council shall so alter the course or width or depth of Kinnaber Mill Lade as to cause present or prospective injury

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or disturbance to the buildings of the North Esk or Highland Esk Distillery or the banks of the Kinnaber Mill Lade adjoining such buildings or so as to render useless or less efficient the existing pumping machinery in the said distillery the Town Council shall make compensation for any damage thereby sustained by the owner of the said distillery and where the banks of the Kinnaber Mill Lade as at present existing are built of stone and cement the Town Council shall rebuild with stone and cement any portion of the banks which they may alter in the exercise of their powers under this Order.

Power to acquire lands for works.

17. Subject to the provisions of this Order the Town Council may for the purposes of the works authorised by this Order purchase acquire hold enter upon appropriate take and use such of the lands shown on the deposited plans and described in the deposited books of reference as may be required for those purposes with the exception of the lands numbered 48 49 50 53 54 and 55 in the parish of Montrose in the county of Forfar Provided that if under the authority of this Order any alterations shall be made upon the Bridge No. 4 in the parish of St. Cyrus on the deposited plans the present rights of the owner thereof to carry drainage pipes across the Kinnaber Mill Lade beneath the said bridge and to use the same for all other purposes shall be preserved and the Town Council shall compensate the present owner of the said bridge for any loss or expense occasioned to him by reason of any disturbance of the drainage pipes presently carried across the Kinnaber Mill Lade under the said bridge which may be occasioned by the operations of the Town Council.

Acquisition of lands.

18. The Town Council shall for the purposes of the water undertaking purchase acquire take hold appropriate and use the following lands (that is to say):—

Certain lands shown on the deposited plans and described in the deposited book of reference within the parish of Montrose and county of Forfar and numbered on the deposited plans 32 to 46 inclusive.

Lands for extraordinary purposes.

19. In addition to the lands authorised to be taken as aforesaid the Town Council may purchase by agreement lands not exceeding five acres for the purpose of making depôts pipe-yards and other buildings and conveniences in connexion with the water undertaking and the works by this Order authorised 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. A.D. 1910.

Limiting powers of Town Council to abstract water.

20. Subject to the provisions of this Order the Town Council shall not sink any well upon or construct any works for taking or intercepting water from any lands unless the well and works and the lands upon which the same are to be constructed are specified in this Order or some other Act of Parliament or Order confirmed by Parliament Provided always that nothing in this section shall apply to the lands specified in the section of this Order of which the marginal note is "Power to hold and use lands."

Owners may be required to sell parts only of certain properties.

21. Whereas in the exercise of the powers of this Order it may happen that portions only of certain properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder thereof without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the properties described in the First Schedule to this Order and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the jury arbiter or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder thereof without material detriment thereto be required to sell and convey to the Town Council the portions only thereof so required without the Town Council being obliged or compellable to purchase the whole or any greater portion thereof the Town Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Persons under disability may grant servitudes &c.

22. 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.

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Power to acquire servitudes only for lines of pipes.

23. The Town Council may in lieu of acquiring any lands for the purposes of the conduits or lines of pipes by this Order authorised where the same are intended to be constructed underground acquire such servitudes in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such servitudes as fully as if the same were lands within the meaning of those Acts Provided that nothing herein 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 only and any notice to treat for the acquisition of a servitude shall be endorsed with notice of this proviso Provided also that 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 and 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.

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

24.—(1) The Town Council may hold any lands acquired by them under this Order 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 nuisance encroachment or injury and so long as such necessity shall continue such lands shall not be deemed superfluous lands within the meaning of the Lands Clauses Acts.

(2) The Town Council may let for such period as they think fit or sell or feu any land held 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 prejudicially affect the water supply or the purity of the water shall be erected thereon The proceeds of the sale of any lands by the Town Council shall only be applied to the purposes of this Order to which capital is properly applicable.

(3) Nothing in this Order 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 upon any lands held under the powers of this section and the Town Council shall not erect or permit the erection of any buildings on such lands except such as are required in connexion with their waterworks undertaking or for farm buildings.

Limiting time for exercise of compulsory powers of purchase.

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

Period for completion of works.

26. If work No. 25 by this Order authorised is not completed within ten years and the other works authorised by this Order are not completed within six years from the commencement of this Order then on the expiration of those respective periods the powers by this Order granted to the Town Council for executing any works not so completed or in relation thereto shall cease except as to so much thereof as is then completed.

Power for repairs of works and temporary discharge of water into stream.

27. The Town Council may at any time for the purpose of repairing or of cleansing or of examining any of their existing waterworks or any of the works or aqueducts authorised by this Order cause the water in any such works or aqueducts to be temporarily discharged into any available stream or watercourse.

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 any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

Limits of compulsory supply.

28. Subject to the provisions of this Order the limits of compulsory supply shall be the burgh which limits are in this Order referred to as "the limits of compulsory supply."

Confirmation of agreement.

29. The agreement set forth in the Second Schedule to this Order made between the Town Council and the Reverend John Schank More Gordon of Charleton is hereby confirmed and made binding on the parties thereto.

For protection of supply to Sunnyside and Collegehall.

30. Nothing in this Order shall prejudice or affect the supply by the Town Council of water to the proprietors or their tenants of the farm and cottage of Sunnyside and Collegehall or the right reserved to the directors of the Royal Lunatic Asylum

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Infirmary and Dispensary of Montrose of taking a supply of water from the haugh of Kinnaber all provided under a feu contract entered into between John Duncan of Parkhill and the Town Council therein named the Police and Improvement Commissioners of the burgh of Montrose dated fifteenth and eighteenth December one thousand eight hundred and sixty and recorded in the new particular Register of Sasines for the county of Forfar the seventh day of January one thousand eight hundred and sixty-one.

For protection of Alexander Robert Duncan of Parkhill.

31. Nothing in this Order shall prejudice or affect the supply of water by the Town Council provided under a disposition by Alexander Robert Duncan younger of Parkhill in favour of the Town Council dated seventeenth and recorded in the division of the General Register of Sasines applicable to the county of Forfar the nineteenth both days of November one thousand eight hundred and ninety-seven.

For protection of Royal Lunatic Asylum.

32.—(1) Nothing in this Order shall prejudice or affect the supply by the Town Council of water to the Royal Lunatic Asylum Infirmary and Dispensary of Montrose provided under an agreement made between the Town Council and the said Royal Lunatic Asylum Infirmary and Dispensary of Montrose dated the fourteenth day of October and fifth day of November one thousand nine hundred and one and another agreement entered into between the same parties with respect to the laying of pipes dated first and seventh December one thousand nine hundred and three.

(2) Nothing in this Order shall prejudice or affect any of the feu charters or feu contracts by or between the late John Duncan or Alexander Robert Duncan to or with the directors of the Royal Lunatic Asylum Infirmary and Dispensary of Montrose and in particular the right of the said Royal Lunatic Asylum Infirmary and Dispensary of Montrose to sink wells and draw water conferred on them under the feu charter granted by John Duncan of Parkhill in their favour dated thirty-first October and recorded in the Particular Register of Sasines Reversions &c. kept for Forfarshire at Dundee the eleventh day of November both in the year one thousand eight hundred and fifty-six.

For protection of

33. Nothing in this Order shall prejudice or affect the supply of water by the Town Council under an agreement

entered into between the Brechin District Committee of the county council of Forfarshire and the Town Council dated ninth February and tenth March one thousand nine hundred and three. A.D. 1910. Brechin District Committee.

34. The expense of maintaining and keeping in repair the dam dyke in the river North Esk known as the Morphie Dam Dyke shall be borne by the parties entitled to use the water flowing down the Morphie and Kinnaber Mill Lades in such proportions as may be agreed upon and failing agreement in such proportions as may be fixed by the sheriff on the application of any of the parties interested. Upkeep of Morphie Dam Dyke.

35. The Town Council may make and carry into effect agreements with the owners lessees or occupiers of any lands or with any local authorities within the drainage area of the river North Esk the waters of which are by this Order authorised to be abstracted with reference to the execution by the Town Council or such owners lessees or occupiers or any such local authorities 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 abstracted and appropriated by the Town Council flowing to upon or from such lands directly or derivatively into such reservoirs and works. Power to agree as to drainage of lands &c.

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

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for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Town Council the Town Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Town Council by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Town Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Application of penalties.

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

Byelaws for preventing waste &c. of water.

38.—(1) The Town Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Town Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 183 to 187 of the Public Health (Scotland) Act 1897 shall apply to all such byelaws.

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(3) In case of failure of any person to observe such byelaws as are for the time being in force the Town Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Town Council as the water rates in respect of the premises are recoverable.

Penalty for taking water except for domestic use.

39. Every person who fraudulently takes or uses water belonging to the Town Council for any purpose other than domestic or drinking purposes shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty of five pounds for each day any such offence continues after conviction.

Prosecution of offences.

40. All offenders against any of the provisions of this Order or of any of the Acts incorporated with the same respectively or against any of the byelaws of the Town Council may be prosecuted and all penalties and forfeitures in respect of offences against any of such provisions or byelaws may be recovered summarily by the Town Council under the Summary Jurisdiction (Scotland) Act 1908.

Pressure.

41. The water to be supplied from any main or pipe of the Town Council whether existing or authorised to be constructed by this Order need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations nor be supplied in any case at a level above or at a greater height than can be supplied or afforded by gravitation from the service reservoirs or tanks of the Town Council already existing or by this Order authorised.

Suspension of constant supply.

42. Notwithstanding anything to the contrary contained in the Waterworks Clauses Acts 1847 and 1863 the Town Council until the expiration of five years from and after the commencement of this Order or until the waterworks authorised by this Order shall have been substantially completed and the water therefrom introduced whichever shall first happen shall not be bound to give or maintain a constant supply.

Town Council may enlarge or increase

43. The Town Council may at any time lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) mains pipes

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number of pipes.

filters filter-beds tanks channels and other works appliances and conveniences in use or required for filtering storing conveying and distributing water for the purposes of their undertaking Provided always that such laying down extension enlargement or increase shall be executed only on lands or property belonging to the Town Council or over which the Town Council have acquired a servitude right or which may be acquired by agreement or in roads and streets which they may by the Waterworks Clauses Acts 1847 and 1863 open and break up for such purposes.

Power to Town Council to supply water to local authorities and others.

44.—(1) The Town Council may enter into and carry into effect agreements with any local authority company or person for the supply of water in bulk to any such authority company or person respectively beyond the limits of compulsory supply and for such remuneration and on such terms and conditions and for such periods as may be agreed upon.

(2) The Town Council may after the completion of the works authorised to be constructed as aforesaid supply water from any of the waterworks or conduits of the Town Council to any owners and occupiers of lands and heritages lying adjacent or near to the said conduits or works and the Town Council may contract with all or any such persons for such supply at such rates and upon such terms and conditions and for such period or periods of time as they may agree.

(3) Any supply of water under the provisions of this section of this Order shall not prejudicially affect or restrict the supply of water from time to time required within the limits of compulsory supply.

(4) Any supply of water by the Town Council under this section shall not be given except with the consent of any local authority company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district.

Payment of charge for water supply.

45. The charge for the supply of water under the immediately preceding section of this Order shall be payable at such times and in such manner as the Town Council shall fix and unless the Town Council shall otherwise determine shall except when the same is supplied by measure be paid in advance and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with

the pipes of the Town Council or at the time when the agreement to take water from the Town Council is made Provided that such payment in advance shall not exceed one quarter of the annual charge for the said water supply Provided also that where the supply is furnished by measure the consumer may be required to deposit such sum in security of the payment for such supply as the Town Council may think necessary.

Laying mains in public roads.

46. The Town Council may at any time for the purpose of distributing and supplying water beyond the burgh with the consent of the road authority lay down make and maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway and renew alter enlarge duplicate and increase the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all persons injuriously affected by anything done under the provisions of this section.

Part III.

Burgh Lands.

Portion of east links freed from restrictions.

47. Subject to the provisions of this Order the portion of the burgh lands described and coloured pink on the deposited plans and containing an area of thirty-nine acres or thereby imperial measure shall from and after the commencement of this Order be freed and discharged from all rights and restrictions as to the use thereof for a common and for public purposes.

Town Council may sell feu or lease portion of east links.

48. The Town Council may sell feu or lease the said portion of the burgh lands or any part thereof in such lots or divisions and in perpetuity or for such periods and for such prices ground annuals feu duties rents or considerations and on such terms and conditions as they think fit and in the same manner as any other lands held by them and not subject to any rights or restrictions as to the use thereof as a common and for public purposes may be sold feued or leased and the Town Council may grant and execute feu charters feu contracts dispositions conveyances leases and all other necessary deeds and instruments relating to or affecting the said portion of the burgh lands or any part thereof.

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Providing for access.

49. Notwithstanding anything contained in the two immediately preceding sections of this Order the Town Council shall either (1) continue the existing access to the foreshore across the portion of the burgh lands coloured pink on the deposited plans being the road or access numbered 69 and part of 60 on the said plans in the parish of Montrose or (2) in the event of the Town Council in the exercise of the powers contained in this Order finding it necessary to close the said existing access they shall provide within a reasonable distance of the existing access a substituted access to the foreshore of not less width than ten feet across the said burgh lands and which substituted access shall be provided by the Town Council before the said existing access is closed or interfered with and that at the sight and to the reasonable satisfaction of an engineer to be appointed by the sheriff on the application of the Town Council.

Investments and applications of prices ground annuals feu duties and rents.

50. The prices ground annuals feu duties and rents to be received by the Town Council for or in respect of the sale feuing or leasing of the said portion of the burgh lands or any part thereof shall form part of the common good or general revenues of the burgh and may be held invested and applied by the Town Council in the same manner and for the same uses and purposes as the common good and general revenues of the burgh are or may be held invested or applied.

Lands to be added to north links.

51. The lands coloured green on the deposited plans being parts of the lands of Southfield Broomfield and Seafield which are held by the Town Council being part of the burgh lands and are not subject to any rights or restrictions as to the use thereof as a common or for public purposes shall after the commencement of this Order be appropriated and added to the north links which are now used as a common and for the game of golf and other public purposes.

Administration and control of burgh lands.

52.—(1) The Town Council may on the said portions of the burgh lands added to the north links under the immediately preceding section of this Order and on the adjoining links continue extend or alter and maintain the existing golf courses of Montrose or lay out an additional course or courses and the Town Council may also extend alter and maintain such golf courses on any lands contiguous or adjacent thereto which they may acquire for the said purposes and the Town Council may use and appropriate any reasonable part or parts of the burgh

lands for any additions to or alterations of such golf courses and for any other purposes of recreation as the Town Council may from time to time determine and under such conditions as they may prescribe. A.D. 1910.

(2) The Town Council may let or lease the burgh lands so far as they are appropriated for the purposes mentioned in the preceding subsection of this section or any part thereof to any person or body of persons using or desirous of using the same on such terms and conditions and during the period of such letting or lease with or without exclusive possession of the same and for such period or periods as the Town Council may think proper and may control and regulate the use of the same for games or sports and may on the burgh lands erect and maintain or may authorise other persons to erect and maintain on such terms and conditions as the Town Council think fit and may let or make charges for the use of shelters bandstands and other such erections club houses restaurants and shops for the manufacture or disposal of and dealing in goods and articles used for and in connexion with any games which may be played on the said lands and the Town Council may levy and recover such rents or charges in respect of any such erections club houses restaurants and shops as they may in their discretion think fit and the Town Council may also lay out any reasonable part of the burgh lands as a public park and place of public resort and may form improve and maintain roads footpaths and walks and do such other things as may from time to time appear to the Town Council to be expedient for the use and enjoyment of the said lands but subject to the provisions of this Order nothing herein contained shall prejudice the right of the burgesses and inhabitants of the burgh of Montrose to play the game of golf on the Montrose Links under such regulations as may be made by the burgh magistrates or Town Council and on payment of such charges as may be made or imposed in terms of the authority contained in any public general Act applicable within the burgh or by this Order authorised.

Charges on golf course &c.

53. The Town Council may take make and levy such charges as they in their discretion think fit on and from any persons using or desirous of using any golf course or any part of the burgh lands set apart for other purposes of recreation and may recover such charges either by themselves or any person deriving right from them The charges proposed from time to time to be fixed by

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the Town Council under this section shall before being so fixed be published once in each of two successive weeks in a newspaper circulating in the county of Forfar or the burgh and shall thereafter be fixed accordingly by and at a meeting of the Town Council and the charges so fixed shall remain in force until the same are altered by the Town Council in like manner and after publication as aforesaid Provided that the Town Council shall not be entitled to apply any local rate levied by them under any statutory power in defraying expenses incurred under this section or the immediately preceding section.

Byelaws relative to golf course &c.

54. The Town Council may from time to time make byelaws for all or any of the following purposes and all such byelaws may be enforced by the imposition of penalties (not exceeding forty shillings) and shall be confirmed and published under and according to the provisions contained in the Burgh Police Acts as regards the byelaws thereby authorised (that is to say) :—

For the regulation and control by the Town Council of all or any golf courses or places for the playing of golf and of any other games on the burgh lands or on any lands adjacent thereto held or controlled by the Town Council ;

For appointing and regulating keepers starters caddie-masters and other persons to be employed on and about such golf courses ;

For licensing appointing and regulating golf caddies and professional golfers and golf experts and all other persons who may be employed for remuneration or reward and for fixing and regulating the charges for their services ;

For the prevention of unlicensed persons being employed or taking employment on such golf courses ;

For the orderly conduct of persons frequenting or using the burgh lands or engaging in any games or sports thereon ;

For excluding and removing from the burgh lands all gipsies hawkers beggars rogues and vagabonds or persons committing a breach of the peace and any persons infringing any byelaw ;

For regulating and prescribing the days on which games may be played and the hours at which games shall be permitted on the burgh lands or on any part or parts thereof ;

For preventing or regulating the admission to the burgh lands of carriages or vehicles and of horses and other animals;

For protecting from injury all or any golf courses and turf and greens and all tee boxes guide posts bunkers golf holes pins flags and other fittings connected therewith and any erections or places set apart for any other games or sports or any apparatus or implements used for or in connexion with any games or sports established or provided on any part of the burgh lands;

For the exclusion and removal of persons refusing or evading payment of any charges for the use of any golf course on any part of the burgh lands:

Provided that all offences against any byelaws hereby authorised to be made may be tried before the magistrates under the Summary Jurisdiction (Scotland) Act 1908:

Provided further that all byelaws made under this section shall so far as the same are enforceable outside the burgh be subject to the approval of the county council but such approval shall not be necessary when in the opinion of the Secretary for Scotland it has been unreasonably withheld.

For protection of owners and lessees of salmon fishings in the sea ex adverso of links.

55. Nothing in this Order contained shall curtail any rights of access to and from the shore hitherto exercised by the owners or lessees of the salmon fishings in the sea ex adverso of the Montrose Links over the burgh lands belonging to the Town Council except the lands described in the section of this Order whereof the marginal note is "Portion of east links freed from restrictions."

Part IV.

Borrowing Powers and Miscellaneous.

Power to borrow.

56. The Town Council may in accordance with the provisions of the Burgh Police Acts and subject to the provisions of this Order from time to time borrow on mortgage or otherwise the sums following:—

(1) For the purchase of lands and servitudes authorised by this Order five thousand six hundred and fifty pounds:

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(2) For the construction of storage and service reservoirs and filter beds authorised by this Order sixteen thousand seven hundred and ninety pounds:

(3) For the construction of mains conduits &c. one thousand nine hundred and fifty pounds:

(4) For the payment of the costs charges and expenses of and incidental to obtaining and confirming this Order the sum requisite for the said purpose.

The Town Council may make and grant mortgages or other securities of the water assessment and rates rents and charges in manner authorised by the Police Acts in security of the money so borrowed and interest thereon.

Power to re-borrow.

57. 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 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.

Periods of repayment of borrowed money.

58. The Town Council shall pay off all moneys to be borrowed by them for the purposes of their water undertaking within the respective periods following (herein-after referred to as "the prescribed period") (that is to say):—

As to moneys to be borrowed for purposes (1) and (2) mentioned in the section of this Order the marginal note of which is "Power to borrow" within fifty years from the date or dates of borrowing the same;

As to moneys to be borrowed for purpose (3) mentioned in the section of this Order the marginal note of which is "Power to borrow" within thirty years from the date or dates of borrowing the same;

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

Mode of repayment of borrowed money.

59. The Town Council shall pay off all moneys borrowed by them (other than money borrowed for current expenses) under this Order either by means of a sinking fund formed

under the provisions of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them.

Sinking fund.

60.—(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 and 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 three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is 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 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 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

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interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

(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.

Town Council may borrow on cash account.

61. The Town Council may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Town Council according to the usage of bankers in Scotland to the extent of the aggregate amount which the Town Council are at the time authorised to borrow under this Order or any part thereof and may make and grant mortgages and assignments of the water assessment and rents rates and charges in manner authorised by the Burgh Police Acts in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided always that the whole sums due and owing by the Town Council on such cash account and for money otherwise borrowed by them shall not when taken together exceed the aggregate amount of the sum by this Order authorised to be borrowed.

Borrowing power for current expenses.

62. 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.

Application of Police Acts.

63. The provisions of the Police Acts with respect to the supply of water shall subject to the provisions of this Order and so far as not inconsistent therewith apply to the supply of water within the burgh by the Town Council from their existing waterworks and from the works by this Order authorised.

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Existing waterworks and new works to form one undertaking.

64. Subject to the provisions of this Order the existing waterworks together with the works to be constructed under the authority of this Order and the lands to be acquired under this Order shall for all purposes whatsoever be and be deemed to be part of the water undertaking of the Town Council.

Reserve fund.

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

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

66. The treasurer of the Town Council shall within four 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 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 the 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 be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Application of moneys borrowed.

67. Subject to the provisions of this Order the sums borrowed by the Town Council on mortgage under the authority of this Order shall be applied in constructing the waterworks authorised by this Order and any extensions and enlargements thereof and in the payment of mortgages to be granted and of any cash credit or cash account granted obtained or opened in respect of the water undertaking and in carrying out the other provisions of this Order being in every case purposes to which capital is properly applicable.

Reservation of prior mortgages.

68. Nothing in this Order shall prejudice or affect the priority or other rights and remedies under any mortgages or securities or obligations granted by the Town Council before the commencement of this Order and then subsisting.

Protection of lender from inquiry.

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

For appointment of a judicial factor.

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

Costs of Order.

71. 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 out of any moneys which they are by this Order authorised to borrow for the purpose or out of any other moneys received by them and not properly applicable to any other purpose or any rates and assessments which they are authorised to levy.

SCHEDULES.

THE FIRST SCHEDULE.

SCHEDULE OF LANDS AND BUILDINGS OF WHICH PORTIONS ONLY MAY BE TAKEN WITHOUT TAKING THE WHOLE.

Parish.	Nos. on deposited plans.
Logie-Pert - - - -	1 2 3 4 5 6 7 8 8 8.
St. Cyrus - - - - -	2 2 4 5 7 7 8 8 8.
Montrose - - - - -	1 1 1 2 2 2 3 3 4 4 5 5 6 6 6 7 8 9 10 11 11 11 12 14 15 16 16 17 17 18 23 26 27 28 29 31 32 32 33 34 35 35 36 37 37 41 42 42 43 44 45 45 45 46.

THE SECOND SCHEDULE.

AGREEMENT between the PROVOST MAGISTRATES and COUNCILLORS of the BURGH of MONTROSE (herein-after called "the first parties") of the first part and the REVEREND JOHN SCHANK MORE GORDON of Charleton in the county of Forfar (herein-after called "the second party") of the second part.

WHEREAS by minute of agreement dated twelfth and sixteenth July nineteen hundred and nine entered into between the second party and the first parties in connexion with the augmentation and improvement of the water supply of the burgh of Montrose the second party agreed to sell and the first parties agreed to purchase certain lands and water rights forming part of or effeiring to the lands of Charleton and Kinnaber and others belonging to the second party at the price therein specified with entry at the twenty-second day of November nineteen hundred and nine and upon the terms and conditions therein set forth:

And whereas it was part of the consideration of the said sale and it was a stipulation of the said minute of agreement that the first parties should subject to their obtaining statutory authority continue the existing supply of water to the proprietor of the lands of Charleton

and Kinnaber and others from the Montrose Burgh water supply all as then given and at the same annual rates all in terms of undertaking contained in the said minute of agreement:

And whereas the first parties are now promoting a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 for the purpose (among others) of bringing in an additional water supply to the burgh of Montrose:

And whereas it is expedient to more fully define in this supplementary agreement the nature of the existing supply of water referred to and to set forth the precise terms upon which the same is provided with a view to the agreement thereanent being confirmed by the said Provisional Order:

Therefore without prejudice to the said former minute of agreement in other respects it is hereby agreed as follows viz.:—

First—The first parties shall give a supply or supplies of water to the second party as proprietor of the lands of Charleton and Kinnaber and others or his successors in said lands or disponees for Charleton House stables and gardens Charleton Home Farm House and steading and Cottar House thereon Kinnaber House and garden and Kinnaber Farm and four cattle troughs on the said farm and that so long and as often as may be required by the second party or his foresaids or his or their tenants of said respective subjects.

Second—The said supplies shall be given by means of (1) the existing cast iron main three inches in diameter leading from the existing main supplying the burgh of Montrose to Charleton House or by a similar pipe leading from any new or substituted main supplying said burgh (2) a cast iron main not exceeding two inches in diameter leading from the termination of the three-inch main last mentioned to the vicinity of Kinnaber House (3) a service pipe not exceeding three-quarters of an inch in diameter leading from the said three-inch main to Charleton House (4) a service pipe not exceeding three-quarters of an inch in diameter leading from the said three-inch main to Charleton Gardens (5) a service pipe not exceeding three-quarters of an inch in diameter leading from the said three-inch main to Charleton Home Farm House and steading (6) a service pipe not exceeding one-half-inch in diameter leading from the said three-inch main to Cottar House on Charleton Home Farm (7) a service pipe not exceeding three-quarters of an inch in diameter leading from the said two-inch main to Kinnaber House and garden (8) a service pipe not exceeding three-quarters of an inch in diameter leading from the said two-inch main to Kinnaber Farm and (9) a service pipe not exceeding one-half-inch in diameter

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leading from the said two-inch main to four cattle troughs on Kinnaber Farm.

Third—The mains and service pipes referred to in article second hereof shall be maintained and kept in repair at all times by the second party and his foresaids or while or so long and as often as the said water supply or supplies are required or made use of as aforesaid all to the satisfaction of the first parties and the second party and his foresaids shall be subject to the provisions and obligations contained in any byelaws of the first parties for the time being in force in connexion with their water supply except in so far as qualified or altered by this agreement.

Fourth—The second party and his foresaids shall pay to the first parties in respect of the aforesaid supplies so long and as often as taken advantage of in each case at the rate of the following annual sums and that in lieu of the ordinary rates and charges to be from time to time levied by the first parties for water supplied outwith the said burgh of Montrose namely:—

(A) For Charleton House stables and gardens the sum of six pounds eleven shillings and sixpence;

(B) For Charleton Home Farm House and steading and Cottar House thereon the sum of one pound eighteen shillings;

(C) For Kinnaber House and garden the sum of two pounds fifteen shillings;

(D) For Kinnaber Farm and four cattle troughs on the said farm the sum of three pounds two shillings; and

Fifth—This agreement is made subject to the approval of the Secretary for Scotland and Parliament and shall be scheduled to and confirmed by the said Order promoted by the first parties In witness whereof these presents written on this and the preceding page by Charles Robert Woolard apprentice to Messrs. St. Clair Swanson and Manson Writers to the Signet Edinburgh are together with the marginal addition occurring on the thirty-first line on this page counting from the top hereof subscribed by the said Reverend John Schank More Gordon at Redhill Surrey upon the eighteenth day of February nineteen hundred and ten before these witnesses Walter Getsom domestic servant and Arthur Robert Bashford gardener both residing at Redhill Surrey aforesaid and on behalf of the provost magistrates and councillors of the burgh of Montrose by Valentine Stone provost and David Crombie Wills town clerk of Montrose at a meeting of their council held in Montrose upon the fourth day of April nineteen hundred and ten the common seal of said burgh being at same time

adhibited hereto all in presence of these witnesses John Robert Mitchell burgh treasurer and John Scarnel Officer solicitor both residing in Montrose aforesaid. A.D. 1910.

John R. Mitchell witness
John S. Officer witness
Walter Getsom witness
A. R. Bashford witness

Seal.

V. STONE provost
DAV. C. WILLS town clerk
J. S. M. GORDON

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