



CHAPTER xlviii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Ardrossan Gas and Water. A.D. 1901.
[2nd July 1901.]

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

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

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

2. This Act may be cited as the Ardrossan Gas and Water Order Confirmation Act 1901. Short title.

A.D. 1901.

SCHEDULE.

ARDROSSAN GAS AND WATER.

Provisional Order to authorise the Provost Magistrates and Councillors of the Burgh of Ardrossan to erect construct and maintain new Gasworks and to construct and maintain additional Waterworks and for other purposes.

WHEREAS the burgh of Ardrossan in the county of Ayr is managed and administered by the Provost Magistrates and Councillors thereof (herein-after called "the Town Council") under the Burgh Police (Scotland) Act 1892 and the Town Councils (Scotland) Act 1900 and the Town Council are also the local and road authority of the said burgh :

And whereas by the Ardrossan Gas and Water Act 1886 (herein-after called "the Act of 1886") the Town Council were authorised to acquire the gas and water undertakings of the Ardrossan Gas and Water Company incorporated by that Act in the manner and subject to the conditions therein expressed :

And whereas after the date of the passing of the said last-mentioned Act the Town Council in terms thereof duly paid the price fixed in terms of the said Act and obtained a deed of conveyance by the Company whereupon the undertakings of the Company were by virtue of the said Act transferred to and vested in the Town Council :

And whereas the Town Council have since the date of transfer been in possession of the said undertakings and have managed and administered the same under the provisions of the said Act :

And whereas the gasworks acquired from the Company and now owned by the Town Council are inadequate for the purposes of the gas supply of the burgh and are incapable of enlargement and the situation is moreover unsuitable for gasworks purposes :

And whereas the existing waterworks of the Town Council are now insufficient for the water supply to the burgh and for the trade and shipping thereof and it is necessary that an additional water supply should be obtained and additional waterworks constructed :

And whereas it is expedient that the Town Council be empowered to erect construct and maintain new gasworks and to manufacture and store gas and to manufacture and deal in the residual products arising therefrom and to supply gas within the burgh of Ardrossan and districts and places adjacent and to purchase take and acquire lands for these purposes :

And whereas it is expedient that the Town Council should be empowered to introduce an additional water supply and to acquire the lands and water for that purpose and to construct the waterworks herein-after described : A.D. 1901.

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

And whereas it is expedient to repeal alter and amend the Act of 1886 as herein-after mentioned :

And whereas the Town Council have borrowed for the purposes of the gas and water undertakings respectively under the Act of 1886 the sum of thirty-nine thousand eight hundred pounds of which there has been repaid the sum of five thousand three hundred and thirty-three pounds nine shillings and sevenpence :

And whereas it is expedient that the Town Council should be authorised to raise additional sums of money by rates assessments and charges and by borrowing for the purposes of this Order and of their gas undertaking and water undertaking :

And whereas it is expedient that the further powers herein-after contained should be conferred on the Town Council :

And whereas plans showing the lands which may be taken for the gasworks purposes of this Order and plans and sections showing the lines and levels of the several waterworks authorised by this Order and a book of reference to such plans respectively containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited in the offices at Ayr and Kilmarnock respectively of the principal sheriff clerk of the county of Ayr which plans and book of reference are in this Order referred to as the deposited plans and book of reference :

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

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

1. This Order may for all purposes be cited as the *Ardrossan Gas and Water Order 1901* and shall come into operation on the date of the passing of the Act confirming the same which date is in this Order referred to as "the commencement of this Order." Short title.

2. This Order is divided into parts as follows :—

Part I.—Preliminary.

Part II.—Gasworks.

Part III.—Waterworks.

Part IV.—Finance &c.

Act divided
into Parts.

PART I.

PRELIMINARY.

3. The following Acts and parts of Acts (so far as the same are respectively applicable for the purposes of and are not inconsistent with and not Incorporation
of Acts.

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Confirmation Act, 1901.

A.D. 1901. expressly varied by this Order) are hereby incorporated with this Order
namely :—

The Lands Clauses Acts ;

The Commissioners Clauses Act 1847 with respect to the mortgages to be
executed by the Town Council except clauses 84 86 and 87 ;

The Gasworks Clauses Act 1847 (except the provisions with respect to the
amount of profit to be received by the Undertakers when the gasworks
are carried on for their benefit) and the Gasworks Clauses Act 1871
except section 35 (Accounts &c.) ;

The Waterworks Clauses Act 1847 except the clauses and provisions with
respect to the communication pipes to be laid by the undertakers and
with respect to the amount of profit to be received by the undertakers
when the waterworks are carried on for their benefit and except the
words in section 44 thereof “with the consent in writing of the owner or
reputed owner of any such house or of the agent of such owner” 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 but such clauses and provisions shall apply
only in the case of the reservoirs embankments and other works
immediately connected therewith and in construing the said clauses and
provisions “the Company” means the Town Council “the railway”
means the said reservoirs embankments and other works authorised
by this Order and the “centre of the railway” means any part of these
works.

Interpretation. 4. In this Order the several words and expressions to which meanings
are assigned by the Acts wholly or partially incorporated herewith have the
same respective meanings unless there be something in the subject or context
repugnant to such constructions and the following words and expressions shall
have the several meanings hereby assigned to them (that is to say) :—

“The Town Council” shall mean the provost magistrates and councillors
of the burgh of Ardrossan ;

“The burgh” shall mean the burgh of Ardrossan ;

“Clerk” and “treasurer” and “collector” shall mean the town clerk and
treasurer and collector respectively for the time being of the burgh ;

“The Act of 1886” shall mean the Ardrossan Gas and Water Act 1886 ;

“Police Acts” shall mean the Burgh Police (Scotland) Act 1892 and
any Acts amending the same ;

“Lands and premises” shall have the same meaning as in the Police Acts ;

“The Valuation Acts” shall mean the Lands Valuation (Scotland) Act
1854 and any Acts extending and amending the same and the “valuation
roll” shall mean the roll or rolls made up in terms of the said Acts ;

“Sheriff” shall mean the sheriff of the county of Ayr and unless where
otherwise provided includes his substitutes ;

“The gas undertaking” shall mean and include all the lands and heritages gasworks and property plant works engines meters stoves machinery pipes and all other implements apparatus and appliances of the Town Council used and employed in and in connexion with the manufacture storage and supply of gas and in the manufacture and conversion of residual products and all the rights powers and authorities of the Town Council with respect to the same whether under the Act of 1886 or this Order;

“The water undertaking” shall mean and include all the lands and heritages waterworks and property plant works engines meters pipes and all other implements apparatus and appliances of the Town Council used and employed in and in connexion with the water supply of the Town Council and all the rights powers and authorities of the Town Council with respect to the same whether under the Act of 1886 or this Order.

5. This Order shall subject to the provisions thereof be carried into execution by the Town Council in all respects as a part of the business of the Town Council and according to their usual rules and practice of procedure.

Town Council to execute purposes of this Order.

PART II.

GASWORKS.

6. The limits of this Order for the supply of gas by the Town Council shall comprise and include the burgh of Ardrossan and the suburbs thereof and places adjacent (excluding the burgh of Saltcoats) within the parish of Ardrossan all in the county of Ayr which limits are in this Order called “the gas limits of this Order.”

Limits of Order for gas supply.

7. If at any time the local authority whether constituted before or after the passing of this Order of any district beyond the burgh included in the gas limits of this Order are desirous to purchase so much of the gas undertaking of the Town Council as is situate within such district and of such desire shall give to the Town Council at least six months' notice in writing the Town Council shall notwithstanding the provisions of section 2 of the Burgh Gas Supply (Scotland) Act 1876 or of any other Act at the expiration of such notice sell that portion of the gas undertaking (except the works mains and pipes or other apparatus which shall be necessary for supplying with gas the burgh and any other district or districts) at a price to be determined in default of agreement by arbitration in manner provided by the Lands Clauses Acts Provided that after the completion of such purchase all powers and obligations on the part of the Town Council to supply gas within the district of such local authority shall cease and determine.

Power for local authorities to purchase portions of undertaking within their district.

8. Subject to the provisions of this Order the Town Council may for the gasworks purposes of this Order enter upon purchase take hold and use compulsorily or by agreement such of the lands delineated on the deposited plans and described in the book of reference as are described in the First Schedule to this Order and as they may require for the said purposes of this Order.

Power to take lands.

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Period for compulsory purchase.

Omission or misstatement in plans or book of reference may be corrected.

Certificates to be deposited.

Powers as to construction and maintenance of gasworks &c.

Power to purchase lands by agreement.

Power to supply gas in bulk.

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

10. If there be any omission misstatement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Town Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission misstatement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or erroneously described and the decision of the sheriff in such matter shall be final. The certificate of the sheriff shall be deposited in the offices at Ayr and Kilmarnock of the principal sheriff clerk of the county of Ayr and such certificate shall be kept by such sheriff clerk along with the other documents to which it relates and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the Town Council may enter on purchase take hold and use for the purposes of this Order any lands in accordance with such certificate as if such omission misstatement or erroneous description had not been made.

11. Subject to the provisions of this Order the Town Council may upon the lands or upon any part thereof described in the First Schedule to this Order erect construct and from time to time maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences for the manufacture storage and supply of gas and the manufacture of residual products and may do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits of this Order and may manufacture make store distribute and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

12. The Town Council may for the purposes of their gas undertaking purchase take feu and hold (by agreement but not otherwise) in addition to the lands described in the First Schedule to this Order any lands and heritages not exceeding in the whole five acres which the Town Council may from time to time require for the purposes of their gasworks and gas undertaking or any part of the same but the Town Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Town Council under the powers of this Order for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Order and the existing gasworks of the Town Council.

13. The Town Council may contract and agree with any local authority corporation company or person for the supply of gas in bulk to such authority

corporation company or person for such period and on such terms and conditions as may be agreed. A.D. 1901.

14. The Town Council may (but not so as to acquire any exclusive right therein) purchase take and use any licence or authority to work use exercise or put in practice any invention under any letters patent heretofore made or hereafter to be made in relation to the manufacture or distribution of gas and the utilisation of residual products resulting from the manufacture of gas. Power to take licences.

15. The Town Council may purchase sell let for hire and fix set up alter remove and refix but shall not manufacture gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the Town Council as may be agreed upon between the Town Council and the persons to or for whom the same are sold supplied let fixed set up altered or removed Provided always that any such meters so far as they are the property of the Town Council shall not be subject to distress pointing or seizure for rent of the premises where the same may be used nor to be taken in execution under any process of a court of law or any proceeding in bankruptcy against the persons in whose possession they may be. Power to supply gas apparatus engines &c. for heating motive and other purposes.

16. The Town Council may with the consent of the owner and occupier of any building lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus. Power to lay pipes against buildings.

17. In case of any building occupied in flats or separate dwellings entering by a common stair or other access and belonging to one or more owners the Town Council may for the purpose of supplying any occupier or occupiers with gas lay and fit up service pipes in such common stair with branches to communicate with each separate flat or dwelling without the consent of any other owner or owners occupier or occupiers as the case may be Provided that any injury which may in the exercise of such power be done to any such stair or access shall be duly repaired by and at the expense of the Town Council. Power to fix service pipes in tenements.

18. All gas supplied by the Town Council to any consumer of gas for illuminating purposes shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch Pressure of gas.

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A.D. 1901. — and from sunset to midnight not less than eight tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Town Council of the time and place at which such testing shall be conducted.

Quality of gas. 19. The illuminating power of the gas supplied by the Town Council shall not be less than sixteen candles.

Burner. 20. The prescribed burner shall be an union jet burner or other burner approved of by the Board of Trade capable of consuming five cubic feet of gas per hour under a pressure equal to a column of water five tenths of an inch in height.

Testing place. 21. The prescribed testing place shall be some part of the gasworks of the Town Council or such other place or places as the Town Council may determine.

Town Council to fix price for gas. 22. The Town Council shall at and after the commencement of this Order fix the price to be charged by them for gas to be supplied during any succeeding year half year or quarter of a year and until such price be altered by the Town Council the price so fixed shall remain in force Provided always that the price to be charged for gas shall be such as will along with all other revenue to be derived by the Town Council from their gas undertaking for the time being under the powers and provisions of this Order as nearly as the same can be estimated raised such amount of money as will be sufficient to meet the costs and charges of and incident to the manufacture and distribution of gas and the manufacture and sale of residual products interest annuities and instalments of money borrowed under the Act of 1886 or this Order expenses of management maintenance and extension of works renewals repairs materials salaries wages taxes and all other annual outgoings charges and expenses relating to the gas undertaking and the payment of the sums required to be set apart for the sinking and reserve funds herein-after provided and any deficiency or surplus of revenue in any preceding year half year or quarter of a year as the case may be shall be carried forward to the debit or credit as the case may be of the succeeding period Provided that the prices to be charged shall be the same to all consumers under the like circumstances and the revenue of the gas undertaking shall be credited with an amount for the gas consumed for public purposes calculated at the rates charged to private consumers which amount shall be a charge upon the rates leviable for public lighting.

Obligation as to supply of gas. 23. The Town Council shall on the request in writing of the owner or occupier of any building or part of a building within one hundred yards of which any main of the Town Council is laid furnish to such owner or occupier

a supply of gas for such building or part of a building on the following conditions (that is to say) :— A.D. 1901.

- (1) That the person making such request do if required by the Town Council give to them at his own expense reasonable security for payment for the gas to be supplied;
- (2) That such person do pay the cost of and the expenses of laying all necessary pipes for such supply beyond the line of street or road where the main of the Town Council is placed;
- (3) That such person do if required by the Town Council pay in advance the estimated amount of such cost and expenses :

And any dispute as to any matter arising under this section shall be settled upon the application of either party by the sheriff whose decision thereof shall be final. Provided that if the Town Council neglect or refuse to furnish a supply of gas to such owner or occupier who has fulfilled or is ready to fulfil the conditions herein-before mentioned they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

24. Where any person fails to pay any gas rent or any rate rent or any sum whatever due under this Order to the Town Council on account of their gas undertaking the Town Council may recover the same with costs by proceedings in any court of competent jurisdiction and may also discontinue the supply of gas and their remedies under this enactment shall be in addition to their other remedies for the recovery thereof. Recovery of sums owing to Town Council.

25. Notice in writing shall be given to the Town Council by or on behalf of every gas consumer before he shall quit any premises supplied with gas by meter by the Town Council and by the trustee in bankruptcy of every such consumer who shall become bankrupt immediately after his appointment and in default of such notice the consumer so quitting or the estate of the bankrupt whose trustee shall make such default as the case may be shall be liable to pay to the Town Council the moneys accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises. Consumers to give notice to Town Council before removing.

26. If any person requiring a supply of gas from the Town Council has previously quitted premises at which gas was supplied to him by the Town Council without paying all gas or meter rent or other sums due from him the Town Council may refuse to furnish to him a supply of gas until he pays the same. Power to refuse to supply persons in debt for other property.

27. The gas rates rents and charges levied and received under the authority of this Order and the other revenues of the Town Council arising under and in connexion with the gas undertaking shall be applicable in the manner and in the order following (that is to say) :— Application of revenue

- (1) In payment of the expenses of managing maintaining and extending the gas undertaking including the annual costs charges and expenses of providing and supplying gas and of manufacturing and converting and dealing in the residual products arising therefrom and also the payment of any feu duties casualties ground annuities and rates and taxes exigible

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in respect of any lands or property forming part of the gas undertaking of the Town Council ;

- (2) In payment of the interest annuities and instalments of money already borrowed under the Act of 1886 and to be borrowed by the Town Council under this Order for the purposes of the gas undertaking ;
- (3) In from time to time providing the sums to be annually set apart for the sinking fund required by this Order for paying off money borrowed ;
- (4) In payment of such portion of the cost of enlarging or increasing or renewing and from time to time extending the gas mains and pipes as the Town Council shall think reasonable to charge against revenue for the year and of any other necessary annual expenditure ;
- (5) In providing a reserve fund if the Town Council in their discretion should at any time think fit to create the same but not to exceed in the whole the sum of twenty thousand pounds by setting aside such money as they may think reasonable and investing the same and the resulting income thereof upon securities upon which trustees are by law for the time being authorised to invest and accumulating the same at compound interest which reserve fund shall be applicable as and when the Town Council may determine from time to time to meet any deficiency at any time happening in the income of the Town Council from their gas undertaking or to meet renewals or any extraordinary claim or demand at any time arising against the Town Council in respect of their gas undertaking.

Sale of surplus lands.

28. The Town Council may at any time and in such manner and for such price or consideration as they may determine sell and dispose of the existing gasworks of the Town Council and of any lands and property belonging to them or which they may acquire under the powers of this Order and which may not be required for the purposes of the gas undertaking and all moneys received by the Town Council for the lands and property so sold shall be applied by them in paying off moneys borrowed by them or liabilities incurred properly chargeable against capital in connexion with the gas undertaking or in purchasing other lands and property and constructing gasworks.

Guarantee rate.

29. The Town Council shall fix impose levy and collect such a rate (to be termed "the gas contingent guarantee rate") as shall be necessary to meet any deficiency in the moneys required to pay the interest annuities and instalments of money borrowed under the Act of 1886 and to be borrowed under this Order and the sums required to be transferred to the sinking fund and other annual expenditure under the provisions and for the gas purposes of the Act of 1886 and this Order.

Assessment and levy of rate.

30. The gas contingent guarantee rate shall subject to the provisions of section 104 of this Order be imposed and levied by the Town Council on and from the occupiers of all lands and premises within the burgh according to the valuation roll in force therein for the time being and in the same manner as the burgh general assessment may be imposed and levied within the burgh under the provisions of the Police Acts and all the powers contained in the Police Acts with respect to the imposing levying payment collection and recovery of the assessments thereby authorised to be levied on and from

occupiers of lands and premises and with respect to the exceptions and exemptions from such assessment shall be and are hereby made applicable to the imposition levying payment collection and recovery of the gas contingent guarantee rate by this Order authorised to be raised in the same manner as if the said rate had been authorised to be levied under the authority of the Police Acts.

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PART III.

WATERWORKS.

31. 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 waterworks herein-after described or some of them together with all proper embankments dams weirs bridges roads rails approaches ways wells tanks basins gauges filter-beds stand-pipes sluices catchwater drains waste weirs outlets outfalls discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions meters valves engines buildings apparatus and conveniences connected with the said works or any of them or necessary or convenient for diverting taking collecting storing conducting distributing and regulating the supply of water for the purposes herein-after mentioned and for inspecting maintaining repairing altering cleansing managing and using the same and may enter upon take and use such of the lands and streams delineated on the deposited plans and described in the deposited book of reference as may be required for the said purposes or any of them The waterworks herein-before referred to and authorised by this Order are :—

Power to
make new
waterworks.

- (1) A reservoir (Work No. 1) at or near Busbie Muir wholly situate in the parish of Ardrossan and county of Ayr commencing at a point on the fence forming the western boundary of the highway leading from Ardrossan to Dalry nine hundred and fifty yards or thereby measured in a south-south-westerly direction from the southernmost corner of Knockewart Farm Steading and terminating at the embankment being the Work (No. 2) herein-after described ;
- (2) An embankment (Work No. 2) wholly situate in the parish of Ardrossan and county of Ayr commencing at a point in the field or enclosure numbered 697 on the revised Ordnance survey map of said parish at a point eighty-three yards or thereby measured in a north-north-easterly direction from the south-west corner of said field or enclosure and terminating in the field or enclosure marked 601 on said revised Ordnance survey map at a point eighty-five yards or thereby measured in a north-easterly direction from the south-west corner of said field or enclosure ;
- (3) A diversion (Work No. 3) of the highway leading from Ardrossan to Dalry wholly situate in the parish of Ardrossan and county of Ayr commencing at a point in the centre of said highway four hundred and sixty yards or thereby measured in a northerly direction from the north-west corner of Meikle Busbie Farm Steading and terminating at a point in the centre of said highway one thousand and twelve yards or

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thereby measured in a north-north-easterly direction from said point of commencement ;

- (4) A catchwater drain or channel (Work No. 4) situate partly in the parish of West Kilbride and partly in the parish of Ardrossan and county of Ayr commencing at a point on the line of the stream known as Gourock Burn ninety-five yards or thereby measured in a westerly direction from the south-eastern corner of the field or enclosure numbered 460 on the revised Ordnance survey map of the parish of West Kilbride and terminating at the point of commencement of the intended embankment (Work No. 2) ;
- (5) A conduit or line of pipes (Work No. 5) wholly situate in the parish of Ardrossan and county of Ayr commencing in the town of Ardrossan at the point where the centre line of Dalry Road is intersected by the centre line of Eglinton Street and terminating in the intended reservoir (Work No. 1) at a point one hundred and forty yards or thereby measured in a north-north-easterly direction from the south-eastern corner of the field or enclosure numbered 697 on the revised Ordnance survey map of said parish ;
- (6) A conduit or line of pipes (Work No. 6) wholly situate in the parish of Ardrossan and county of Ayr commencing by a junction with the conduit or line of pipes last herein-before described at the point where it is intersected by the prolongation westward of the line of the fence separating the field or enclosure numbered 646 from the field or enclosure numbered 654 on the revised Ordnance survey map of said parish and terminating in the Mill Glen reservoir belonging to the Town Council at the point where the west side of said reservoir is intersected by the prolongation eastward of the line of said fence ;
- (7) A road of access (Work No. 7) to Mill Glen reservoir belonging to the Town Council wholly situate in the parish of Ardrossan and county of Ayr commencing by a junction with the highway leading from Ardrossan to Dalry at a point three yards or thereby measured in a northerly direction from the south-west corner of the field or enclosure numbered 654 on the revised Ordnance survey map of said parish and terminating at a point three yards or thereby measured in a northerly direction from the south-east corner of said field or enclosure ;
- (8) A high level filter or filters and a clear water tank or tanks (Work No. 8) wholly situate in the parish of Ardrossan and county of Ayr in the field or enclosure numbered 654 on the revised Ordnance survey map of said parish ;
- (9) A low level filter or filters and a clear water tank or tanks (Work No. 9) wholly situate in the parish of Ardrossan and county of Ayr in the field or enclosure numbered 614 on the revised Ordnance survey map of said parish.

Power to deviate laterally and vertically.

32. The Town Council may in constructing the foresaid waterworks 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

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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 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 ten feet 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 lay above the ground any pipe which is not so shown on the deposited sections. Provided also 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 every 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 of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition.

33. The following provisions for the protection of the Glasgow and South Western Railway Company (herein-after called "the South Western Company") shall unless otherwise agreed between the South Western Company and the Town Council apply and have effect (that is to say):—

For protection
of Glasgow
and South
Western
Railway
Company.

(1) In constructing renewing maintaining or using the conduit or line of pipes (Work No. 5) by this Order authorised the same shall be carried under the Ardrossan and Largs Branch Railway of the South Western Company by a culvert to be constructed by the Town Council and the said culvert shall be constructed of such design materials and dimensions or at such depth as shall be reasonably approved of by the engineer for the time being of the South Western Company ;

(2) The Town Council shall not enter upon or interfere with the said railways works or property of the South Western Company further or otherwise than may be necessary for constructing maintaining using repairing and renewing the said conduit or line of pipes (Work No. 5) and they shall not alter or interfere with the lines or levels of the said railways or works of the South Western Company and they shall only acquire such an easement or servitude over through or in any land or property of the South Western Company as may be required for constructing maintaining using repairing and renewing the said conduit or line of pipes (Work No. 5) or the said culvert as aforesaid and the construction maintenance repair and renewal of the said conduit or line of pipes (Work No. 5) and culvert shall be done under the superintendence and to the reasonable satisfaction of the engineer of the South Western Company and at the expense of the Town Council. Provided that the Town Council shall submit plans and sections of the said works for approval at least twenty-eight days before commencing the construction of said works so far as affecting the railways of the Company and if such engineer shall not within the said period have expressed in writing his approval or disapproval of such plans and sections the Town Council may proceed with the works in accordance therewith ;

A.D. 1901.

- (3) The aforesaid works and operations of the Town Council under this Order so far as they cross or interfere with the railways of the Company shall be constructed and completed and subsequently maintained and renewed so as not to injuriously affect or cause any injury to the said railways works or property or lands of the South Western Company or any interruption to the passage or conduct of traffic over any such railways and the Town Council shall restore and make good any injury or disturbance caused by them to the said railways works and property of the South Western Company in the construction or maintenance of the said conduit or line of pipes (Work No. 5) under or over the said Ardrossan and Largs Branch Railway or through the lands of the South Western Company :
- (4) If any such injury or interruption shall arise from or be caused by or owing to the works or operations of the Town Council and shall not arise from or be caused by the fault or operations of the company the Town Council shall forthwith make good or remove such injury or interruption at their own expense or on failure of the Town Council the South Western Company may do the same and the Town Council shall pay to the South Western Company all costs or expenses and loss or damage incurred or sustained by them in respect thereof ;
- (5) In the event of the South Western Company hereafter widening their said Ardrossan and Largs Branch Railway the Town Council shall afford the Company all reasonable facilities for doing so at the sole expense of the South Western Company ;
- (6) If any difference shall arise between the Town Council and the South Western Company or between their respective engineers as to the said plans or sections or as to the mode of executing or maintaining the whole or any part of the works under this section or any expenses incurred by the South Western Company in connexion with the said works or as to any costs loss or damage provided for in this section such difference shall be determined by an arbiter to be appointed by the Board of Trade on the application of either the Town Council or the South Western Company and the costs of any such reference shall be borne and paid as the said arbiter shall direct.

Power to alter roads &c. temporarily.

34. For the purposes and during the execution of the waterworks authorised by this Order and in maintaining the same and subject to the provisions of this Order the Town Council may break up or cross over or under alter or stop up temporarily or use 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 book of reference which they may find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway or railway or the flow of water gas sewage or electricity in any such sewer drain watercourse canal or pipe and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with electric apparatus or

other property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

A.D. 1901.
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35. So soon as the substituted portion of the highway leading from Dalry to Ardrossan situate in the parish of Ardrossan and county of Ayr and by this Order authorised to be diverted is formed and ready for traffic and certified by the sheriff as in the next following section provided and open to the public the Town Council may stop up and extinguish all rights of way over the portion of the said existing road between the points of the commencement and termination of the said diversion thereof and may appropriate for the purposes of this Order the site of the said road so stopped up and diverted.

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

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

Maintenance of diverted road.

37. The Town Council may by means of the waterworks by this Order authorised and by the existing waterworks of the Town Council or some of them or some part or parts thereof divert impound take appropriate store use and distribute the waters of the streams following (that is to say) The waters of the streams called Gourock Burn Kirkland Burn Montfode Burn and Rowanside Burn and the affluents thereof 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 water limits or to such places beyond the same as authorised by this Order for the domestic and other purposes for which the Town Council are by the Act of 1886 and this Order authorised to supply water.

Power to take water.

38. The Town Council may subject to the provisions of this Order take by agreement and any persons by the Lands Clauses Acts or otherwise enabled to sell lands may grant to them any estate servitude interest right or privilege (not being a servitude of water in which persons other than the grantors have an interest) required for the purposes of the water undertaking in over affecting or belonging to lands at a price or yearly rent feu duty or otherwise but in the case of a person not enabled otherwise than by the said Acts to sell lands then subject and according to the provisions relative to the taking of lands by agreement contained in the said Acts and for the purposes of this section any such estate servitude interest right or privilege shall be deemed to be lands within the meaning of those Acts.

Power to agree for servitudes &c.

A.D. 1901.

Lands for
extraordinary
purposes.

39. In addition to the lands authorised to be taken and acquired for waterworks purposes under the powers of this Order the Town Council may purchase by agreement lands not exceeding ten acres for the purpose of making depôts pipe yards and other buildings and conveniences in connexion with the water undertaking of the Town Council but 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 land taken under the powers of this section and no house or building shall be erected on any such lands other than any houses or buildings which may be required in connexion with the undertaking of the Town Council.

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

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

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

Limiting time
for exercise of
compulsory
powers of
purchase.

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

Period for
completion of
works.

42. If the waterworks authorised by this Order are not completed within seven years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Town Council for executing any works not so completed or in relation thereto shall (except where otherwise agreed on between the Town Council and any person whose lands may be affected) cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Town Council from maintaining using laying extending enlarging altering replacing relaying increasing adding to or removing any of their conduits aqueducts mains or pipes at any time and as occasion requires for the purpose of supplying water within the limits of this Order or beyond the said limits as authorised by this Order.

Confirmation
of agreements.

43. The agreements respectively set forth in the sixth and seventh schedules to this Order are hereby confirmed and made binding on the parties thereto respectively.

Restriction on
taking houses
of labouring
class.

44.—(1) The Town Council shall not under the gasworks or waterworks powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the

Council may prescribe the size nature strength materials mode of arrangement and repair of the pipes valves cocks cisterns waterclosets and other apparatus to be used and may interdict any arrangement and use of any such apparatus which in their judgment may tend to any such waste misuse undue consumption or contamination and they may make byelaws for regulating all or any matters and things whatsoever connected with the supply of water and may impose such penalties for breaches of such byelaws not exceeding forty shillings for each offence as may be considered expedient Provided always that any byelaws made by the Town Council in the exercise of the power conferred on them by this section shall be operative only in those parts of the limits of compulsory supply in which the Town Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and shall not be operative unless such byelaws shall have been approved of and confirmed by the sheriff. A.D. 1901.

59. Every person who shall wilfully carelessly or without due authority from the Town Council in any way interfere with any valve pipe lock cock or other apparatus or works of the Town Council or with any meter used for registering the quantity of water supplied by the Town Council to the injury of the Town Council shall without prejudice to any other right or remedy competent to the Town Council be liable to a penalty not exceeding five pounds for every such offence. Penalty for interference with Town Council's valves &c.

60. If any of the apparatus herein-after defined shall be out of order the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same and if such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do by the Town Council or by any duly authorised officer of the Town Council the Town Council or any person authorised by them may enter upon such premises and repair renew and make water-tight all such apparatus and shall be entitled to recover from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner by the Acts herewith incorporated provided for the recovery of penalties or by action in any court of competent jurisdiction and for the purposes of this section the word "apparatus" means and includes pipe cistern bath watercloset ball-cock stop-cock valve and other articles used in the supply or storing of water in houses manufactories or premises or in connexion therewith Provided that in the event of such repair or renewal being paid by the occupier of any such house or premises he shall be entitled to recover such expense from the owner thereof or to deduct the same from his rent unless otherwise provided for by the terms of the tenancy. Town Council may repair apparatus on failure by owner or occupier.

61. Every person who takes or uses water belonging to the Town Council for any purpose other than domestic or drinking purposes except under and in accordance with the provisions of the Act of 1886 and this Order shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty of five pounds for each day any such offence continues after conviction. Penalty for taking water except for domestic use.

A.D. 1901.

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

62. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the Town Council without their written consent to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the Town Council or to any service pipe or apparatus of such owner or occupier for the purpose of washing horses carriages or other vehicles houses or buildings or for watering gardens or washing pavements or roads or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for every such offence forfeit and pay to the Town Council a penalty not exceeding forty shillings.

Consumer to
provide meter.

63. For ascertaining the quantity of water to be supplied by measure the consumer shall provide a meter to be approved by the Town Council and the whole expense attending the providing connecting maintaining keeping in repair and removing such meter shall be paid by the consumer Provided that the Town Council may at any time examine any such meter and if they find the same defective may remove it and stop the supply.

Town Council
to estimate
annual sums
required.

64. The Town Council shall at and after the commencement of this Order and they are hereby authorised and required, once in every year to estimate and fix the amount of money necessary to be levied for the purposes of the water undertaking for defraying the costs charges and expenses of supplying water for and during the year then current and the interest and instalments of money already borrowed by the Town Council or of so much thereof as is applicable to the existing waterworks and the interest and instalments of money that may be borrowed or due under and for the waterworks purposes of this Order and the payment to the sinking and reserve funds together with the expense of maintaining and managing or extending the works mains and pipes of the water undertaking of the Town Council and obtaining and providing and distributing supplies of water within or beyond the water limits and the whole or such portion of the salaries wages and other expenses of the treasurers engineers surveyors clerks collectors or other officers or servants employed by the Town Council as they shall think equitable and fair to charge to such account and all other charges obligations and expenses chargeable against revenue.

Estimate to be
considered
and domestic
water rate
imposed.

65. The estimate to be made up in manner before provided shall be submitted to and considered by the Town Council at a meeting to be called for the purpose and at such meeting or any adjournment thereof the Town Council may and they are hereby authorised and required in order to raise such a sum of money as along with the public water rate after mentioned and other water revenues of the Town Council shall be sufficient for the purposes of the water undertaking annually to impose assess and levy a rate (and that over and above and in addition to any rates which the Town Council are authorised to impose or levy or may have imposed under the Police Acts or under any other Act in force within the burgh) to be called "the domestic water rate" upon and from the occupiers of all lands and premises and the parts and pertinents of the same within the limits of compulsory supply on the full yearly rent or value of dwelling-houses offices shops warehouses public buildings farm buildings and all other residential or business premises and on one fourth of the full annual value of all other lands and premises including

fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. A.D. 1901.

(2) If the Town Council acquire or appropriate any house or houses under the powers by this Order granted in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

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

45. The limits of this Order for the supply of water by the Town Council shall comprise and include the burgh and the suburbs thereof and places adjacent (excluding the burgh of Saltcoats) within the parish of Ardrossan (which limits are in this Order referred to as "the water limits"). Limits of Order for water.

46. The limits for the compulsory supply of water by the Town Council shall be the burgh (which limits are in this Order referred to as "the limits of compulsory supply"). Limits of compulsory supply and limits of Order.

47. The Town Council may subject to the provisions of this Order and notwithstanding the expiration of the period limited for completion of works lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the mains pipes and other conveniences for conveying and distributing water under the powers of this Order Provided always that such laying down extension enlargement or increase shall be executed only on lands or property belonging to the Town Council or which may be acquired by them by agreement or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes. Town Council may enlarge or increase number of pipes.

48. The Town Council may at any time for the purposes of conveying water from any of the sources of their water supply whether existing or authorised or for distributing and supplying water within the limits districts or areas or any part of the same within which the Town Council are authorised to supply sell or distribute water either in bulk or otherwise and that whether within the water limits or beyond the same (and so far as beyond such limits 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 Laying mains on public roads.

A.D. 1901. temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all persons injuriously affected by anything done under the provisions of this section.

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

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

Pressure.

50. The water to be supplied from any main or pipe of the Town Council need not be constantly laid on under pressure nor be supplied in any case at a level above or at a greater pressure than can be supplied or afforded by gravitation from the service reservoirs or tanks from which the supply is taken.

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

51. The Town Council shall cause pipes to be laid so far as not already laid and water to be brought through all streets and roads or portions of streets or roads along which houses are built within the limits of compulsory supply and from the works by this Order authorised to be constructed and the existing waterworks of the Town Council or any of them at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the limits of compulsory supply or any person entitled to demand a supply of water under the provisions herein contained furnish to such person by means of communication pipes and other necessary and proper apparatus to be provided laid down and maintained by and at the cost of such person unless otherwise agreed between him and the Town Council a sufficient supply of water for domestic purposes in any such house or dwelling (including a supply for private waterclosets and private fixed baths in each such dwelling-house) including the office houses yards and other pertinents of the same. Provided that no person shall be entitled to demand such supply of water or to require the Town Council to lay down pipes or fire plugs unless some pipe of the Town Council shall have been laid within one hundred feet of the premises in respect of which such supply of water or pipes or fire plugs are demanded or in the case of tenements situated in a private close or place unless a water pipe of the Town Council shall have been laid within one hundred feet of the entrance to such close or place.

Town Council may supply water for other than domestic purposes within limits of compulsory supply.

52. The Town Council may furnish to any corporation company or person within the limits of compulsory supply a supply of water for other than domestic purposes to shops offices and warehouses and for steam engines or railway purposes or for warming or ventilating any premises other than dwelling-houses or for working any machine or apparatus or for cattle or for horses or for washing carriages or for gardens fountains or ornamental purposes or for any trade manufacture business or occupation or for hotels

taverns public houses licensed grocers' premises poor houses hospitals prisons barracks schools or other public buildings or for any other purpose not domestic and either by measure or otherwise such respective supplies being so furnished at such special rates and upon such terms and conditions as may be agreed on or in the event of disagreement either as to the ability of the Town Council to give the supply or as to the rate or terms or conditions on or in respect of which the supply is to be given the same shall be fixed by the sheriff upon summary application by either of the parties and the decision of the sheriff shall be final. Provided always that so far as possible the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply and the charges for such supply shall be recoverable in the same manner as any other water rates or charges may be recovered under the authority of this Order. Provided further that for water so supplied the Town Council shall not charge the persons obtaining the same with the domestic water rate for the premises for which such supply is given and also charge for the same by measure under this section but the Town Council shall have the option either to charge the persons obtaining such supply with the domestic water rate in respect of such premises or to charge by measure. Provided also that the supply of water under this section shall not prejudicially affect or restrict the supply of water from time to time required for domestic use within the limits of compulsory supply.

A.D. 1901.

53. The Town Council may supply water beyond the limits of compulsory supply by measure or otherwise from the lines of pipes by this Order authorised or from any of the waterworks of the Town Council to any owners and occupiers of lands and premises lying adjacent or near to the same and to any local authority corporation company or person beyond the limits of compulsory supply through which the said lines of pipes and waterworks of the Town Council may pass and the Town Council may contract with all or any such persons and authorities for such supply at such rates and upon such terms and conditions and for such period or periods of time as they may agree. Provided always that any such supply of water to any local authority corporation company or person shall not prejudicially affect or restrict the supply of water from time to time required within the limits of compulsory supply. Provided further that the supply of water by the Town Council under this section shall be subject to the consent of any local authority affected by such supply or any company who at the commencement of this Order are authorised to supply water beyond the aforesaid limits.

Power to Town Council and local authorities &c. to agree as to supply of water on lines of pipes beyond limits of compulsory supply.

54. The charge for the supply of water under the two immediately preceding sections 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 always that where the supply is furnished by measure the consumer may be required to deposit such sum in security of the payment for such supply as the Town Council may think necessary.

Payment of charge for water supply.

A.D. 1901.

Cleansing
sewers &c.

55. The Town Council may if they see fit furnish a supply of water for the purposes of watering or cleansing streets or of flushing or cleansing sewers and drains or for public baths or wash-houses or for public fountains or wells either gratuitously or at such charge or reduced charge and upon such terms and conditions as they shall think proper.

Owners to
provide and
maintain
service pipes.

56. For the purpose of providing for the better distribution of the water supply among the inhabitants of the burgh the Town Council may require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street within the limits of compulsory supply in which the pipes of the Town Council are laid to take a supply of water for such house or tenement by connecting a service pipe with the main pipe of the Town Council in any such street (such connexion to be made by the Town Council or some person to be employed by them at the expense of the owner) and to provide lay and maintain in good and sufficient repair such service pipes stand-pipes or taps cisterns and other means and apparatus and in such positions as shall appear to the Town Council to be necessary for that purpose and in the event of refusal or delay on the part of such owner to comply with such requisition it shall be lawful for the Town Council to enter such house or tenement and premises connected therewith and to provide lay and maintain such service pipes stand-pipes or taps cisterns and other means and apparatus in such positions as aforesaid and to recover the expense thereof from such owner in the same manner as rates or charges are recoverable by the Town Council under this Order and the Waterworks Clauses Acts 1847 and 1863 Provided always that in the case of houses not exceeding four pounds of yearly rent or value such owner shall not be required to introduce water into each house but only such means of supply for each tenement of houses as the Town Council may deem necessary Provided also that in case of any question or difference arising between the Town Council and such owner with respect to the necessity for such supply being provided for any such house or tenement or with respect to the number or description of service pipes stand-pipes or taps cisterns or other means and apparatus necessary for the purpose aforesaid the same shall be determined and fixed by the sheriff on summary application by either of the parties and the decision of the sheriff shall be final and not subject to appeal or review in any court or by any process whatsoever.

Provision as to
common pipe.

57. When there shall be in any building or part of a building within the limits of compulsory supply a common pipe the supply through and from which pipe shall be used by or shall be accessible to the various occupants of such building or part of a building as aforesaid nothing in this Order shall render it obligatory upon the Town Council to give or continue a supply of water through or from such common pipe unless the several water rates and charges which may be payable under the provisions of this Order to the Town Council in respect of the supply of water through such common pipe to such building and every part thereof shall first have been paid to the Town Council by the owner or occupier of such building or part of a building as aforesaid.

Regulations
for preventing
waste &c. of
water.

58. For the purpose of preventing the waste misuse or undue consumption or the contamination of the water supplied by the Town Council the Town

lands and premises used exclusively as a canal or towing-path for the same or used exclusively as a railway constructed under the powers of any Act of Parliament (excepting the stations depôts and buildings thereof which shall be assessed on their full annual value) Provided always that as regards all persons who shall be the occupiers of any subjects or premises (other than tenements situate in a private close or place) they shall not be liable to be assessed in respect thereof for the domestic water rate unless some pipe of the Town Council shall be laid down within one hundred feet of the outer wall fence or boundary of the same Provided further that as regards the occupiers of tenements situate in a private close or place they shall not be liable to be assessed in respect of such tenements for the said rate unless some pipe of the Town Council shall be laid down within one hundred feet of the entrance to such close or place or the nearest part thereof.

A.D. 1901.

66. The Town Council may and they are hereby authorised and required subject to the provisions of section 104 of this Order annually to impose assess and levy a rate to be called "the public water rate" upon and from the owners of all lands and premises within the limits of compulsory supply according to the full yearly rent or value thereof for the year then current which rate shall not exceed twopence in the pound on the rental or full annual value of all such lands and premises and such public water rate may be levied by the Town Council from the occupiers of such lands and premises and any occupier so paying shall be entitled to deduct from his rent the rate so paid by him Provided always that the public water rate shall not in any one year exceed one fourth of the domestic water rate in the same year.

Public water
rate to be
levied.

67. The annual rent or value of all lands and premises liable to be assessed for the domestic water rate and the public water rate respectively shall be fixed by the valuation roll or valuation rolls Provided always that where the valuation roll does not afford the means of assessing the said rates or either of them in terms of this Order the same shall be assessed by the Town Council in such manner as shall in their opinion be just.

Mode of
ascertaining
rental of
property.

68. The annual value of the following lands and premises shall for the purposes of the public water rate be held to be the nearest aggregate sum of one pound sterling to one fourth of the annual value thereof entered in the valuation roll viz. :—

Lands &c.
how to be
valued.

- (1) All lands and premises used exclusively as a canal or basin of a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament excepting the stations depôts and buildings which shall be assessable to the same extent as other lands and premises within the limits of compulsory supply ;
- (2) All the underground gas and water pipes or underground works of any gas or water undertaking ;
- (3) All woodland arable meadow or pasture ground or other ground used for agricultural purposes ;
- (4) All mines minerals and quarries.

69. When any premises in respect of which any person may be liable to be assessed for the domestic water rate under the provisions of this Order shall

Unoccupied
premises:

A.D. 1901. at the time of assessing any such rate be unoccupied then and in every such case it shall be lawful for the Town Council to include such premises describing them in the column in the water rate book appropriated to the name of occupier as being "unoccupied" and if any such person shall afterwards occupy such property during any part of the period for which such rate may have been assessed it shall be lawful for the Town Council to insert the name of such occupier and to levy from him or from the owner if he shall be liable to pay the same as in this Order provided such part of the said rate as shall be proportioned to the time during which such person shall occupy such property and every such person shall thereupon be deemed to all intents and purposes to be properly rated and all such rates may be levied and recovered from the person who shall be liable to pay the same under the provisions of this Order Provided always that any such person whose name shall be so inserted in such water rate book and such owner as last aforesaid may appeal against the same to the Town Council as provided by this Order Provided also that except as aforesaid no domestic water rate shall be payable by any person whatsoever in respect of unoccupied premises.

Power to rate the owners of houses in certain cases.

70. The owners of all dwelling-houses or parts of dwelling-houses occupied as separate tenements the annual rent or value of which houses or tenements shall not exceed the sum of four pounds shall be liable to the payment of the domestic water rate instead of the occupiers thereof and the powers and provisions herein contained for the recovery of the domestic water rate from occupiers shall apply and be construed to apply to the owners of such houses and tenements and the person receiving the rent of any such house or tenement as aforesaid from the occupier thereof on his own account or as agent or factor for any person interested therein shall be deemed the owner of such house or tenement Provided always that the Town Council shall allow to the owners of all dwelling-houses or parts of dwelling-houses occupied as separate tenements not exceeding four pounds of annual rent or value who shall pay the domestic water rate authorised to be levied thereon by this Order an abatement of ten per centum on the amount of such rate paid by such owners Provided also that such owners shall in the absence of agreement to the contrary be entitled to recover from the occupiers of such houses the amount of the rates payable for their respective possessions.

Assessment of lands and premises let for less than one year.

71. The owners of all lands and premises which are let for a period less than one year shall themselves be liable for and shall pay the domestic water rate on such lands and premises.

Form of rate and notice thereof to ratepayers.

72. Every assessment for the domestic water rate and the public water rate shall be fairly transcribed in the water rate book to be kept for that purpose and which may be in the form of the Fifth Schedule to this Order annexed or to the same effect and every such assessment shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and a notice shall be given to every person of the rate charged upon him the place of payment and the date at which such payment is required to be made and that he may appeal to the Town Council against the same on a day to be specified in such notice and also

specifying the date on which appeals by any person complaining that he has been improperly assessed shall be heard by the Town Council. A.D. 1901.

73. If the name of any owner or occupier whose name is required to be entered in the water rate book of the Town Council under the provisions of this Order shall not after due inquiry be known to the Town Council it shall be sufficient to state such owner or occupier in the water rate book as the owner or occupier of the property to be rated by the designation of "the owner" or "the occupier" without stating his name or by such or the like description or designation as may appear in the valuation roll in force for the time.

Owner or occupier may be entered in water rate book without stating his name.

74. The water rate book immediately after any rate is assessed shall be open to the inspection of any person interested or liable to pay such rate at all reasonable times and any such person may take copies or extracts from the water rate book of the rate in which he is interested or for which he is liable without paying anything for the same and any person having the custody of such rate book who refuses or does not permit any person so interested or rated as aforesaid to take copies or extracts in regard to such rate shall for every such offence be liable to a penalty not exceeding five pounds.

Water rate book to be open to inspection of ratepayers.

75. The Town Council may amend the water rate book in respect of any such rate assessed by virtue of this Order by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting therein the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been rated or by making such other amendments therein as will make such rate conformable to this Order and no such amendment shall be held to make void the rate. Provided always that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in the water rate book and no such alteration had been made and as respects such person the rate shall be considered to have been assessed at the time when he received notice of such alteration.

Rates may be amended.

76. If any person shall consider himself to be improperly or unduly rated he may on or before the date specified in the notice of assessments for lodging appeals lodge with the collector written objections signed by him and the Town Council or a committee named by them shall proceed on such days and at such places as shall be fixed by them and of which notice shall have been previously given to consider such objections and shall dispose thereof summarily and without written pleadings and the decision of the Town Council or committee shall be final.

Any person aggrieved may lodge objections and be heard.

77. The Town Council may assess the domestic water rate and the public water rate prospectively in order to raise money to pay the interest on borrowed money and contributions to the sinking fund annuities and instalments and charges and expenses to fall due or to be incurred thereafter or retrospectively in order to raise money to pay interest and contributions to the sinking fund annuities and instalments and charges and expenses already due or incurred and such assessments may be made levied and recovered notwithstanding

Assessment of water rate.

[Ch. xlviii.] *Ardrossan Gas and Water Order* [1 EDW. 7.]
Confirmation Act, 1901.

A.D. 1901. that the works authorised by this Order may not at the time have been made or a supply of water given therefrom within the limits of compulsory supply and the domestic water rate and the public water rate shall be assessed for the period from the term of Whitsunday in each year to the term of Whitsunday in the year following and shall be payable at such place or places and on such day in each year as the Town Council shall appoint or otherwise as the Town Council may determine and the first assessment under this Order may be made and imposed as from the term of Whitsunday one thousand nine hundred and one.

Mode of recovery of rates.

78. The rates assessments rents and charges authorised to be levied under this Order for water supply shall be collected and recovered by the Town Council under the powers and provisions of the Burgh Police (Scotland) Act 1892 applicable to the collection and recovery of the burgh general assessment and sections 353 to 357 and relative schedule of the said Act shall mutatis mutandis apply to the collection and recovery of such rates assessments rents and charges as if the same were assessments levied under that Act.

Water rate book to be evidence.

79. In any proceeding to levy and recover or consequent on the levying or recovering of any rate rent or charge under the provisions of this Order the water rate book of the Town Council shall be received as evidence of such rate and of the amount thereof.

Public rates to be open to inspection of Town Council and others.

80. The Town Council or any person by them authorised may inspect all or any of the public or parish rates and assessments embracing the lands and premises within the limits of this Order or any part thereof or within any district in which the Town Council may and are for the time supplying water under the provisions of this Order and the books in which are contained all the assessments by which the same are made and may take copies thereof or extracts therefrom respectively and any person having the custody of such rates and assessments and books who shall not suffer the Town Council or any person authorised by them to inspect the same at reasonable times or to take copies thereof or extracts therefrom shall be liable to a penalty not exceeding five pounds for each offence.

Rates may be levied under the Burgh Police (Scotland) Act 1892.

81. If at any time it shall appear to the Town Council that the rates assessments rents and charges authorised by this Order may be more conveniently levied as well as collected and recovered under the procedure prescribed by the Police Acts the Town Council may levy the said rates assessments rents and charges authorised by this Order accordingly and the same may be levied either along with the burgh general assessment authorised by the Burgh Police (Scotland) Act 1892 or separately as the Town Council may deem most expedient.

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

82. If in any year the water revenue of the Town Council shall be more than sufficient for all the purposes to which it is applicable the Town Council shall carry the surplus to the credit of the account for the following year and when a deficiency occurs in one year it shall be provided for in the estimate and by assessment in the next year and the Town Council shall as nearly as possible so regulate the rates rents or charges that they may one year with another respectively produce the amount of money required. Provided

always that the Town Council shall not be bound under this Order to impose any rate other than a rate consisting of an integral number of pence in the pound.

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

Application of rates and charges.

- (1) In payment of the expenses of managing and maintaining the water undertaking including salaries and other payments to officers and servants and the annual costs charges and expenses of providing and supplying water and paying any feu duties casualties rents and ground annuals and other annual payments exigible in respect of any lands streams or property forming part of the water undertaking ;
- (2) In payment of the interest and instalments of money already borrowed under the Act of 1886 and to be borrowed by the Town Council under this Order for the purposes of the water undertaking ;
- (3) In providing the sums to be annually set apart for the sinking fund required by this Order for paying off money borrowed ;
- (4) In payment of such portion of the costs of enlarging or increasing renewing and extending the works mains and pipes as the Town Council shall think it reasonable to charge against the revenue for the year and of any other necessary annual expenditure and for providing a reserve fund for the purposes of the water undertaking which the Town Council are hereby authorised to make to meet any contingencies.

84. 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.

Application of penalties.

85. 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 in respect of offences against any of such provisions or byelaws may be recovered summarily by the Town Council under the Summary Jurisdiction (Scotland) Acts.

Prosecution of offences.

PART IV.

FINANCE &C.

86. The Town Council may without prejudice to their existing powers of borrowing under the Act of 1886 and in addition to the amount borrowed thereunder borrow on mortgage or otherwise any sums required for the gasworks purposes of this Order and for the repayment of any money already borrowed under the Act of 1886 for gasworks purposes and for the general purposes of the gas undertaking not exceeding forty thousand pounds and the Town Council may in like manner borrow any sums required for the waterworks purposes of this Order and for the repayment of any money already

Power to borrow.

A.D. 1901. borrowed under the Act of 1886 for waterworks purposes and for the general purposes of the water undertaking not exceeding sixty thousand pounds and may make and grant mortgages or other securities of the several rates assessments rents and charges by this Order authorised applicable to the gas undertaking and the water undertaking respectively in security of the money so borrowed and interest thereon and any sums so to be borrowed may be borrowed on terms providing for the repayment thereof by annuity instalment or otherwise Provided that nothing herein contained shall operate to extend the period limited by the Act of 1886 for the repayment of any existing debt.

Town Council
may re-borrow.

87. If after having borrowed the respective 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 herein-after mentioned 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.

Town Council
may borrow
on cash
account.

88. 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 for gasworks purposes and waterworks purposes respectively or any part thereof and may make and grant mortgages or other securities of the several rents assessments rates and charges so applicable respectively authorised and leviable under the authority of this Order 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 borrowed by them on mortgage shall never when taken together exceed the aggregate amount of the sums by this Order authorised to be borrowed.

Borrowing
power for
current
expenses.

89. In order to raise such money as may be necessary to defray the current annual expenditure for the gas undertaking and the water undertaking respectively of the Town Council until the rates assessments rents and charges applicable to those undertakings respectively which they are authorised to levy shall be levied and collected they may borrow during the currency of any year from the fifteenth day of May in one year to the fifteenth day of May in the succeeding year in addition to the other sums authorised to be borrowed on the security of such rates assessments rents and charges in such way and manner as they may deem most expedient any sum or sums not exceeding in the whole two third parts of the estimated amount of such rates assessments rents and charges for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided always that such sums so borrowed shall be paid off and extinguished at or before the fifteenth day of May concluding the year to which such borrowing applies.

Form of
mortgage.

90. Every mortgage to be granted by the Town Council shall be by deed duly stamped in which the consideration shall be truly stated and may be in

the form contained in the Second Schedule to this Order or to the like effect or as the circumstances may require. A.D. 1901.

91. Every mortgage or other deed to be made granted or executed by the Town Council under this Order shall be granted in their corporate name and shall be signed at a meeting of the Town Council by the provost or other magistrate or councillor presiding and by the town clerk either with or without the common seal being adhibited and all drafts or orders on any bank account of the Town Council for their gas undertaking and water undertaking respectively and on the cash account before mentioned shall be signed by the treasurer or collector and one or more town councillors as the Town Council shall from time to time appoint. Provided always that no town councillor or any officer of the Town Council shall by his subscription of any deed mortgage interest warrant draft or order be or be held to have rendered himself individually or personally liable for any obligation or for the payment of any money borrowed drawn or received or any interest thereon or of any sums whatsoever in respect thereof.

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

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

Transfer of mortgages.

93. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the Town Council official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred.

Transmission of mortgages in case of bankruptcy.

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

Mortgages of rates to be personal estate.

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

Discharge of mortgages.

96. The Town Council may and in the event of their borrowing otherwise than on terms of repayment by annuity or instalment shall in each year after the expiration of two years from the date of borrowing set apart as a sinking fund from and out of the rates assessments rents and charges and other moneys received by them from or on account of the gas undertaking and the water undertaking respectively (other than money borrowed or other moneys of a capital nature) such a sum as shall by accumulation with compound interest thereon at the rate of three per centum per annum be

Sinking fund.

A.D. 1901. — sufficient to pay off the whole of the moneys that may be borrowed by them under the authority of this Order for the purpose of their gas undertaking within forty years from the time of borrowing and for the purpose of their water undertaking within fifty years from the time of borrowing. Provided always that in the event of such repayment being made by way of annuity or instalment the annual amount of such annuity or instalment shall be sufficient to pay off as aforesaid the whole of such money so borrowed within the forèsaid respective periods of forty and fifty years. Provided further that the costs of obtaining this Order if borrowed shall be repaid within five years.

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

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

Application of moneys borrowed.

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

Reservation of prior mortgages.

99. Nothing in this Order shall prejudice or affect the priority of or other rights or remedies under any mortgages or securities or obligations granted by the Town Council before the commencement of this Order and then subsisting and all moneys borrowed under such mortgages securities or obligations shall so far as still owing rank for payment in priority to any moneys to be borrowed under this Order.

Protection of lender from inquiry.

100. 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 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.

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

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For appointment of a judicial factor.

102. Sections 44 68 69 76 90 and 96 of the Act of 1886 and all other provisions of that Act so far as they are inconsistent with the provisions of this Order are hereby repealed. Provided that such repeal shall not prejudice or affect anything previously done or any act or deed previously made and granted in pursuance of the said Act or of any sections or provisions thereof hereby repealed nor the agreements set forth in the several schedules to the said Act.

Repeal of Act of 1886.

103. Nothing contained in this Order shall prejudice or affect the agreements scheduled to the Act of 1886.

Saving of agreements of Act of 1886.

104. Nothing contained in this Order shall prejudice or affect the rights if any of the Ardrossan Harbour Company to exemption from all or any of the rates or assessments authorised by this Order by virtue of section 42 of the Ardrossan Harbour Consolidation Act 1864.

Reserving section 42 of Ardrossan Harbour Act 1864.

105. The costs charges and expenses incurred in preparing for and obtaining this Order and incidental thereto shall be paid by the Town Council out of any moneys in their hands or out of any moneys borrowed by them for the purposes of their gas undertaking and water undertaking.

Costs of Order.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

THE LANDS WHICH THE TOWN COUNCIL MAY ACQUIRE FOR THE GASWORKS PURPOSES OF THE ORDER.

THAT area of ground at or near Stanley wholly situate in the parish of Ardrossan and county of Ayr and forming part of the road numbered 124 and of the fields or enclosures numbered 125 and 145 on the revised Ordnance survey map of said parish and extending to five acres or thereabouts bounded on the west by the highway leading from Ardrossan to Dalry on the north-east north-north-west east-north-east and east by land belonging or reputed to belong to the Right Honourable the Earl of Eglinton and Winton on the south-south-west by the highway leading from Largs to Glasgow and on the south-west by the Ardrossan and Largs branch of the Glasgow and South Western Railway.

A.D. 1901.

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

ARDROSSAN GAS AND WATER ORDER 1901.

Mortgage No. £

BY virtue of the Ardrossan Gas and Water Order 1901 we the Provost Magistrates and Councillors of the burgh of Ardrossan in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer of the burgh for the gasworks (or waterworks as the case may be) purposes of the said Order do hereby grant and assign to the said [*name of mortgagee*] and his executors administrators and assignees [*or as the case may be*] such proportion of the gas rates rents charges and revenue leviable by or arising to the said Provost Magistrates and Councillors under the authority of the said Order or (water rates assessments rents or charges leviable by or arising to the said Provost Magistrates and Councillors under the authority of this Order as the case may be) as the said sum of [*specify amount*] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said gas rates rents charges and revenue (or water rates assessments rents or charges as the case may be) to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied And it is hereby stipulated that the said principal sum shall be repayable on the [*date*] or shall thereafter in virtue hereof remain as a loan to the said Provost Magistrates and Councillors until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon and signed by the said mortgagee or his foresaids and by a councillor and by the town clerk which minute or minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of any of the said parties nor tested and the said Provost Magistrates and Councillors shall pay interest on the said principal sum from the day of to the said date of repayment first above mentioned (being at the rate of [*specify rate*] per centum per annum) declaring that the said mortgagee and his foresaids shall not be entitled to make and that the said Provost Magistrates and Councillors shall not be bound to recognise or register any partial assignation of these presents or of the sums of money principal or interest herein contained.

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

[To be signed at a meeting of the Town Council by the Provost or other Magistrate or Councillor presiding and the Town Clerk.]

THE THIRD SCHEDULE.

A.D. 1901.

FORM OF TRANSFER OF MORTGAGE.

I [*name and designation of mortgagee*] in consideration of the sum of [*specify amount*] paid to me by [*name and designation of transferee*] do hereby transfer to the said [*name of transferee*] and his executors administrators and assignees [*or as the case may be*] a certain mortgage number [*number of mortgage*] dated the [*date of mortgage*] made in my favour by the Provost Magistrates and Councillors of the burgh of Ardrossan by virtue of the Ardrossan Gas and Water Order 1901 for securing the sum of [*principal sum in mortgage*] [*if the transfer be by endorsement add contained in the within mortgage*] together with the interest thereon from and after the [*date from which transferee is to be entitled to the interest*]. In witness whereof. [*testing clause according to the law of Scotland*].

THE FOURTH SCHEDULE.

FORM OF DISCHARGE.

RECEIVED from the treasurer to the Provost Magistrates and Councillors of the burgh of Ardrossan acting on their behalf the sum of _____
being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up as paid.

Dated this _____ day of _____ one thousand

THE FIFTH SCHEDULE.

FORM OF WATER RATE BOOK.

ASSESSMENT for the Domestic Water Rate and the Public Water Rate under the Ardrossan Gas and Water Order 1901 for the year from the fifteenth day of May one thousand _____ to the fifteenth day of May one thousand _____ at the rate of _____ in the pound.

Number.	Name of Owner.	Name of Occupier.	Description and Situation of Property.	Full Annual Value.	Domestic Rate at in the Pound.	Public Rate at in the Pound.

A.D. 1901.

THE SIXTH SCHEDULE.

AGREEMENT between the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF ARDROSSAN of the first part (herein-after referred to as "the first parties") and LADY SOPHIA CONSTANCE MONTGOMERIE of Southennan House Fairlie in the County of Ayr of the second part (herein-after referred to as "the second party") with consent and concurrence of her husband SAMUEL HYNMAN MONTGOMERIE sometime ALLENBY residing at Southennan House aforesaid.

WHEREAS the first parties are now applying for a Provisional Order under the provisions of the Private Legislation Procedure (Scotland) Act 1899 (herein-after referred to as "the Order") to authorise them inter alia to construct and maintain additional waterworks And whereas certain lands waters and water rights belonging to the second party as life renter thereof will be acquired compulsorily and be affected thereby Therefore the parties have agreed and do hereby agree as follows :—

First.—The second party in consideration of the provisions afterwritten withdraws her petition in opposition to the Order and assents to the issuing and confirmation thereof and also assents to the formation by the first parties of the catchwater drain (Work Number Four) referred to in the Order and shown on the deposited plans therein mentioned so far as they affect her lands including the farms of Haupland and Meadowhead.

Second.—The first parties shall so construct the said catchwater drain that when the work has been completed all agricultural or other drains interfered with by the said catchwater drain shall have been led under or over or into the said catchwater drain and made good by them The surface of the ground under which said catchwater drain passes shall be capable of being restored and shall be so restored by them to its original level and condition as far as practicable and such restoration of drains and surface of fields shall be made at the sight and to the satisfaction of the second party's factor The top of the said catchwater drain pipe shall be not less than eighteen inches below the original surface of the ground.

Third.—The compensation or price to be paid by the first parties to the second party for the wayleave required in carrying the said catchwater drain through the lands of the second party shall be at the rate of one shilling and sixpence per lineal yard of wayleave as the same may be ascertained by measurement after the work has been executed So soon as the length has been ascertained the amount to be paid shall be calculated at the said rate and paid over to the second party in exchange for a discharge in usual form Provided always that in connexion with the formation of said drain the tenants' claim for surface damages and for damage to fences roads stock or crops shall not be included in the price of the said wayleave.

Fourth.—The first parties shall be entitled to have access to the said catchwater drain on all necessary occasions for the purpose of inspecting cleaning out repairing renewing or enlarging the same they being bound always to make good any surface damage caused by their operations. A.D. 1901.

Fifth.—And whereas there is a spring of water which at present is used in connexion with the farm of Haupland and which is shown on the plan annexed to this agreement and signed as relative hereto and which spring is above the level of the said catchwater drain (Work Number Four) the first parties shall by means of a fireclay pipe twenty-four inches in diameter or a built tank of at least equal capacity confine as far as possible the whole water flowing from said spring and lead it in the line marked A B and shown on said plan in a two-inch cast-iron pipe underneath or over the said catchwater drain and thence to the existing tank near Haupland Farm-steading at or near the point marked T shown on the said plan annexed hereto which existing tank shall be connected to the two-inch pipe by means of a one-inch lead pipe with ball-cock From the said existing tank the first parties shall lead the water in a two-inch cast-iron pipe to the nine fields numbered C D E F G H I K L shown on the said plan annexed hereto and shall erect single or double cast-iron troughs at the points shown on the said plan so that each double trough shall serve two fields and shall by means of half-inch lead pipes connect the water to the said troughs for watering cattle and other farm purposes on the said farm of Haupland The second party and her tenants shall facilitate the work of leading the water as aforesaid and shall make no charge for wayleave or surface damages or otherwise in connexion therewith but the surface of all ground opened and all drains interfered with in laying pipes or erecting troughs shall be restored by the first parties The water pipes shall have not less than two feet of cover The whole expense of said operations and works of restoration shall be borne by the first parties who shall be at liberty to fit suitable ball-cocks on the said tank and troughs so that any surplus water from said spring not drawn off for the above-mentioned purposes shall be allowed to run into the said catchwater drain which tank pipes troughs and other work shall be maintained by the first parties in good repair at their own expense The provisions in this article shall be accepted by the second party for herself and her tenants as in full satisfaction of all claims competent to them against the first parties in respect of their interference with the water supply to the said farm of Haupland.

Sixth.—The first parties shall construct an intake weir across the Gourock Burn at the point where the water of said burn shall be intercepted by their catchwater drain and shall insert therein a one-inch pipe placed at a lower level than the water-run of the said catchwater drain so that the said one-inch pipe may run full into the Gourock Burn below the intake weir before any water passes into the said catchwater drain and shall maintain the said pipe at their own expense in an efficient condition

A.D. 1901.

which supply it is hereby agreed shall be in full of all claims or demands the second party or her tenants may or can have on the first parties in respect of the use or control of and power over and abstraction of water from the said stream by the first parties.

Seventh.—The second party agrees when required to execute at the expense of the first parties any more formal deed or deeds they may require for carrying this agreement into effect and the first parties agree to relieve the second party of the expense of this agreement and incident thereto.

Eighth.—This agreement is made subject to the issuing and confirmation by Parliament of the Order and subject also to any alterations which may be made therein during the progress of the Order but if any material alteration be so made it shall be competent to either party to withdraw the same and this agreement shall be scheduled to and confirmed by the Order In witness whereof these presents written on this and the two preceding pages by James Dimmick clerk to James Cook solicitor Ardrossan are together with the plan annexed and before referred to executed in duplicate by the parties as follows They are sealed with the common seal of the Town Council of Ardrossan and signed at a meeting thereof by William Young the provost and James Cook the town clerk on the first day of April nineteen hundred and one before these witnesses Charles Jamieson Shaw burgh surveyor and James Henry Griffin burgh officer both of Ardrossan and they are signed by the said Lady Sophia Constance Montgomerie and Samuel Hynman Montgomerie both at Beach House Fairlie on the fifth day of said month and year last mentioned before these witnesses Henry Rowe and Lois Margaret Batts both in the employment of the second parties at Beach House aforesaid.



C. J. SHAW Witness.
JAMES H. GRIFFIN Witness.
H. ROWE Witness.
L. M. BATTIS Witness.
H. ROWE Witness.
L. M. BATTIS Witness.

WILLIAM YOUNG Provost.
JAMES COOK Town Clerk.
SOPHIA C. MONTGOMERIE.

S. H. MONTGOMERIE.

THE SEVENTH SCHEDULE.

A.D. 1901.

AGREEMENT between the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF ARDROSSAN of the first part and herein-after referred to as "the first parties" and GEORGE MORTON of Montfode in the Parish of Ardrossan of the second part and herein-after referred to as "the second party."

WHEREAS the first parties are now applying for a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 for authority inter alia to enable them to construct and maintain additional waterworks And whereas certain lands and water rights belonging to the second party will be affected thereby Therefore the parties have agreed and do hereby agree as follows:—

First.—The second party in consideration of the provisions afterwritten withdraws his petition in opposition to the said Provisional Order and assents to the issuing and confirmation thereof and also assents to the formation by the first parties of the catchwater drain (Work Number Four) referred to in the said Provisional Order and shown on the relative deposited plans so far as the same affects his lands.

Second.—The first parties shall so construct the said catchwater drain that it shall not interfere with field drains or if such are interfered with they shall be led under or over or into the said catchwater drain and made good but the top of the said catchwater drain shall be not less than eighteen inches below the original surface of the ground and when the work of laying the said catchwater has been completed the surface of the ground under which it passes through the second party's lands shall be immediately restored at the cost of the first parties to its original level and condition as far as practicable and that work as also the levels of the field drains shall be laid and made good to the reasonable satisfaction of the second party or to that of some neutral person to be appointed by both parties should any question arise between them as to such restoration.

Third.—The compensation or price to be paid by the first parties to the second party for the wayleave required in carrying the said catchwater drain through the lands of the second party shall be at the rate of one shilling and sixpence per lineal yard and immediately on the completion of the said work the said compensation shall be calculated at the above rate and paid over to the second party in exchange for a discharge in usual form The above payment does not include the tenants' claims for surface damages or for damages to fences roads stock or crop which may be sustained by or in connexion with the construction of said catchwater drain all which are hereby reserved to them.

Fourth.—The first parties shall be entitled to have access to the said catchwater drain on all necessary occasions for the purpose of cleaning out repairing renewing or enlarging the same they being bound always to pay for all loss and damage caused to the tenants and to make good any surface damages.

A.D. 1901.

Fifth.—The first parties shall construct a weir across the stream known as Montfode Burn above the catchwater at or near the point marked A on the plan annexed and subscribed by the parties with reference hereto into which weir near the bottom of it a lead pipe one inch in diameter shall be introduced and placed at such an angle that the first of the water in the stream must flow through this pipe to its utmost capacity and only the surplus water overflowing the weir be allowed to find its way into the said catchwater drain. The lead pipe shall be laid from the weir to a brick or concrete tank having a capacity of one thousand gallons to be constructed by the first parties below the catchwater at the point B on the said plan. The water from the tank shall be led by means of a two-inch cast-iron pipe laid down in Rashley Farm from the tank to the point F in Montfode Farm along the line shown on said plan or as near thereto as may be found reasonably practicable. Suitable double drinking troughs shall be erected by the first parties at or near the points C and F and suitable single troughs at or near the points D and E. The water shall be led into these troughs with proper and suitable connexions and ball-cocks. The second party and his tenants shall give every reasonable facility for the completion of the work referred to in this article and shall make no charge for wayleave or surface damages or otherwise in connexion therewith. The whole work shall be performed at the time the catchwater is made and shall be performed all of good material and in a good and tradesmanlike manner and the whole cost of the work shall be borne by the first parties who shall also be bound after their construction to maintain the weir pipes tank troughs and whole water supply arrangements so contracted for in a state of efficiency and to the reasonable satisfaction of the second party and his heirs and successors in the lands of Rashley and Montfode in all time coming or to that of some neutral person to be appointed by both parties should any question arise between them as to the provisions contained in this article. The ground fences and roads that may be disturbed for the purpose of laying the pipe shall all be restored by the first parties at their own expense and left in good order. And failing the first parties making any necessary repairs upon reasonable notice the second party or his foresaids shall be entitled to do the necessary repairs at the expense of the first parties. The second party and his foresaids shall have the right at any time to tap the pipe for a water supply at any point below the tank for any estate purposes and any branches of pipes made in consequence shall be upkept by the second party and his foresaids. The provisions in this article are accepted by the second party as in full satisfaction of all claims competent to him in respect of the interference by the first parties with the water supply on the lands of the second party.

Sixth.—The first parties agree not to alter the line of the catchwater drain as shown upon the deposited parliamentary plans and thereby discharging their rights of deviation.

Seventh.—The second party agrees when required at the expense of the first parties to execute any more formal deed or deeds they may require for

carrying this agreement into effect The first parties further agree to pay to the second party on the confirmation by Parliament of the said Provisional Order the sum of seventy pounds in name of expenses incurred by the second party in connexion with his opposition to the same and incident to the settlement thereof. A.D. 1901.

Eighth.—This agreement is made subject to the issuing of the said Provisional Order and the confirmation thereof by Parliament and the same shall be scheduled to the Order But declaring that this agreement is entered into subject to such alterations as may be made therein during the progress of the said Provisional Order and that if any material alterations be so made it shall be competent to either party hereto to withdraw the same In witness whereof these presents written on this and the two preceding pages by Thomas Kinnear Cook apprentice to James Cook solicitor Ardrossan are together with the plan annexed and before referred to executed by the parties in duplicate as follows They are sealed with the common seal of the Town Council of the burgh of Ardrossan and signed at a meeting thereof by William Young the provost and James Cook the town clerk on the eighth day of April nineteen hundred and one before these witnesses the said Thomas Kinnear Cook and Charles Jamieson Shaw burgh surveyor Ardrossan and they are signed by the said George Morton at Glasgow on the ninth day of said month and year last mentioned before these witnesses Robert Forfar Wright stockbroker's clerk one hundred and four West George Street Glasgow and John Thomson Torrance clerk to Messrs. Kerr and Barrie writers Glasgow.



Seal.

THOMAS K. COOK Witness.
C. J. SHAW Witness.
ROBT. F. WRIGHT Witness.
JOHN T. TORRANCE Witness.

WILLIAM YOUNG Provost.
JAMES COOK Town Clerk.
GEO. MORTON.

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