



CHAPTER cxcii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dumbarton Burgh (Water &c.). [28th August 1914.] A.D. 1914.

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

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

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

2. This Act may be cited as the Dumbarton Burgh (Water &c.) Order Confirmation Act 1914. Short title.

A.D. 1914.

SCHEDULE.

Provisional Order to authorise the Provost Magistrates and Councillors of the Burgh of Dumbarton to construct additional waterworks to borrow money for their water and gas undertakings to alter the quality of gas supplied by them to confirm an agreement as to the supply of electricity in the burgh and for other purposes.

WHEREAS by the Dumbarton Waterworks Reclamation and Municipal Extension Act 1857 (hereinafter called "the Act of 1857") the provost magistrates and town councillors of the burgh of Dumbarton (hereinafter respectively called "the Town Council" and "the burgh") were appointed Commissioners for executing that Act and were empowered to supply with water the inhabitants and occupiers of property within the Parliamentary burgh of Dumbarton and suburbs thereof and district and places adjacent within the parishes of Dumbarton Old or West Kilpatrick and Cardross and to construct certain reservoirs and other works for the purpose of providing and affording such supply and to borrow money for the purposes thereof:

And whereas by the Dumbarton Waterworks and Municipality Act 1869 (hereinafter called "the Act of 1869") the Town Council were authorised to make and maintain the additional waterworks therein mentioned and to borrow additional money:

And whereas by the Dumbarton Waterworks Streets and Buildings Act 1883 (hereinafter called "the Act of 1883") the Town Council were authorised to make and maintain the further additional waterworks and to borrow the further money therein mentioned:

And whereas the Town Council have in pursuance of the said Acts constructed reservoirs and other waterworks and have given a supply of water from the same to such an extent as their waterworks would afford:

And whereas in consequence of the increase of population and the expansion of industrial enterprise and the erection of industrial works within the burgh an additional supply of water

for domestic sanitary manufacturing and trading purposes has become necessary and it is expedient that the Town Council should be empowered to make and maintain the works hereinafter authorised and that they should be authorised to borrow further money for those purposes: A.D. 1914.

And whereas estimates have been prepared by the Town Council for the purchase of land for and the execution of the works by this Order authorised and such estimates are as follows:—

	£
Purchase of land and servitudes - - -	7,380
Reservoirs filter beds &c. - - -	8,600
Conduits and catchwater channels - - -	7,600
Roads of access - - -	1,420
Total - -	£25,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited in the office at Dumbarton of the principal sheriff clerk of the county of Dumbarton and are hereinafter respectively referred to as the deposited plans sections and book of reference:

And whereas by the Dumbarton Corporation Gasworks Piers &c. Act 1873 (hereinafter called "the Act of 1873") the undertaking of the Dumbarton Gas Light Company was transferred to and vested in the Town Council subject to the provisions of the said Act and the Town Council were authorised to supply the burgh and the adjacent district with gas and to borrow money for the purposes of the gas undertaking and for the redemption of annuities to the shareholders of the Dumbarton Gas Light Company:

And whereas the sum authorised to be borrowed by the Town Council for the general purposes of their gas undertaking (other than the redemption of the gas annuities) was limited to

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A.D. 1914. fifteen thousand pounds to be secured as in the said Act mentioned:

And whereas by the Dumbarton Corporation (Further Powers) Order 1902 (hereinafter called "the Order of 1902") the Town Council were authorised to borrow for the general purposes of their gas undertaking a further sum of twenty-five thousand pounds making an aggregate sum of forty thousand pounds authorised to be borrowed by them for those purposes:

And whereas the sum of twenty-six thousand five hundred and thirty-three pounds has been borrowed and expended on the gas undertaking of the Town Council and as it is necessary that the works should be extended it is expedient that the Town Council should be authorised to borrow further money for the general purposes of the gas undertaking as hereinafter provided:

And whereas it is expedient that the Town Council should be authorised to reduce the illuminating power of gas supplied by them and that further provision should be made for testing such illuminating power as is hereinafter contained:

And whereas it is expedient to confirm the agreement which is set forth in the Second Schedule to this Order between the Town Council of the first part the Electric Supply Corporation Limited of the second part and the Clyde Valley Electrical Power Company of the third part:

And whereas it is expedient that further powers should be conferred on the Town Council as hereinafter in this Order provided:

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:—

PART I.

PRELIMINARY.

Short title. 1. This Order may be cited for all purposes as the Dumbarton Burgh (Water &c.) Order 1914.

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

A.D. 1914.
Commence-
ment of
Order.

3. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order shall subject to the provisions of this Order have the same respective meanings and the following words and expressions shall in this Order have the meanings assigned to them in this section (that is to say):—

Interpreta-
tion.

"The burgh" means the burgh of Dumbarton within the municipal limits and boundaries thereof as existing at the commencement of this Order;

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

"Sheriff" means the sheriff of Dumbarton Stirling and Clackmannan or his substitute at Dumbarton;

"The Water Acts" mean the waterworks provisions of the Act of 1857 the Act of 1869 the Act of 1883 and the Dumbarton Burgh Act 1899;

"The Act of 1873" means the Dumbarton Corporation Gasworks Pier &c. Act 1873;

"The Order of 1902" means the Dumbarton Corporation (Further Powers) Order 1902;

"Gas undertaking" means the gas undertaking as presently existing in the hands of the Town Council.

PART II.

WATERWORKS.

4. The following Acts and parts of Acts (so far as the same respectively are applicable to the waterworks purposes and are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order:—

Incorpora-
tion of Acts
as regards
water pur-
poses.

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 except the clauses and provisions with respect to the communication pipes to be laid by the undertakers and with respect to the amount

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of profit to be received by the undertakers when the waterworks are carried on for their benefit and also with the exception of clauses 68 70 71 and 72 Provided that the clauses of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply to the lines of pipes which may be laid under this Order;

The Waterworks Clauses Act 1863;

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

Power to
make new
waterworks.

5. The Town Council may subject to the provisions of this Order make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described or some of them or some part or parts thereof and may purchase enter upon take and hold compulsorily or by agreement such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes The said works are—

Work No. 1 A reservoir and embankment wholly situate in the parish of Old Kilpatrick in the county of Dumbarton on the site of the Old Dam on the upper reaches of the eastern branch of the Milton Burn and lands adjacent thereto such reservoir commencing at a point on the said burn one thousand nine hundred and seventy-five yards or thereby measured in a north-easterly direction from the north-east corner of Greenland Farm Buildings and terminating at a point two hundred and twelve yards or thereby measured in a north-easterly direction from the point of commencement and such embankment being a reconstruction of an existing embankment across the said burn commencing at a point seventy yards or thereby measured north-west and terminating at a point forty-five yards or thereby measured east-south-east from the centre of the said burn at

the point above described as the commencement of the reservoir: A.D. 1914.

Work No. 2 A catchwater channel wholly situate in the parish of Old Kilpatrick on the west side of the eastern branch of the Milton Burn commencing at a point one thousand seven hundred and twenty yards or thereby measured in a north-east by northerly direction from the north-east corner of Greenland Farm Buildings and terminating within the reservoir Work No. 1 hereinbefore described at a point fifty-seven yards or thereby measured in a north-west by northerly direction from the point above described as the commencement of the said reservoir:

Work No. 3 A conduit aqueduct or line of pipes wholly situate in the parish of Old Kilpatrick commencing within the reservoir Work No. 1 hereinbefore described at a point thirty-two yards or thereby measured in an east-south-easterly direction from the point above described as the commencement of the said reservoir and terminating in Loch Humphrey three hundred and forty-five yards or thereby measured in an east-south-easterly direction from the point of commencement:

Work No. 4 A road of access wholly situate in the parish of Old Kilpatrick commencing at a point on the road leading from Greenland Farm to Black Linn Reservoir two thousand one hundred yards or thereby measured in a north-north-easterly direction from the north-east corner of the Greenland Farm Buildings and terminating on the south shore of Loch Humphrey one hundred and twenty yards or thereby measured in a south-east by easterly direction from the west end of the said loch:

Work No. 5 An existing reservoir and embankment wholly situate in the parish of Old Kilpatrick numbered 9 on the 25-inch Ordnance survey map of the said parish second edition 1898 such reservoir commencing at a point on the western branch of the Milton Burn one thousand one hundred and ninety yards or thereby measured in a north by easterly direction from the north-east corner of Greenland Farm Buildings and terminating at a point one hundred and eighty-three yards or thereby measured in a north-north-easterly direction from the point of

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commencement and such embankment across the said burn commencing at a point fifty-one yards or thereby measured north-west and terminating at a point fifty-three yards or thereby measured south-east from the centre of the said burn at the point above described as the commencement of the said reservoir:

Work No. 6 An existing reservoir and embankment wholly situate in the parish of Old Kilpatrick numbered 67 on the 25-inch Ordnance survey map of the said parish second edition 1898 such reservoir commencing at a point on the Milton Burn eight hundred and twenty yards or thereby measured in a north-north-easterly direction from the north-east corner of Greenland Farm Buildings and terminating at a point one hundred and forty-two yards or thereby measured in a northerly direction from the point of commencement and such embankment across the said burn commencing at a point forty-two yards or thereby measured west and terminating at a point thirty yards or thereby measured east from the centre of the said burn at the point above described as the commencement of the reservoir:

Work No. 7 A conduit aqueduct or line of pipes commencing in the parish of Dumbarton in the county of Dumbarton at the north-east corner of Garshake reservoir numbered 257 on the 25-inch Ordnance survey map of the said parish second edition 1898 and terminating in the parish of Old Kilpatrick in the southmost well in the Valve House of the Dumbarton Waterworks situate near the south end of Loch Humphrey:

Work No. 8 A conduit aqueduct or line of pipes wholly situate in the parish of Old Kilpatrick commencing by a junction with the conduit aqueduct or line of pipes Work No. 7 hereinbefore described at a point thirty yards or thereby measured in a westerly direction from the Milton Burn and terminating within the reservoir Work No. 6 at a point twenty yards or thereby measured in a northerly direction from the point described as the commencement of the said reservoir:

Work No. 9 An intake weir situate in the parish of Old Kilpatrick across the Milton Burn at a point seven hundred and seven yards or thereby measured in a north-

east by northerly direction from the north-east corner of Greenland Farm Buildings: A.D. 1914.

Work No. 10 A road of access wholly situate in the parish of Old Kilpatrick commencing at a point in the highway leading from Milton to Barnhill two hundred and twenty yards or thereby measured in a northerly direction from the centre of the bridge carrying the said highway over the Milton Burn and terminating at the conduit aqueduct or line of pipes Work No. 7 hereinbefore described five yards or thereby measured in a westerly direction from the eastmost corner of the enclosure numbered 26 on the 25-inch Ordnance survey map of the said parish second edition 1898.

6. The Town Council in addition to the foregoing works may upon the lands delineated on the deposited plans make and maintain all such embankments dams weirs byewash channels bridges roads accesses approaches wells tanks gauges filter-beds sluices outlets drains aqueducts culverts channels mains pipes engines machinery buildings telegraphs telephones posts wires and other works and conveniences as may be necessary or convenient in connection with or subsidiary to the said works or any of them or necessary for conducting distributing inspecting maintaining repairing cleansing managing and using the same but nothing in this section shall exonerate the Town Council from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them Provided that any telegraphs telephones posts wires and other works constructed and maintained by the Town Council under the provisions of this section shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. Power to make subsidiary works.

7. The Town Council may in constructing the works by this Order authorised deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation respectively shown thereon and when the line of any work is shown on the said plans as passing along any road and no limits of lateral deviation are marked thereon the Town Council may in constructing such works deviate laterally to any extent within the boundaries of such road and may deviate vertically from the levels of the various works as shown Power to deviate laterally and vertically.

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Power to
alter roads
&c. tempo-
rarily.

8. For the purposes and during the execution of the works which the Town Council are by this part of this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Town Council may temporarily break up or cross over or under alter or stop up any streets roads lanes paths bridges railways canals tramways culverts sewers drains rivers streams watercourses gas pipes or mains and water pipes or mains and telegraphic electric or telephonic pipes mains or apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street road lane path railway or tramway or the flow of water gas sewage or electricity in any such canal culvert sewer drain river stream watercourse pipe or main or apparatus and making full compensation to all persons injuriously affected thereby Provided further that nothing in this section shall extend to authorise any interference with any telegraphic line (as defined by the Telegraph Act 1878) or other property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

9. Subject to the provisions of this Order the Town Council may from and after the commencement of this Order by means of the works by this Order authorised and by the existing waterworks of the Town Council or some of them or some part or parts thereof divert impound take appropriate store use and distribute the waters of the stream called the Milton Burn in the parish of Old Kilpatrick and county of Dumbarton and all affluents streams springs and waters flowing into or arising within the said stream and from the said works authorised by this Order and the existing waterworks of the Town Council or from some of them the Town Council may supply water within the limits of compulsory supply as defined by the Water Acts and to such places beyond the same as are authorised by the Water Acts for the domestic and other purposes for which the Town Council are by the Water Acts and this Order authorised to supply water and also for providing the compensation water hereinafter mentioned.

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Power to
take water.

10.—(1) The Town Council shall so soon as the reservoir Work No. 1 authorised by this Order is completed and filled by the impounding therein of the waters of the said Milton Burn discharge or allow to flow as compensation water therefrom into the said Milton Burn a uniform and continuous flow of water of not less than twenty-five thousand gallons during twenty-four hours of every day Provided that the Town Council shall not until after the completion and first filling of the said reservoir divert into any of their works the waters of the said Milton Burn flowing into or through the said reservoir.

Compensa-
tion water.

(2) The Town Council shall also so soon as the existing reservoirs Works Nos. 5 and 6 authorised by this Order are acquired by them discharge or allow to flow as compensation water therefrom into the said Milton Burn a uniform and continuous flow of water of not less than one hundred thousand gallons (inclusive of the said quantity of twenty-five thousand gallons mentioned in subsection (1) of this section) during twenty-four hours of every day.

(3) Such compensation water shall be deemed to be full compensation to all mill owners riparian proprietors and other persons interested in the waters flowing down the said Milton Burn below the said reservoir Work No. 1 and the said reservoir Work No. 6 as the case may be for the water appropriated by this Order.

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(4) The Town Council shall for the purpose of ascertaining the amount of the compensation water to be daily discharged as aforesaid construct and maintain immediately below the foot of the outer slope of the embankment of the said reservoir Work No. 1 and at or immediately below the intake weir Work No. 9 authorised by this Order suitable and sufficient measuring gauges or other apparatus over or through which the compensation water shall flow or be discharged and such gauges or other apparatus shall be open to the inspection and examination of all persons having an interest in the said compensation water or persons duly authorised by them on their behalf at all reasonable times.

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

(6) In the event of any dispute or difference arising between the Town Council and any person interested as to the true intent and meaning of the provisions of this section or as to the carrying out of the same such dispute or difference shall failing agreement be settled by an engineer to be agreed on and failing agreement to be named by the sheriff on the application of either party.

Limiting powers of Town Council to abstract water.

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

For protection of county authorities.

12. For the protection of the county council of the county of Dunbarton and the eastern and western district committees

of the said county council (hereinafter in this section referred to as "the county authorities") the following provisions shall unless otherwise agreed between the Town Council and the county authorities have effect (that is to say):— A.D. 1914

- (1) At any time after the expiry of two years from the commencement of this Order the county authorities may by notice in writing require the Town Council to afford them a supply of water in bulk by meter to an extent not exceeding fifty thousand gallons per day of twenty-four hours and shall in such notice specify the quantity (not exceeding the maximum aforesaid) required to be supplied and the period during which the supply is to be afforded:
- (2) As soon as practicable after the receipt of such notice as aforesaid and subject to the servitude or easement referred to in the immediately following subsection having been provided by the county authorities the Town Council shall deliver and continue to deliver either from their existing water works or from the works authorised by this Order into the Bowling Reservoir of the county authorities a supply of water in accordance with the terms of such notice:
- (3) The county authorities shall provide the servitude or easement required for laying and maintaining the pipes necessary for affording the supply under this section. The cost (including compensation to tenants) of acquiring such servitude or easement shall be borne by the Town Council except that if such cost shall exceed the average cost (including as aforesaid) of the acquisition by the Town Council of similar servitudes or easements for the purposes of the works authorised by this Order through lands of the same owner such excess of cost shall be borne by the county authorities:
- (4) The Town Council shall at their own expense lay down and thereafter maintain the pipes necessary for affording the supply under this section and shall at the like expense provide and maintain in good and efficient repair a suitable meter for measuring such supply. Such meter shall be under the control of

A.D. 1914.

the Town Council but the county authorities shall be entitled to inspect the same at all reasonable times :

- (5) The county authorities shall at Whitsunday and Martinmas in each year pay to the Town Council the sum of fourpence in respect of every one thousand gallons of water as recorded by the said meter which shall have been supplied to the county authorities under this section during the preceding half year Provided that if from any cause the said meter should fail to record correctly the quantity of water so supplied the same shall be estimated and determined by agreement or failing agreement by arbitration in manner prescribed by subsection (8) of this section :
- (6) The county authorities may at any time by notice in writing revoke any notice given by them under subsection (1) of this section and may if they think fit by like notice vary the requirements of the notice so revoked as regards the quantity (within the said maximum of fifty thousand gallons per day) of the supply to be afforded and the period during which the same is to be afforded and so from time to time and the Town Council shall comply with the requirements of any such notice for the time being in force :
- (7) The county authorities may at any time hereafter by notice in writing intimate to the Town Council that they no longer require the Town Council to afford them a supply of water under this section and upon receipt of such notice the obligation of the Town Council to afford such supply shall cease and the Town Council shall forthwith if so required by the county authorities close the outlet from which the supply is delivered into the Bowling Reservoir :
- (8) If any difference shall arise between the Town Council and the county authorities under this section such difference shall be determined by an arbiter to be agreed upon or failing agreement to be appointed by the sheriff on the application of either the Town Council or the county authorities :

(9) A notice authorised to be given by the county authorities under this section shall be sufficient if signed by the county clerk on behalf of the county authorities. A.D. 1914.

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

14.—(1) The Town Council may in lieu of acquiring any lands for the purposes of the works by this Order authorised where the same are intended to be constructed underground acquire such servitudes only in such lands as they may require for such purposes and may give notice to treat in respect of such servitudes describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such servitudes as fully as if the same were lands within the meaning of those Acts. Power to acquire servitudes only for lines of pipes.

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

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

15. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Order Owners may be required to sell parts

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only of
certain
properties.

it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described in the First Schedule to this Order and whereof portions only are required for the purposes of this Order may (if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Town Council the portions only of the premises so required without the Town Council being obliged or compellable to purchase the whole or any greater portion thereof the Town Council paying for the portions taken by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise Provided that if in any case in the opinion of the jury arbiters or other authority as aforesaid any such portion cannot be severed from the remainder of such property without material detriment thereto the Town Council may at any time within one month after the date of the final decision of such jury arbiters or other authority withdraw their notice to treat for the portion required by them and thereupon they shall pay to the owner of and other parties interested in the property in respect of which or of any portion of which they have given notice to treat all loss and damages sustained and all costs charges and expenses reasonably incurred by them in consequence of such notice Provided also that nothing in this section contained shall be held as determining whether the properties described in the said schedule are or are not subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 and every such notice to sell and convey lands shall be endorsed with notice of the provisions of this section.

Limiting
time for ex-
ercise of
compulsory
powers of
purchase.

16. The powers of the Town Council for the compulsory purchase of lands for the works authorised by this Order shall cease after the expiration of three years from the commencement of this Order.

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

A.D. 1914.
Period for completion of works.

18. In addition to the lands authorised to be taken and acquired under the powers of this Order the Town Council may purchase by agreement lands not exceeding five acres for the purpose of making depots pipe yards and other buildings and conveniences in connection with the water undertaking of the Town Council but nothing in this Order shall exonerate the Town Council from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Lands for extraordinary purposes.

19. The Town Council may at any time 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 any mains pipes and other conveniences of the Town Council at any time existing for conveying and distributing water under the powers of the Water Acts and 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 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.

20. The annual estimate required to be made under the Water Acts for the purposes of those Acts and the existing water undertaking of the Town Council for defraying the annual sums required for those purposes shall also include the annual sums required to be provided for the waterworks purposes of this Order and the payment of the interest on money which may be borrowed or raised under the powers of this Order for waterworks purposes and the payments to the sinking fund and all other annual sums required to be provided and the expenses of maintaining and managing the waterworks and water supply authorised by this Order and all other annual expenditure arising out of the exercise of the powers by this Order conferred for waterworks purposes or consequent on the construction maintenance and use of the works so authorised.

Annual estimates &c. to include waterworks purposes of this Order.

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Power to borrow for water purposes.

21. The Town Council in addition to any powers of borrowing which they now possess may from time to time borrow any sums of money required for the construction of the works and for the purchase of lands and other property and rights authorised by this Order and for the purposes of their existing waterworks and water undertaking not exceeding twenty-five thousand pounds and the Town Council may make and grant mortgages or other securities of the several assessments rates rents and charges authorised by the Water Acts and this Order in security of the money so borrowed and interest thereon and any sums so to be borrowed may be borrowed on terms of the repayment thereof by annuity instalment or otherwise.

Periods of repayment of borrowed money.

22. The Town Council shall pay off all moneys to be borrowed by them for the purposes of this part of this Order within the respective periods following (hereinafter referred to as "the prescribed period") (that is to say):—

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

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

Mode of repayment of borrowed money.

23. The Town Council shall pay off all moneys borrowed by them (other than money borrowed for current expenses) under this part of this Order either by means of a sinking fund formed under the provisions of this part of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them.

Sinking fund for water purposes.

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

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

the sinking fund is formed A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Town Council or be deposited in bank the Town Council being at liberty from time to time to vary and transpose such investments.

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

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

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

[Ch. cxcii.] *Dumbarton Burgh (Water, &c.)* [4 & 5 GEO. 5.]
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(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

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

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

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

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

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

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Town Council may determine. A.D. 1914.

25. If after having borrowed the sums of money by this part of this Order authorised or any part thereof the Town Council shall pay off the same or any part thereof otherwise than by means of annuities or instalments or of the sinking fund provided by this part of this Order or out of moneys derived from the sale of lands it shall be lawful for the Town Council again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from time to time. Power to re-borrow.

26. The existing waterworks and water supply of the Town Council and the works authorised by and the lands to be acquired under this part of this Order and the powers conferred by this part of this Order shall be held administered and exercised by the Town Council under and subject to the provisions of the Water Acts as amended by this Order and of this Order and all the provisions of the Water Acts as so amended shall so far as the same are not inconsistent with this Order apply to the purposes of the existing water supply and the water supply provided by this Order. Application of Acts.

27. For the purpose of executing any necessary work of repair or of cleansing or of examining any of the works authorised by this Order or any reservoir filter or tank aqueduct conduit or line of pipes belonging to the Town Council the Town Council may cause the water in any such works or reservoir filter or tank aqueduct conduit or line of pipes 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 an arbiter to be appointed failing agreement by the Sheriff on the application of either party. Powers for repair of works and temporary discharge of water into streams.

28. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging Injuring meters &c.

[Ch. cxcii.] *Dumbarton Burgh (Water, &c.)* [4 & 5 GEO. 5.]
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to the Town Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Town Council shall (without prejudice to any other right or remedy for the protection of the Town Council) be liable to a fine not exceeding five pounds and the Town Council may in addition thereto recover the amount of any damage by them sustained :

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

Byelaws for preventing waste &c. of water.

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

waste undue consumption misuse erroneous measurement or contamination. A.D. 1914.

(2) Such byelaws shall apply only in the case of premises to which the Town Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to all byelaws so made.

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

30. All penalties exigible under the provisions of the Water Acts and 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.

31. All offences 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.

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

33. All sums borrowed by the Town Council under this Order for the purposes of their water undertaking (except any sums borrowed for current expenses) shall be applied only to purposes to which capital is properly applicable. Application of moneys borrowed for water purposes.

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Reservation
of prior
mortgages
for purposes
of water
undertaking.

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

Protection of
lender from
inquiry with
respect to
water pur-
poses.

35. No person lending money to the Town Council for the purposes of their water undertaking shall be bound to inquire as to the observance by the Town Council of any provision of the Water Acts or this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or any part thereof.

For appoint-
ment of a
judicial
factor in re-
spect of
water under-
taking.

36. Sections 21 and 22 of the Act of 1883 are hereby repealed and the following provisions shall have effect (that is to say) The mortgagees of the Town Council in respect of their water undertaking 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 five thousand pounds.

New water-
works to
form part of
water under-
taking.

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

PART III.

GASWORKS.

Incorpora-
tion of Acts
as regards
gas purposes.

38. The following Acts (so far as incorporated by section 2 of the Act of 1873 and so far as the same are respectively applicable to the gas purposes and are not inconsistent with the provisions of this Order) are incorporated as regards gas purposes with and form part of this Order (that is to say) (1) The Gasworks Clauses Act 1847 Provided that section 13 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also" that every such contract entered into by the Company shall "be alike in terms and amount under like circumstances to all

“consumers” were added at the end of that section and (2) The Gasworks Clauses Act 1871. A.D. 1914.

39. The Act of 1873 is hereby amended as follows (that is to say) :— Power to borrow for gas purposes.

Section 41 (Power to corporation to borrow on mortgage for gas undertaking) as amended by section 4 (Power to borrow) of the Order of 1902 shall be read as if the sum of forty thousand pounds mentioned in the said section as so amended were seventy thousand pounds:

Section 42 (Power to borrow on cash credit) shall be read as including the extended powers of borrowing under the said section 41 as hereby amended:

Section 48 (Guarantee rate) shall extend to and include any further moneys to be borrowed under the powers of this Order for gas purposes and the interest thereof and the sinking fund in this Order provided for repayment of the further money to be so borrowed for those purposes.

40. The provisions of the Act of 1873 with respect to the borrowing for gas purposes and the security for money borrowed and the mortgages and the sinking fund and the application of the guarantee rate authorised by the Act of 1873 as the same are amended by this Order shall apply to the money to be borrowed for the before-mentioned purposes of this Part of this Order. Application of provisions of Act of 1873.

41. All mortgages and securities granted by the Town Council in respect of the gas undertaking in pursuance of the powers of the Act of 1873 and the Order of 1902 before the commencement of this Order which shall be then subsisting shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be granted by the Town Council after the commencement of this Order in respect of the gas undertaking. Priority of existing mortgages and securities.

42.—(1) The Town Council may and in the event of their borrowing otherwise than on repayment by instalments shall annually on the fifteenth day of May set apart as a sinking fund from the revenues of their gas undertaking a sum of not less than two pounds per centum on the amount which may have been borrowed at or prior to the preceding Whitsunday under this Order for the purposes of their gas undertaking and Repayment of borrowed money.

[Ch. cxcii.] *Dumbarton Burgh (Water, &c.)* [4 & 5 GEO. 5.]
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A.D. 1914. such sinking fund shall be accumulated with interest and shall be applied to the redemption of money borrowed for gas purposes or the Town Council may agree with any mortgagee that the said sinking fund or any parts or part thereof shall be annually receivable by such mortgagee in liquidation pro tanto of the principal debt Provided always that if in any year the income of the said sinking fund from investments is not equal to three per centum on the amount which remained at the credit of the fund at the preceding Whitsunday any deficiency shall be made good by the Town Council out of the gas revenues of that year and if in any year such income is in excess of three per centum on such amount such excess may be imputed towards the contribution to the sinking fund for that year Provided further that whenever any mortgage granted or issued under the authority of this Order for the purposes of the gas undertaking shall have been paid off or redeemed out of such sinking fund the Town Council shall in each year until the whole moneys borrowed or raised under the authority of this Order for the purposes of their gas undertaking shall have been paid off and redeemed pay into the sinking fund a sum equal to three per centum on the amount which has been applied from the sinking fund to such payment off or redemption.

(2) The Town Council shall pay off all moneys borrowed by them under this Order for the purposes of their gas undertaking within thirty years from the time of borrowing the same.

Application of money borrowed for gas purposes.

43. All money borrowed by the Town Council under this Order for the purposes of the gas undertaking shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Protection of lender from inquiry with respect to gas purposes.

44. No person lending money to the Town Council for the purposes of the gas undertaking shall be bound to inquire as to the observance by the Town Council of any of the provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or of any part thereof.

For appointment of a judicial factor in

45. Section 21 of the Order of 1902 is hereby repealed and the following provisions shall have effect (that is to say) The mortgagees of the Town Council in respect of the gas

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

A.D. 1914.
respect of
gas purposes.

46.—(1) From and after the commencement of this Order the prescribed number of candles for the illuminating power of the gas supplied by the Town Council shall not be less than fourteen.

Illuminating
power.

(2) The quality of the gas supplied by the Town Council shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(3) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer or the table photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Town Council or any five consumers approve of the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(4) Unless daily tests are made the method of reporting periodical tests shall be such as to carry forward the average of the previous tests in the following manner namely the tests made on any one occasion shall be added to the tests made on the two previous occasions and the average of the three shall be reported as being the illuminating power so ascertained.

(5) All gas supplied by the Town Council to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight tenths of an inch in height at the

[Ch. cxcii.] *Dumbarton Burgh (Water, &c.)* [4 & 5 GEO. 5.]
Order Confirmation Act, 1914.

A D. 1914. main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(6) No penalty shall be incurred by the Town Council for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Town Council Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Town Council.

(7) Section 20 (Pressure of gas) and section 21 (Quality of gas) of the Act of 1873 are hereby repealed so far as inconsistent with the provisions of this Order.

PART IV.

MISCELLANEOUS.

Confirmation of agreement with Electric Supply Corporation and Clyde Valley Electrical Power Company.

47. The agreement made between the Town Council of the first part the Electric Supply Corporation Limited of the second part and the Clyde Valley Electrical Power Company of the third part as set forth in the Second Schedule to this Order is hereby confirmed and made binding on the parties thereto.

Confirmation of agreement with Colonel G. J. Fergusson-Buchanan.

48. The agreement as set forth in the Third Schedule to this Order made between Colonel George James Fergusson-Buchanan of Auchentorlie Dumbartonshire and the Town Council is hereby confirmed and made binding on the parties thereto.

Confirmation of agreement with Sir William Collins' trustees.

49. The agreement as set forth in the Fourth Schedule to this Order made between the Town Council and trustees of Sir William Collins is hereby confirmed and made binding on the parties thereto.

Form and granting of mortgages.

50. Every mortgage or bond to be granted by the Town Council for the purposes of this Order shall be in the form and tenor as nearly as may be prescribed by the Burgh Police (Scotland) Act 1903 and shall be granted and signed in terms of section 9 of the Town Councils (Scotland) Act 1900.

Annual return to Secretary for Scotland

51. The chamberlain of the Town Council shall within four months after the expiration of each year during which any instalment is required to be paid or any sum to be set

apart as a sinking fund for the repayment of any money borrowed under this Order either for water or gas purposes transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart in respect of that year and the description of the securities upon which any sum 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 (if any) remaining invested at the end of the year and in the event of any default in making such return such chamberlain so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the Town Council have failed to pay any instalment or to set apart the sum required by this Order to be paid or set apart or to make any increased payment to the sinking fund required by this Order to be made or have applied any portion of the moneys so 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 paid or set apart and invested as part of the sinking fund as such order may direct and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose.

A.D. 1914
with respect
to sinking
fund.

52. The Town Council shall make compensation for the damage or injury (if any) which may be sustained by His Majesty or His tenants in respect of His right of salmon fishing through the exercise of the powers of this Order And in case the amount of such compensation shall not be agreed upon the same shall be ascertained and fixed by the decision and decree arbitral of two arbiters to be appointed the one by the Commissioners of Woods and the other by the Town Council or of an oversman to be named by the said arbiters to act in the event of their differing in opinion and the Arbitration (Scotland) Act 1894 shall apply to any arbitration under this section The charges and expenses of such arbitration including

As to Crown
salmon
fisheries.

[Ch. cxcii.] *Dumbarton Burgh (Water, &c.)* [4 & 5 GEO. 5.]
Order Confirmation Act, 1914.

A.D. 1914. the fees and expenses of the arbiters and oversman shall be paid by the Town Council.

Costs of Order.

53. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Town Council out of any moneys received by them on account of such costs charges and expenses from the Electric Supply Corporation Limited and the balance shall be paid in such proportions as the Town Council may determine out of their water revenues or money borrowed for water purposes and out of their gas revenues or money borrowed for gas purposes or out of any rates and assessments which they are authorised to levy and in the event of such costs being paid out of borrowed money the same shall be repaid within five years after the commencement of this Order.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

LANDS HOUSES OR OTHER BUILDINGS OR MANUFACTORIES OF WHICH PORTIONS MAY BE TAKEN WITHOUT TAKING THE WHOLE.

Parish.	Nos. on deposited Plans.
Old Kilpatrick - - - - -	16 17 19 20 21 22 and 23.
Dumbarton - - - - -	4 and 5.

THE SECOND SCHEDULE.

A.D. 1914.

AN AGREEMENT made between the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF DUMBARTON (hereinafter called "the Council") of the first part the ELECTRIC SUPPLY CORPORATION LIMITED a company duly incorporated in England and having its registered office in Salisbury House London Wall in the city of London (hereinafter called "the contractors") of the second part and the CLYDE VALLEY ELECTRICAL POWER COMPANY incorporated under the Clyde Valley Electrical Power Act 1901 (hereinafter called "the power company") of the third part.

Stamp.

Ten
Shillings.

WHEREAS the Council in the year 1902 obtained from the Board of Trade a Provisional Order called the Dumbarton Electric Lighting Order 1902 (hereinafter called "the Order") under the Electric Lighting Acts for the supply of electrical energy within the burgh of Dumbarton (hereinafter called "the burgh"):

And whereas the Council Crompton and Company Limited of Salisbury House aforesaid and the contractors entered into an agreement (hereinafter called "the principal agreement") dated the third and twenty-second days of April one thousand nine hundred and three for the execution and maintenance of the works and for the supply of electrical energy contemplated by the Order:

And whereas the principal agreement as set forth in the Third Schedule to the Electric Supply Corporation Limited Act 1907 was confirmed by section 8 of that Act and it was in the said section further provided that the principal agreement should be carried into effect according to the true intent and meaning thereof:

And whereas Crompton and Company Limited parties to the principal agreement having transferred their interest in the principal agreement to the contractors are not now interested therein:

And whereas the Council and the contractors have agreed to alter and amend the principal agreement in the manner hereinafter provided:

And whereas the power company are by the Clyde Valley Electrical Power Act 1901 authorised subject to the consent of the Council to supply electrical energy in bulk in the burgh and they have agreed to afford such supply for use within the burgh upon the terms and conditions hereinafter set forth:

Now it is hereby agreed as follows:—

(1) Notwithstanding anything contained in the principal agreement the Council hereby consent to the contractors receiving from the power

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Order Confirmation Act, 1914.

A.D. 1914. — company a suitable efficient and continuous supply of electrical energy in bulk to be delivered to the sub-stations in the burgh now or hereafter under the control of the contractors and the power company hereby undertake and agree to furnish and to continue to give such supply of electrical energy in bulk to the contractors.

(2) As soon as the power company shall furnish a suitable efficient and continuous supply of electrical energy in bulk to the said sub-stations under the control of the contractors as aforesaid the contractors shall be at liberty to discontinue the use of the electric generating station of the contractors referred to in clause 1 of the principal agreement Provided always that the changing over from the generation of electrical energy by the contractors themselves to their receiving such energy in bulk from the power company shall not cause any interruption of the supply of electrical energy to the Council or any consumer in the burgh and that if any such interruption shall occur the contractors shall be liable for any loss or damage so caused to the Council or any consumer.

(3) As soon as the power company shall furnish a supply of electrical energy in bulk as aforesaid to the said sub-stations under the control of the contractors the contractors shall give a supply of electrical energy for power and lighting purposes or either of those purposes to any consumer in any part of the burgh who may apply for such a supply under the provisions of section 27 of the schedule to the Electric Lighting (Clauses) Act 1899 notwithstanding that the premises of such consumer may be situated at a greater distance than fifty yards from any distributing main of the contractors but without prejudice to the provisions of the said section 27 in all other respects.

(4) If and when the Council shall determine the principal agreement by such a notice as is mentioned in paragraphs B or C of the twelfth clause of the principal agreement the Council shall not be bound to purchase any buildings plant machinery cables or works which have been discontinued or disused in pursuance of this agreement.

(5) In the event of the Council exercising their power of terminating the principal agreement and purchasing the undertaking of the contractors in the burgh the power company shall if and so long as the Council desire supply to the aforesaid sub-stations and to the other sub-stations for the time being under the control of the Council within the burgh such quantity of electrical energy in bulk as the Council may require and the power company shall furnish the said supply to the Council at rates and on conditions not less favourable to the Council than the rates and conditions at and on which the power company are supplying electrical energy to the

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contractors at the date of the termination of the principal agreement and either the Council or the power company shall be entitled failing agreement to have the rates and conditions for the said supply of electrical energy in bulk fixed by an arbiter to be agreed on between the Council and the power company or failing agreement to be appointed on the application of either of the said parties by the sheriff of Stirling Dumbarton and Clackmannan and the decision of such arbiter shall be final and binding Provided that nothing in this article contained shall alter or prejudice the provisions of the Clyde Valley Electrical Power Act 1901 with reference to the revision of rates. A.D. 1914.

(6) Except as otherwise provided in Article 10 of this agreement the power company shall not without the consent in writing of the Council supply electrical energy in bulk or otherwise directly or indirectly to any consumer company body or person within or for use within the burgh other than to the contractors or to the Council in terms of this agreement as aforesaid.

(7) The costs charges and expenses reasonably incurred by the Council of and in connection with the negotiations for and the preparation and execution of this agreement or otherwise in relation thereto and of and in connection with the Provisional Order or substituted Bill to confirm this agreement as hereinafter mentioned shall be borne by the contractors and paid on demand by them to the Council and in default may be recovered by the Council from the contractors in any court of competent jurisdiction in Scotland Provided always that if this agreement is confirmed by a Provisional Order or substituted Bill promoted by the Council to obtain additional powers besides the confirmation of this agreement as is the present intention then the contractors shall pay to the Council in full discharge of such costs charges and expenses the sum of two hundred and fifty pounds but if the said agreement is confirmed by a Provisional Order or substituted Bill promoted by the Council solely for the purpose of confirming the said agreement (which special Order or substituted Bill shall not be promoted in the April period of one thousand nine hundred and fourteen except with the consent of the contractors) then the contractors shall pay to the Council the full amount of such costs charges and expenses.

(8) The whole parties hereto hereby hold themselves subject to the jurisdiction of the sheriff court of Stirling Dumbarton and Clackmannan at Dumbarton and to the Court of Session in all matters arising out of or relating to this agreement and the contractors hereby renounce all right competent to them to plead want of jurisdiction of the said courts or either of them and all parties consent to registration hereof and of any decree or decrees arbitral and other proceedings to follow hereon for preservation and execution.

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A.D. 1914.

(9) This agreement shall be scheduled to and confirmed by a Provisional Order or substituted Bill to be promoted in this or the next session of Parliament by the Council under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and is subject to such alterations as the Secretary for Scotland or Parliament may think fit to make therein and the parties to this agreement undertake to use their best endeavours to obtain the granting of the said Provisional Order and Parliamentary sanction thereof or the passing of such substituted Bill into an Act as the case may be so far as it relates to this agreement. Provided always that in the event of the Secretary for Scotland or Parliament making any alteration in the terms of this agreement which upon the application of the Council the contractors or the power company the Dean of Faculty of Advocates in Edinburgh for the time being shall consider material any of the said three parties shall be entitled to resile from this agreement and in that event the Provisional Order or substituted Bill so far as it relates to this agreement shall not be proceeded with and this agreement shall have no force or effect except as regards the provision for payment by the contractors to the Council of the costs charges and expenses incurred as hereinbefore mentioned and also excepting the provision in Article 10 hereof for the supply of electrical energy by the contractors or the power company to the Dumbarton Tube Works.

(10) In respect that it has been arranged between the contractors and the power company that the contractors shall from and after the execution of this agreement take and the power company shall supply to them in bulk electrical energy for the Dumbarton Tube Works situated in the burgh it is agreed that in the event of this agreement having no force or effect as provided for in the immediately preceding article hereof then the power company may themselves supply the said tube works in accordance with the provisions of the Clyde Valley Electrical Power Act 1901.

(11) Any dispute or difference which may arise between the parties as to the meaning of this agreement or anything to be done or not to be done thereunder shall be determined by an arbiter to be appointed failing agreement by the said sheriff on the application of any of the parties and the decision of such arbiter shall be final and binding.

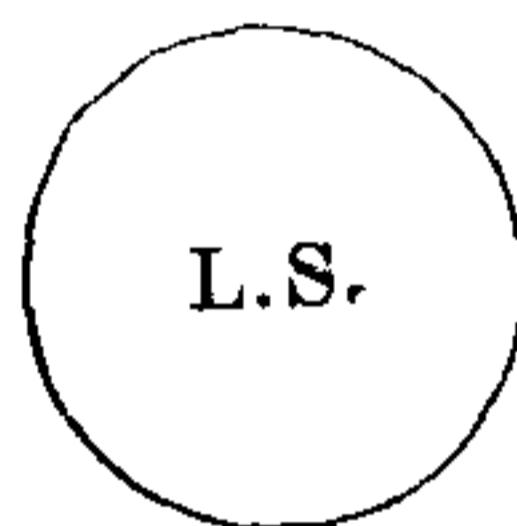
(12) Except as altered by this agreement the principal agreement shall remain in full force and effect.

In witness whereof these presents consisting of this and the four preceding pages are executed in triplicate by the parties hereto as follows they are executed by the said Electric Supply Corporation Limited as follows they are subscribed by Sir Home Gordon Bart. and Ralph Tichborne Hinckes two of the directors and William Abbott

the secretary of the said Electric Supply Corporation Limited and sealed with their common seal all at London on the fifth day of March one thousand nine hundred and fourteen before these witnesses William Christopher Wood and Harry Edwin Burgess both clerks Salisbury House London Wall London they are executed by the said Clyde Valley Electrical Power Company as follows they are subscribed by James Mackenzie and Charles Ker two of the directors and Harry Edmund Ferguson the secretary of the said Clyde Valley Electrical Power Company and sealed with their common seal all at Glasgow on the eleventh day of the said month of March and year last mentioned before these witnesses William Johnstone writer Glasgow and David Alfred Starr manager of the Clyde Valley Electrical Power Company 53 Bothwell Street Glasgow and they are executed by the said provost magistrates and councillors as follows they are subscribed at a meeting of the said provost magistrates and councillors held at Dumbarton on the said eleventh day of March one thousand nine hundred and fourteen by John Buchanan provost of the said burgh presiding at the said meeting and Alexander Roberts town clerk of said burgh and the common seal of said burgh is adhibited also at said meeting all before these witnesses Fergus Roberts Solicitor Dumbarton and James Carr Council officer there.

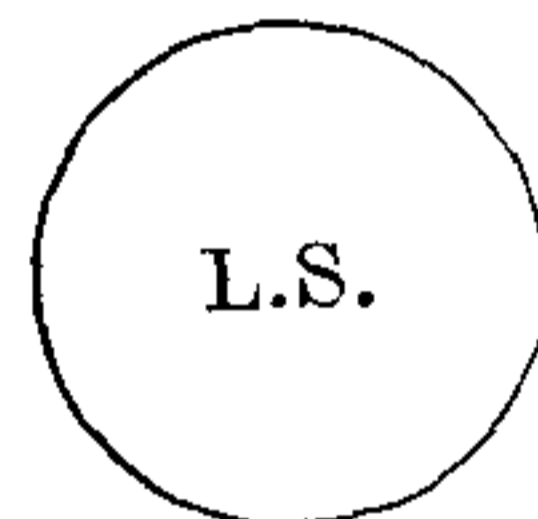
A.D. 1914.

FERGUS ROBERTS Witness.
 JAMES CARR Witness.



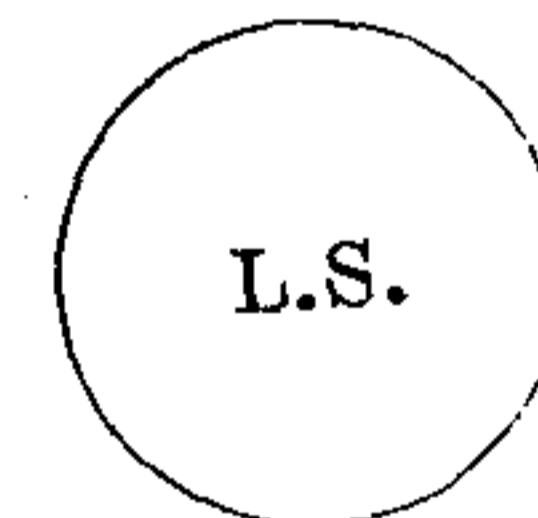
JOHN BUCHANAN Provost.
 ALEX. ROBERTS Town Clerk.

WM. C. WOOD Witness.
 H. E. BURGESS Witness.



HOME GORDON Director.
 R. T. HINCKES Director.
 W. ABBOTT Secretary.

W. JOHNSTONE Witness.
 DAVID A. STARR Witness.



JAMES MACKENZIE Director.
 CHARLES KER Director.
 H. E. FERGUSON Secretary.

THE THIRD SCHEDULE.

AGREEMENT between Colonel GEORGE JAMES FERGUSON-BUCHANAN of Auchentorlie Dumbartonshire (hereinafter called "the first party") on the one part and the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF DUMBARTON (hereinafter called "the Town Council") on the other part.

WHEREAS the Town Council have applied under the provisions of the Private Legislation Procedure (Scotland) Act 1899 to the Secretary for

[Ch. cxcii.] *Dumbarton Burgh (Water, &c.)* [4 & 5 GEO. 5.]
Order Confirmation Act, 1914.

A.D. 1914. Scotland for a Provisional Order “to authorise the provost magistrates
— “ and councillors of the burgh of Dumbarton to construct additional
“ waterworks to borrow money for their water and gas undertakings
“ to alter the quality of gas supplied by them to confirm an agreement
“ as to the supply of electricity in the burgh and for other purposes”:

And whereas the first party has petitioned against the said Order:

And whereas after certain negotiations it has been agreed that the parties hereto should enter into the agreement hereinafter contained:

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

First The Town Council shall subject as hereinafter mentioned pay to the first party the sum of five thousand five hundred pounds which sum shall be in full settlement of the whole of the first party's claims in connection with the works described in section 5 of the said Order and shown on the deposited plans and as full compensation for all loss and damage sustained by the first party through the operations of the Town Council except as hereinafter provided.

Second Subject to the Town Council obtaining the consent of the tenant or his successors under the lease after mentioned and subject to the carrying out of the water provisions of the said Order and this agreement the first party agrees to cancel as from the term of Whitsunday one thousand nine hundred and fourteen in so far as he is interested the lease of the three reservoirs or dams referred to in the said Provisional Order entered into between Andrew Buchanan Esquire of Auchentorlie and the Honourable William Collins dated second and fourth of April one thousand eight hundred and seventy-nine in which case and subject as aforesaid the Town Council shall pay to the first party a sum at the rate of one hundred and thirty-five pounds per annum until the date of payment of the said sum of five thousand five hundred pounds under Article Tenth hereof and that half-yearly at Martinmas and Whitsunday beginning the first half-yearly payment at the term of Martinmas one thousand nine hundred and fourteen and ceasing with the payment of the said sum of five thousand five hundred pounds as aforesaid.

Third The Town Council agree to limit the period for the completion of the works referred to in the clause of the said Order the marginal note of which is “Period for completion of works” to five years and the Town Council bind and oblige themselves from the date of commencement of the construction of the said works to carry on the construction in a workmanlike manner continuously and as expeditiously as possible so as to have the whole works completed and the ground restored as far as it is possible to do so and sown down with grass within a period of not more than three years from the date of the

[4 & 5 GEO. 5.] *Dumbarton Burgh (Water, &c.)* [Ch. cxcii.]
Order Confirmation Act, 1914.

commencement thereof and in such a way as to cause as little damage as possible to the first party's adjoining lands. A.D. 1914.

Fourth The Town Council shall be responsible to the first party for all damage to the surface of the first party's adjoining lands outside a distance of thirty feet on either side of the centre line of all and any of the works authorised by the said Order or to the stock of cattle or sheep grazing on said adjoining lands and also for any damage caused by their workmen or contractors or the workmen of contractors trespassing on the first party's lands or to the sporting rights over the same while the works are being constructed or subsequently and failing agreement such damage shall be settled by arbitration as hereinafter provided.

Fifth In the event of the Town Council exercising their powers of lateral or vertical deviation in such a way as to increase the top water levels of the said reservoirs or dams as shown on the deposited plans and sections the Town Council shall be bound and hereby bind and oblige themselves and their successors to compensate the first party for any additional land that may be submerged by such exercise of the powers of lateral or vertical deviation as such compensation failing agreement shall be settled by arbitration as hereinafter provided.

Sixth In the event of the catchwater channel (Work No. 2 described in the said Order) being constructed in the open and not covered in the Town Council shall provide two crossing places in the positions required by and to the satisfaction of the first party and the said channel shall if required by the first party be fenced on both sides with a substantial cattle and sheep fence which shall be maintained by and at the expense of the Town Council.

Seventh The following rights shall be reserved to and be exercisable by the first party namely the exclusive right of fishing shooting and sporting in and over the said lands and the said reservoirs and aqueducts but only so far as not affecting the use of the said reservoirs and aqueducts by the Town Council for the purposes of the said Order and the first party shall also be entitled to keep not more than two boats on each of the said reservoirs and to erect boathouses for the same but that only on his own lands.

Eighth All the rights and interests of the first party and the Town Council under and in virtue of a minute of agreement between George Yuille Strang Watkins writer in Glasgow as acting for and on behalf of Andrew Buchanan Esquire of Auchentorlie in the county of Dumbarton of the first part and John Babbie Esquire provost of Dumbarton for and on behalf of the magistrates and Town Council of the burgh of Dumbarton as acting for the Commissioners for

[Ch. cxcii.] *Dumbarton Burgh (Water, &c.)* [4 & 5 GEO. 5.]
Order Confirmation Act, 1914.

A.D. 1914. — executing the objects of the Dumbarton Waterworks Reclamation and Municipal Extension Act 1857 and the Dumbarton Waterworks and Municipality Act 1869 of the second part dated nineteenth April one thousand eight hundred and eighty-three are hereby reserved entire to both parties.

Ninth The Town Council agree to give to the first party from the works authorised by the said Order a supply of water for houses and other buildings that may be erected on the estate of Auchentorlie so far as practicable and within their power to do so at reasonable rates.

Tenth This agreement as also the payment of the said sum of five thousand five hundred pounds and of the said sum of one hundred and thirty-five pounds per annum shall be conditional upon the water clauses of the said Provisional Order being confirmed by Parliament and receiving the Royal Assent and the said sum of five thousand five hundred pounds shall be payable by the Town Council to the first party within two years from the date when the said Provisional Order receives the Royal Assent or on such prior date as the Town Council shall take possession of the first party's lands.

Eleventh The expenses of and in connection with this agreement as well as the expenses incurred by the first party in connection with the said Order and his opposition thereto (not exceeding in all sixty pounds) shall in the event of the water clauses of the said Provisional Order being confirmed by Parliament and receiving the Royal Assent be borne by the Town Council. In addition the Town Council shall pay the whole expenses of the conveyance or conveyances to follow hereon including stamp duties measurements and relative plans.

Twelfth In respect of the foregoing terms the first party agrees to withdraw his petition against the said Order.

Thirteenth If any difference shall arise between the first party and the Town Council under this agreement such difference shall be determined by an arbiter to be agreed upon or failing agreement by an arbiter to be appointed by the sheriff on the application of either party.

Fourteenth The agreement shall be scheduled to and confirmed as part of the said Order subject to such alterations as the Secretary for Scotland or Parliament may make thereon but if any material alteration in this agreement be made it shall be competent to either party to it to withdraw the same.

In witness whereof these presents typewritten on this and the three preceding pages by Georgina Gerrie Cook typist to Keyden Strang and Company writers in Glasgow are subscribed in duplicate by the said George James Fergusson-Buchanan and by John Buchanan provost

of the burgh of Dumbarton as authorised by and acting for and on behalf of the provost magistrates and councillors of the burgh of Dumbarton both at Glasgow on the twenty-second day of July in the year nineteen hundred and fourteen before these witnesses David Reid writer in Glasgow and Peter Kennedy clerk to the North British Railway Company at Queen Street Station Glasgow. A.D. 1914.

DAVID REID Witness.
P. KENNEDY Witness.

G. J. FERGUSSON-BUCHANAN.
JOHN BUCHANAN Provost.

THE FOURTH SCHEDULE.

AGREEMENT between the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF DUMBARTON (hereinafter called the first parties) and WILLIAM BLACK St. Mary's Kirkcaldy and WILLIAM ALEXANDER COLLINS WILLIAM COLLINS DICKSON GODFREY PATTISON COLLINS M.P. AND HUGH ALLAN all of 144 Cathedral Street Glasgow the testamentary trustees original and assumed of the deceased Sir William Collins Knight publisher and stationer Glasgow acting under his trust disposition and settlement dated twenty-ninth July one thousand eight hundred and ninety-two and with relative codicils registered in the Books of Council and Session eighteenth April one thousand eight hundred and ninety-five (hereinafter called the second parties).

WHEREAS the first parties have made an application to the Scottish Office in Session one thousand nine hundred and fourteen for a Provisional Order authorising them inter alia to construct additional waterworks for the burgh of Dumbarton and to make and maintain the works therein described or some of them and to purchase enter upon take hold and use compulsorily or by agreement such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for this purpose and also to divert impound take appropriate store use and distribute the waters of the stream called the Milton Burn in the parish of Old Kilpatrick and county of Dumbarton and all affluents streams springs and waters flowing into or arising within the said stream subject to provision of compensation water all as more particularly specified in the said Provisional Order:

And whereas the second parties are heritable proprietors of the Milton Paper Mills Bowling and have valuable water rights in connection therewith from the Milton Burn and are lessees of various reservoirs and lands in use with the said mills and in particular

[Ch. cxcii.] *Dumbarton Burgh (Water, &c.).* [4 & 5 GEO. 5.]
Order Confirmation Act, 1914.

A.D. 1914. are lessees of the three reservoirs or dams referred to in the said Provisional Order conform to lease between Andrew Buchanan Esquire of Auchentorlie and the Honourable William Collins then lord provost of the city of Glasgow dated second and fourth and recorded fifth April one thousand eight hundred and seventy-nine and which three reservoirs or dams are in the catchment area sought to be compulsorily acquired by the Town Council:

And whereas the second parties have lodged a petition against the said Provisional Order which fully sets forth their rights and interests in the premises and their objections to the said Provisional Order:

And whereas the parties have been in negotiation with reference to the said Provisional Order and the second parties have agreed to withdraw their opposition to the Order on the following terms and conditions and the parties accordingly hereby agree as follows (namely):—

First The first parties in the event of the water clauses of the said Provisional Order being confirmed by Parliament and receiving the Royal Assent shall within one month of the date thereof pay to the second parties the sum of three hundred and twenty-five pounds sterling in respect of compensation for all loss or damage sustained by the second parties in respect of their rights and interests under the said lease and all interference with the water rights of the said mill.

Second The first parties shall arrange at their own expense with Colonel George James Fergusson-Buchanan of Auchentorlie Dumbartonshire proprietor of the leasehold subjects before mentioned for the cancellation conditionally on the water provisions of this Order receiving the Royal Assent as from and after the term of Whitsunday last of the said lease dated and recorded as aforesaid and of the whole rights and obligations incumbent on the second parties arising out of the said lease.

Third The first parties shall in the event of the water provisions of the said Provisional Order being confirmed by Parliament and receiving the Royal Assent pay to the second parties the sum of fifty pounds sterling to cover the expenses incurred or to be incurred by them in carrying out the provisions of this agreement.

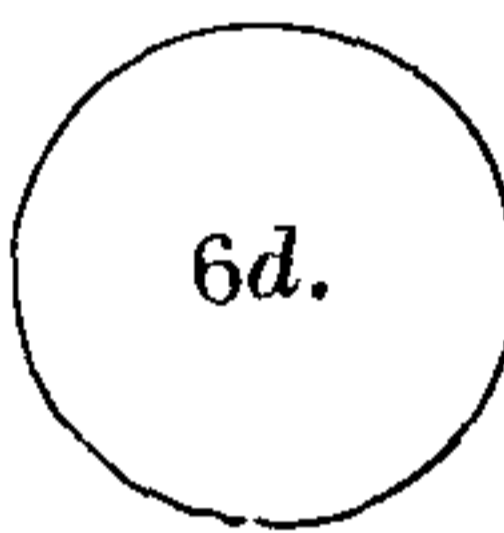
Fourth This agreement shall be scheduled to and form part of the said Provisional Order subject to such alterations as the Secretary for Scotland or Parliament may make thereon but if any material alteration in the agreement be made it shall be competent to either party to it to withdraw the same.

In witness whereof these presents typewritten on this and the two preceding pages for Watt Son & Co. writers Glasgow are executed by the parties hereto in duplicate through sixpenny adhesive stamps as

[4 & 5 GEO. 5.] *Dumbarton Burgh (Water, &c.)* [Ch. cxcii.]
Order Confirmation Act, 1914.

follows viz. They are subscribed by John Buchanan provost and Alexander Roberts town clerk both of the burgh of Dumbarton for and on behalf of and as specially authorised at a meeting of the said provost magistrates and councillors of said burgh both at Glasgow on the twenty-second day of July nineteen hundred and fourteen before these witnesses Gavin Laurie Woodrow solicitor Glasgow and David Harvey clerk to the said Watt Son & Co. and they are subscribed by the said William Alexander Collins William Collins Dickson and Hugh Allan being a majority and quorum of said trustees all at Glasgow on the twenty-seventh day of the month and year last mentioned before these witnesses Margaret Shepherd and Margaret Gibson both typists to Messrs. William Collins Sons & Co. Ltd. 144 Cathedral Street Glasgow.

A.D. 1914.

G. L. WOODROW Witness.	JOHN BUCHANAN Provost.	
DAVID HARVEY Witness.	ALEX. ROBERTS Town Clerk.	
MARGARET SHEPHERD Witness.		
MARGARET GIBSON Witness.	WM. A. COLLINS.	Stamp.
MARGARET SHEPHERD Witness.		
MARGARET GIBSON Witness.	WM. C. DICKSON.	
MARGARET SHEPHERD Witness.		
MARGARET GIBSON Witness.	HUGH ALLAN.	

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