



CHAPTER lxiX.

An Act to confirm a Provisional Order under the Private
Legislation Procedure (Scotland) Act 1899 relating to
Dundee Boundaries Extension and Gas.

A.D. 1914.

[8th July 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 Pro-
cedure (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 Dundee Boundaries
Extension and Gas Order Confirmation Act 1914.

Short title.

A.D. 1914.

SCHEDULE.

PROVISIONAL ORDER.

To extend the boundaries of the city and Royal burgh of Dundee and the county of the city of Dundee and to confer further powers on the Dundee Gas Commissioners in relation to their gas undertaking and for other purposes.

WHEREAS the lord provost magistrates and councillors of the city and Royal burgh of Dundee (hereinafter called "the Corporation" and "the city" respectively) are vested with the municipal and police administration thereof:

And whereas by the Dundee Boundaries Act 1913 (hereinafter called "the Act of 1913") the municipal and police boundaries of the city as existing immediately previous to the annexation by that Act and the county of the city of Dundee were extended as the boundaries thereof as so extended are set forth and described in that Act:

And whereas Sir James Key Caird Baronet has gifted and caused to be conveyed to the Corporation certain lands and heritages in the county of Forfar lying to the north of the city and situate partly within and partly without the city boundaries on the condition that the same shall be set apart and appropriated in all time coming as a public park and recreation ground for the use and benefit of the inhabitants of the city and for no other purpose or use and it is expedient that the boundaries of the city should be extended as hereinafter provided so as to include the whole of the said lands and heritages and for the purpose of forming a more convenient and regular boundary between the city and the county certain other lands and heritages adjacent to the lands and heritages gifted and conveyed as aforesaid (all hereinafter called "the added area") and that all franchises rights privileges and immunities and all public and general and local and personal Acts and Orders relating to and in force for the time being in or applicable to the city should be applied to the added area:

And whereas by the Dundee Corporation Act 1894 (hereinafter called "the Act of 1894") the city within the then existing

municipal and police boundaries thereof was constituted a county A.D. 1914.
of a city under the name of the county of the city of Dundee
and it is expedient that the added area should be separated and
disjoined from the county of Forfar and be incorporated with and
form part of the county of the city of Dundee as so constituted.
and extended by the Act of 1913 :

And whereas it is further expedient that the added area
should form part of wards fifth and seventh of the city adjoining
the same :

And whereas by the Dundee Gas Act 1868 (hereinafter
called "the Act of 1868") the Dundee Gas Commissioners
(hereinafter called "the commissioners") were incorporated for
the purpose of supplying with gas the town of Dundee and the
suburbs thereof and places adjacent thereto and by various
Acts since passed the Act of 1868 has been amended and
extended and various further powers have been conferred on
the commissioners :

And whereas by the Act of 1894 the Corporation were
constituted the commissioners for carrying inter alia the Dundee
Gas Acts as therein defined into execution :

And whereas it is expedient that the commissioners should
be empowered to feu or otherwise acquire by agreement and
hold and use the piece of ground firstly described in the Second
Schedule hereto for the purposes of works for the distillation
of tar and the manufacture conversion storage and distribution
of residual products resulting from the manufacture of gas and
to hold and use the piece of ground secondly described in the said
Second Schedule for the purposes of and as a site for gasholders
gas apparatus and houses for the manufacture conversion storage
and distribution of gas and residual products resulting from the
manufacture of gas :

And whereas it is expedient that the Corporation should be
empowered to levy and collect rates assessments and charges in
the added area and to borrow and raise money for the purposes
of this Order as hereinafter 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 :

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Gas Order Confirmation Act, 1914.*

A.D. 1914.

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

Short title
and citations
of Acts.

1. This Order may be cited for all purposes as the Dundee Boundaries Extension and Gas Order 1914.

The Dundee Corporation Acts 1871 to 1913 and this Order may be cited together as the Dundee Corporation Acts 1871 to 1914.

The Dundee Gas Acts 1868 to 1913 and this Order so far as relating to gas and gas purposes may be cited together as the Dundee Gas Acts 1868 to 1914.

Division of
Order into
parts.

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

Part I.—Preliminary.

Part II.—Boundaries Extension.

Part III.—Gas Undertaking.

Part IV.—Borrowing of Money and Rates and Assessments.

Part V.—Protective Provisions.

Part VI.—Miscellaneous.

PART I.

PRELIMINARY.

Interpreta-
tion.

3. In this Order the following words and expressions shall unless there be something in the subject or context repugnant to such construction have the meanings hereby assigned to them (that is to say):—

“Existing city” means the city and royal burgh of Dundee as extended by and as the boundaries thereof are described in the Act of 1913;

“City” means the city and royal burgh of Dundee as the municipal boundaries and the police boundaries thereof are extended by this Order;

“Added area” means the portion of the county of Forfar by this Order incorporated with the existing city;

“Corporation” means the lord provost magistrates and councillors of the existing city or of the city;

“Magistrates” means the magistrates of the existing city or of the city;

- “Commissioners” means the Dundee Gas Commissioners as constituted by the Act of 1894; A.D. 1914.
- “County council” means the county council of the county of Forfar;
- “Gas Undertaking” means the undertaking of the Commissioners exclusive of their electric lighting undertaking;
- “Sheriff” means the sheriff of the county of Forfar and includes his substitutes;
- “Sheriff Clerk” means the sheriff clerk of the county of Forfar;
- “The Act of 1882” means the Dundee Police and Improvement Consolidation Act 1882;
- “The Order of 1907” means the Dundee Corporation Order 1907;
- “The Act of 1913” means the Dundee Boundaries Act 1913;
- “The Gas Acts” means the Dundee Gas Acts 1868 to 1913.

PART II.

BOUNDARIES EXTENSION.

4. This part of this Order shall except as otherwise hereinafter provided commence and have effect as on and from the fifteenth day of May One thousand nine hundred and fourteen which date is hereinafter in this part of this Order referred to as “the commencement of this part of this Order.” Commencement of Part II. of Order.

5. The municipal boundaries and the police boundaries of the existing city shall be and are hereby extended so as to include and shall include the whole territory lands and heritages in the United Parish of Mains and Strathmartine and County of Forfar within the following limits (that is to say):— Extension of municipal and police boundaries.

Commencing at a point on the boundary of the existing city in the centre line of the public road leading from Downfield to Baldragon where the prolongation eastwards of the line of the north side of the public road between the properties known respectively as Bracken Bruach and Roineach Mhor would intersect that centre line thence proceeding in a straight line in an easterly direction to a point in the centre of the Dighty Water on the west side of the bridge carrying the Baldovan Road over the said

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Dighty Water thence in an easterly north-easterly and south-easterly direction following the course and along the centre of the said Dighty Water to a point in the said centre of the Dighty Water seventy yards or thereby due east from the east side of the road leading from Dundee to Forfar thence in a southerly direction along an imaginary line parallel to and distant seventy yards or thereby from the east side of the said road leading from Dundee to Forfar to a point where such imaginary line would intersect the boundary of the existing city thence in a straight line in a westerly direction along such boundary to a point in the centre line of the northern extension of Elgin Street three hundred and seventy yards or thereby measured in a northerly direction along that centre line from the south side of Park Road thence in a straight line in a northerly direction along the boundary of the existing city to a point in the boundary fence between the fields numbered 599 and 675 on the Ordnance Survey Map (scale 1-2500) of the United Parish of Mains and Strathmartine (Second Edition 1902) distant one hundred and fifty-eight yards or thereby north-east from the north-east corner of the field numbered 655 on the said Ordnance Survey Map thence in a straight line in a north-westerly direction along the boundary of the existing city to a point thereon on the north side of the public road at the March of Balmuir two hundred and twenty-eight yards or thereby east from the north-east corner of the grounds of the Baldovan Industrial School as shown on the said Ordnance Survey Map and thence in a straight line in a westerly direction along the boundary of the existing city to the point of commencement:

Provided that the description of the municipal boundaries and of the police boundaries as so extended shall be subject to the rules of construction defined and laid down by the Representation of the People (Scotland) Act 1832.

Deposit of
map of city.

6. A map of the existing city showing the municipal boundaries and the police boundaries thereof as existing at the commencement of this part of this Order and also as extended by this Order of which eight copies have been signed by the Secretary for Scotland shall within four weeks after the date

of the passing of the Act confirming this Order be deposited as follows (that is to say) One copy in the office of the Secretary for Scotland Whitehall London one copy with the Town Clerk of Dundee at his office in Dundee one copy with the sheriff clerk at each of his offices in Dundee and Forfar respectively one copy with the Board of Agriculture and Fisheries one copy with the Commissioners of Customs and Excise one copy with the Board of Trade and one copy with the Postmaster-General If there be any discrepancy between the boundaries as delineated on the said map and the description thereof in this Order the said map shall be deemed to be correct and shall prevail.

A.D. 1914.

7. The added area shall subject to the provisions of this Order and for the purposes of the Dundee Corporation Act 1894 be incorporated with and form part of the county of the city of Dundee and be disjoined from the county of Forfar and the said Act shall be read and have effect as if the words "the city and royal burgh of Dundee" occurring therein mean the city.

Boundary of county of city.

8. The added area shall form part of the fifth and seventh wards of the existing city the boundaries of which as so enlarged shall respectively be as set forth and described in the First Schedule to this Order and the number of councillors for those respective wards as so enlarged shall remain the same as at the commencement of this Part of this Order and the councillors then representing the said wards shall continue to represent the same as enlarged until the next succeeding election when such election shall proceed for such wards as enlarged as aforesaid as if no alteration or enlargement thereof had been made.

Added area to form part of fifth and seventh wards.

9. The roads streets lanes courts bridges foot pavements and footpaths within the added area and the sewers and drains therein or thereunder so far as the same are vested in and managed maintained and repaired by the county council county road board or district committee of the county council or other local authority shall from and after the commencement of this Part of this Order be and are hereby transferred to and vested in and shall be managed maintained and repaired by the Corporation along with and in the same way and manner as the roads streets lanes courts bridges foot pavements and footpaths and sewers and drains within the existing city and the county council county road board district committee of the county council or other local authority and all committees thereof shall

Roads &c. in added area.

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Gas Order Confirmation Act, 1914.*

A.D. 1914. be freed and relieved of and from the repair and maintenance of all roads streets lanes courts bridges foot pavements and footpaths and sewers and drains by this section transferred to and vested in the Corporation in all time coming.

Saving rights in roads foot-pavements footpaths sewers and drains.

10. Nothing in this Order contained with respect to the vesting in the Corporation of roads streets lanes courts bridges foot pavements footpaths sewers or drains within the added area shall prevent any superiors owners or other persons by whom or by whose predecessors the same shall have been formed from recovering the costs or any proportion of the cost of forming the same from feuars or other persons under any agreements made between the said parties respectively.

Provision as to roads in added area.

11.—(1) The Corporation shall not be entitled to call upon the owner of any lands in the added area to pave flag kerb or channel any portion of any street or road ex adverso of unfeued ground in the added area.

(2) The Corporation shall not for a period of fifteen years from the commencement of this Part of this Order require any owner of land in the added area or his feuars and others to make good or contribute to the making good of any roads or streets including footpaths ex adverso of any lands in the added area in a manner or according to a specification more expensive than the manner and specification referred to in the second subsection of the forty-fifth section of the Act of 1913 and any roads or streets including footpaths ex adverso of any lands in the added area which shall be made good in manner or according to a specification as aforesaid shall thereafter be managed maintained and repaired by the Corporation in the same way and manner and to the same extent as the roads streets foot pavements and footpaths within the existing city.

Register of voters.

12. From and after the commencement of this Part of this Order and notwithstanding anything to the contrary in any Act contained the provisions of Section 11 (Register of voters) of the Act of 1913 shall mutatis mutandis apply and have effect with respect to the registration of voters in the city.

Payment to county council.

13. The Corporation shall as on the fifteenth day of May one thousand nine hundred and fourteen pay to the county council the sum of one thousand pounds which sum shall be accepted by the county council as in full satisfaction of all claims including claims for debt competent to them and not

elsewhere in this Order expressly provided for which sum shall bear interest at the rate of five pounds per centum per annum from the said date of payment till paid and the said sum shall with the sanction of the Secretary for Scotland be applied by the county council for behoof of the county of Forfar either in the repayment of debt or for any other purpose for which capital money may be applied. A.D. 1914.

14. Nothing in this Order contained shall affect the county of Forfar or the parliamentary burgh of Dundee or the limits of the same so far as regards the election of members to serve in Parliament and subject to the provisions of section 11 of the Act of 1913 that county and the city shall for Parliamentary purposes remain the same as if this Order had not been passed. Order not to affect election of members to serve in Parliament.

15. The Corporation shall continue to consist of the same number of members as at present and shall continue in office subject to the provisions of the statutes regulating the election of councillors and the order of their retirement shall not be affected. Continuance in office of Corporation.

16. The provisions of the Town Councils (Scotland) Acts 1900 and 1903 so far as the same apply to the existing city and of all other public statutes amending the same and regarding the election of town councillors in burghs divided into wards or districts in so far as still in force and the Dundee Police and Improvement Act 1871 so far as still in force shall subject to the provisions of this Order apply to the elections in and to the wards presently existing notwithstanding the alteration on the fifth and seventh wards of the existing city effected by this Order and to the election qualification continuance in office declination and retirement of councillors and to the resignation of councillors and to supplying vacancies in the council by death disability resignation or other causes or otherwise as if the wards presently existing as altered by this Order had been the wards or districts into which the city was divided under and by virtue of the said Acts of 1900 and 1903 and as if the number of councillors fixed under the said Act of 1871 had been the number fixed in or by virtue of the said Acts of 1900 and 1903. Provisions of general Acts as to municipal elections to apply to altered wards.

17. The sections hereinafter specified of the Order of 1907 shall so far as applicable and not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis Application of sections of Order of 1907.

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A.D. 1914. to the added area and to the Corporation with reference thereto as fully and effectually as if those sections had been re-enacted in this Order (that is to say):—

Section 12 (Powers of local authorities to cease in district annexed).

Section 13 (Assessments on burgh).

Section 15 (Recovery of arrears of assessments &c. within district annexed).

Section 20 (Saving jurisdiction of sheriff).

Section 21 (Teinds not to be affected).

Section 22 (Poor's rates not to be affected).

Section 23 (Act not to affect School Boards).

Section 24 (Tenures and records preserved).

Section 30 (Preceding provisions not to affect mode of electing magistrates).

Application of general and local Acts &c.

18. The public and general and local and personal Acts and Orders relating to and in force in the existing city and all byelaws rules regulations and Orders made thereunder shall as amended by this Order be exercised over and be applicable to the city.

Sanitary byelaws.

19. The byelaws and regulations which shall be made to affect the added area in regard to the construction occupation use cleansing or sanitation of or any other matter affecting any dwelling-houses cottar houses cow byres dairy premises and sculleries milk-houses piggeries dungsteads and other buildings and erections thereon or any renewals extensions or enlargements thereof shall during the period of twelve years from and after the commencement of this Part of this Order be in the same terms as the byelaws and regulations of the county council or district committee of the county council in regard to such matters in force with respect to the added area prior to the commencement of this Part of this Order.

Sewage disposal.

20. The owners and tenants in the added area shall not during the period of twelve years from and after the commencement of this Part of this Order be bound to make any further or other provisions than at present exist in regard to the disposal of the sewage of any existing houses steadings and other premises in the added area Provided always that it shall be competent to the Corporation at any time to make any further or other

provisions they may deem proper in regard thereto but not so as to occasion any expense or loss to the said owners and tenants. A.D. 1914.

21.—(1) The Corporation shall with all convenient dispatch prepare and use their best endeavours to obtain the approval of the Local Government Board for Scotland to a town planning scheme under the provisions of the Housing Town Planning &c. Act 1909 which town planning scheme shall include the added area. Town
planning
scheme.

(2) Until a system of drainage of the added area has been provided by the Corporation it shall not be an objection to the approval by the works committee of the Corporation under the Act of 1882 of the plans of any houses or buildings to be erected within the added area that such houses or buildings cannot at the time drain into any sewers of the Corporation.

22. The powers of the Scottish Insurance Commissioners shall operate for the purpose of reconstituting by order made by them the insurance committees for the county of Forfar and the city as from the commencement of this Part of this Order or such subsequent date as shall be determined by the said Commissioners and that in such manner and to such extent if any as the said Commissioners may deem necessary in consequence of the provisions of this Part of this Order and for the adjustment consequent on the said provisions of the boundaries of the areas and the financial rights and obligations of the said committees and any such order made by the said Commissioners may contain such incidental supplemental and consequential provisions as appear to the said Commissioners necessary or expedient for carrying the order made by them into effect and for adapting the provisions of Part I. of the National Insurance Act 1911 thereto provided that any order so made shall be laid before both Houses of Parliament as soon as may be after it is made. National
Insurance
Committees.

PART III.

GAS UNDERTAKING.

23. The Gasworks Clauses Act 1847 with the exception of the clauses with respect to the amount of profit to be received by the Undertakers when the gasworks are carried on for their benefit and Sections 5 6 9 10 12 to 27 and 36 to 46 of the Incorporation of Acts.

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A.D. 1914. Gasworks Clauses Act 1871 are so far as the same are applicable for the purposes of and are not varied by or inconsistent with this part of this Order incorporated with and form part of this part of this Order :

Provided that Section 13 of the Gasworks Clauses Act 1847 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 Commissioners shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.

Acquisition
of land for
residual
products.

24. The Commissioners may subject to the provisions of this part of this Order feu or otherwise acquire by agreement and hold and use the piece of ground firstly described in the Second Schedule to this Order (already agreed to be acquired by them) for the purpose of erecting and maintaining thereon and using and may within the limits of the said piece of ground as described in the said Second Schedule erect and maintain thereon and use buildings works and apparatus for the distillation of tar and the manufacture conversion storage and distribution of all other residual products resulting from the manufacture of gas by the Commissioners and may make and maintain on the said piece of ground all roads ways approaches conducting pipes appliances and other conveniences necessary for the storage and distribution of such residual products.

Additional
land for
making
storing and
distribution
of gas and
residual
products.

25. The Commissioners may subject to the provisions of this part of this Order hold and use the piece of ground secondly described in the Second Schedule to this Order for the purposes of and as a site for gasholders gas apparatus and houses for the manufacture conversion storage and distribution of gas and residual products resulting from the manufacture of gas and may within the limits of the said piece of ground as described in the said Second Schedule erect construct maintain alter improve extend renew or discontinue thereon gasholders gas apparatus and houses for the manufacture conversion storage and distribution of gas and residual products resulting from the manufacture of gas and may manufacture and store gas and such residual products therein and distribute gas and residual products therefrom and manufacture convert store sell provide supply and deal in coke tar pitch asphaltum ammonia oil and

all other products or residuum of any materials employed in or resulting from the manufacture of gas and may make and maintain on the said piece of ground all roads ways approaches conducting pipes appliances and other conveniences necessary for the storage and distribution of gas and such residual products. A.D. 1914.

26. The Commissioners may in any street whether dedicated to the public use or not (except any street the property of or maintained by a railway company) lay down place repair alter remove and renew mains and pipes within the gas limits of supply for the purpose of procuring conducting or disposing of any tar or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as they are applicable extend and apply mutatis mutandis to the exercise of the powers of this section. Power to lay pipes for ancillary purposes.

27. The Commissioners may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the pieces of ground described in the Second Schedule to this Order any lands not exceeding in the whole five acres which the Commissioners may require for the purposes of their works and undertaking but they shall not create or permit a nuisance on any such lands and no works for the manufacture of gas or residual products shall be constructed thereon without the authority of Parliament. Additional lands by agreement.

28. The gas and other works authorised to be constructed under the powers of this Order shall be included in and deemed part of the gas undertaking. New gas works to be part of gas undertaking.

PART IV.

BORROWING OF MONEY AND RATES AND ASSESSMENTS.

29.—(1) The Corporation may from time to time (in addition to any moneys they are now authorised to borrow or raise) borrow or raise for the purposes of Part II. of this Order sums not exceeding the amounts hereinafter mentioned for the respective purposes following (that is to say):— Power to borrow or raise additional money.

(a) In respect of the sum to be paid to the county council under the section of this Order of which the marginal

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note is "Payment to county council" the sum of one thousand pounds :

(b) In respect of the costs charges and expenses of and incidental to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto in so far as the same are payable by the Corporation such sum as may be necessary.

(2) All moneys borrowed under this section shall be applied only to the purposes for which they are authorised to be borrowed.

(3) If having borrowed any money under the powers of this section the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund as in this part of this Order prescribed or out of the proceeds of the sale of lands or other moneys received by them on capital account (not being borrowed moneys) they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

Certain provisions of former Acts and Order to apply.

30. Part V. (Estimates and assessments) and Part XXXVII. (Borrowing and raising of money) of the Act of 1882 section 33 (Issue of redeemable police debenture stock) of the Dundee Corporation Act 1894 and section 23 (Amendment as regards Dundee police debenture stock) of the Dundee Gas Commissioners Order 1910 shall except as otherwise by this Order provided extend and apply to Parts II. and IV. of this Order in the same way and to the same effect as if the purposes thereof were purposes of the said Acts Provided that section 321 (Repayment of money borrowed other than that now due by instalments of sinking fund in sixty years) of the Act of 1882 in its application to all moneys to be borrowed or raised for the payment to the county council as hereinbefore in this Order provided shall be read and have effect as if the period for the repayment thereof were twenty-five years from the borrowing or raising thereof or as if the sum provided to be appropriated as a sinking fund were a sum not less than one twenty-fifth part of such moneys.

31. The sections hereinafter specified of the Order of 1907 shall so far as not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to the moneys authorised to be borrowed by the Corporation under this Order and to the Corporation and all other persons in respect thereof as fully and effectually as if those sections had been re-enacted in this Order with reference thereto (that is to say):—

Section 96 (Bonds by the Corporation).

Section 97 (Bonds may be transferred by indorsement).

Section 98 (Bonds to be recorded and transfers to be registered).

A.D. 1914.
Application
of sections of
Order of
1907.

32. Notwithstanding anything in the Dundee Corporation Acts 1871 to 1913 and particularly in Part V. (Estimates and assessments) of the Act of 1882 contained the several assessments and rates leviable by the Corporation under and in pursuance of this Order shall subject to the provisions of this Order be subject in all respects to the provisions of subsections (3) (4) (5) (6) and (7) of section 99 (Assessments) and of subsection (4) of section 103 (Saving for Dundee Harbour Trustees) of the Order of 1907.

Assess-
ments.

33. With regard to the following lands in the added area (that is to say) all woodland arable meadow or pasture ground or other ground used for nurseries market gardens or for horticultural or agricultural purposes the value thereof shall for all rates charges and assessments imposed or to be imposed by the Corporation be held to be one-fourth of the annual value thereof entered in the valuation roll of the City.

Assessment
of certain
lands.

34. During each of the first fifteen years from and after the fifteenth day of May One thousand nine hundred and fourteen the city rates to be levied on and upon the owners and occupiers of the lands and heritages in the added area in respect thereof shall be two-thirds of the city rates to be levied at the time on or upon the owners and occupiers of the lands and heritages within the existing city as defined by the Act of 1913 in respect thereof Provided that in the case of lands and heritages which at the first day of January One thousand nine hundred and fourteen were held on leases which do not expire before the fifteenth day of May One thousand nine hundred and twenty-nine the limitation of the city rates

Limitation of
assessments
on added
area for
fifteen years.

A.D. 1914. hereinbefore provided shall endure as regards such lands and heritages and the owners and occupiers thereof until the expiry of such leases.

PART V.

PROTECTIVE PROVISIONS.

For protec-
tion of the
estate of
Balmuir.

35. For the protection of John Sharp and his successors (in this section called "the owner") in the estate of Balmuir so far as included within the added area the following provisions shall unless otherwise agreed upon between the Corporation and the owner have effect (that is to say):—

(1) The Corporation shall within two years from the commencement of Part II. of this Order cover over the portion of Trottick Burn eastward of the point where that Burn passes under Old Glamis Road for at least five hundred feet and that in such manner as not to involve loss of level as compared with the portion of that Burn to the west of the said point and with proper junctions to receive the discharges of all existing drains at present discharging into the portion to be covered as aforesaid and the owner shall then be bound to connect said drains to the said junctions:

(2) If at any time owing to any works executed by or under the authority of the Corporation by themselves or in conjunction with others the flow of water in the Dighty Water is diminished the following provisions shall have effect (that is to say):—

(a) If owing to such diminution of flow the working of the turbine for generating electrical energy for the supply of Balmuir House offices and grounds is impaired and the electrical energy supplied is diminished the Corporation shall supply electrical energy to the said house offices and grounds at a charge not exceeding the lowest rate for the time being chargeable within the city;

(b) If owing to such diminution of flow the water rights and interests of the owner so far as regards the Mill of Mains or the water rights and interests presently leased to Messrs. Boase and Company Limited Claverhouse are injuriously

affected the Corporation shall compensate the owner and his tenants for the loss respectively so occasioned to them; A.D. 1914.

(c) Any question between the owner and the Corporation as to diminution of the flow of water in the Dighty water or the effect thereof and the amount of compensation as aforesaid shall failing agreement be determined by a single arbiter to be agreed on by the parties or failing agreement to be nominated by the sheriff the costs of such arbitration being payable by the Corporation:

(3) On the provision by the Corporation of a public sewer for the drainage of the added area the owner and his tenants and feuars shall be entitled to drain the property belonging to them outside the city into such sewer (which shall be so laid as to receive the drainage of the said property) on payment to the Corporation of an annual sum calculated on the annual value as entered in the valuation roll (with the like abatements or allowances applicable to similar subjects within the city) of any buildings premises or other property so drained equivalent to twice the amount of the sewage rate which would be payable on such annual value within the city:

(4) For a period of fifteen years from and after the fifteenth day of May one thousand nine hundred and fourteen the owner shall only be required to maintain roads and footways ex adverso the existing houses within the hamlet called Trottick according to the existing mode of construction.

36. For the protection of Sir Gilchrist Nevill Ogilvy Baronet and his successors (in this section called "the owner") in the estate of Baldovan so far as included within the added area the following provisions shall unless otherwise agreed upon between the Corporation and the owner have effect (that is to say):—

For protection of the estate of Baldovan.

(1) On the provision by the Corporation of a public sewer for the drainage of the added area the owner and his tenants and feuars shall be entitled to drain the property belonging to them outside the city into such sewer (which shall be so laid as to receive the

[Ch. lxi.] *Dundee Boundaries Extension and* [4 & 5 GEO. 5.]
Gas Order Confirmation Act, 1914.

A.D. 1914.

drainage of the said property) on payment to the Corporation of an annual sum calculated on the annual value as entered in the valuation roll (with the like abatements or allowances applicable to similar subjects within the city) of any buildings premises or other property so drained equivalent to twice the amount of the sewage rate which would be payable on such annual value within the city:

- (2) The Corporation shall if desired by the owner give the supply of electricity for Baldovan House and the tenants and feuars on the estate of Baldovan at the boundary where the Baldovan Road crosses the Dighty Water at a charge not exceeding the lowest rate for the time being chargeable within the city:
- (3) The interest payable by the owner on the cost of the water main to the farm of South Baldovan shall cease and determine as from the commencement of Part II. of this Order.

For protection of the estate of Linlathen.

37. For the protection of David Charles Erskine Erskine and his successors (in this section called "the owner") in the estate of Linlathen so far as included within the added area the following provisions shall unless otherwise agreed upon between the Corporation and the owner have effect (that is to say) On the provision by the Corporation of a public sewer for the drainage of the added area the owner and his tenants and feuars shall be entitled to drain the property belonging to them outside the city into such sewer (which shall be so laid as to receive the drainage of the said property) on payment to the Corporation of an annual sum calculated on the annual value as entered in the valuation roll (with the like abatements or allowances applicable to similar subjects within the city) of any buildings premises or other property so drained equivalent to twice the amount of the sewage rate which would be payable on such annual value within the city.

For protection of heritors of Mains and Strathmartine.

38. For the protection of the heritors of the parish of Mains and Strathmartine the following provisions shall unless otherwise agreed upon between the Corporation and the said heritors have effect (that is to say):—

- (1) The glebe of the said parish shall so far as used for agricultural or garden purposes be regarded as unfeued

land and shall be subject to the provisions of sub-section (1) of the section of this Order whereof the marginal note is "Provision as to roads in added area": A.D. 1914.

(2) The Corporation shall pay to the said heritors the sum of twenty pounds in respect of the payments made by the said heritors in connection with the water main to the manse:

(3) The Corporation shall not call upon the said heritors or the minister of the parish to flag kerb or channel any portion of any existing street or road formed ex adverso of the church churchyard beadle's house and manse for at least a period of twenty years from and after the fifteenth day of May one thousand nine hundred and fourteen and shall not call upon them at any time to macadamise or pave any street or road at present upheld by the county council and transferred under the section of this Order whereof the marginal note is "Roads &c. in added area" to the Corporation and the Corporation shall jointly with the said heritors maintain and uphold the retaining wall of the said church and churchyard and glebe so far as abutting on the public roads.

PART VI.

MISCELLANEOUS.

39. Nothing contained in this Order shall alter prejudice or affect the saving provisions contained in Sections 330 331 and 333 of the Act of 1882 but such saving provisions shall apply to this Order and the purposes thereof. Saving saving provisions in Act of 1882.

40. Nothing contained in this Order or in any Act incorporated in whole or in part with this Order shall repeal alter diminish or affect any rights interests titles dues powers jurisdictions immunities privileges exemptions and authorities of the trustees of the harbour of Dundee secured under any statutes of and relating to the trustees and their harbour undertaking or under any of the Acts public local or private relating to the Corporation. Saving clause for Dundee Harbour.

[Ch. lxi.] *Dundee Boundaries Extension and [4 & 5 GEO. 5.]
Gas Order Confirmation Act, 1914.*

A.D. 1914.

Costs of
Order.

41. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid in equal moieties by the Corporation and the Commissioners Provided that any money borrowed for paying any such costs charges and expenses shall be repaid within five years from the commencement of this Order.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Added area to form part of fifth and seventh wards.")

DESCRIPTION OF BOUNDARIES OF FIFTH AND SEVENTH WARDS AS ALTERED
AND ENLARGED BY THIS ORDER.

WARD FIFTH.

On the south and south-east by the northern and north-western boundaries of Ward Fourth from the eastern to the western termination thereof and from said western termination along Ann Street to the Hilltown on the west by the Hilltown from the junction of Ann Street therewith northward to Mains Road and from thence northward along Mains Road to its junction with the Provost Road and from thence along the Provost Road to Clepington Road and from thence northward along Old Glamis Road until it reaches the northern boundary of the burgh at the Dighty Water and on the north and east by the northern and eastern boundaries of the burgh between Old Glamis Road and Pitkerro Road near Stobsmuir.

WARD SEVENTH.

Commencing in Dudhope Terrace where Inverlaw Place leads off said Dudhope Terrace and thence eastward along the northern boundary of Ward Sixth to its junction at Hilltown with the western boundary of Ward Fifth thence northward along the western boundary of said Ward Fifth to the northern boundary of the burgh and from thence westward along the said boundary of the burgh to a point in Strathmartine Road opposite the line of the north side of the road between the properties known respectively as Bracken Bruach and Roineach Mhor thence westward along the north side of said road to the south-west corner of the said property known as Bracken Bruach and thence southward along the western boundary of the burgh to King's Cross

and from thence eastward along the north-eastern boundary of Ward Third to Hospital Street and from thence southward along said Hospital Street to Loons Road and from thence westward and southward and westward again along Loons Road to Lawside Road and from thence southward along Lawside Road to West Albany Terrace and from thence eastward along West Albany Terrace to Inverlaw Place and from thence southward along Inverlaw Place to the point in Dudhope Terrace where it commenced.

A.D. 1914.

THE SECOND SCHEDULE.

PIECE OF GROUND REFERRED TO AS FIRSTLY DESCRIBED IN THE SECTION OF THIS ORDER OF WHICH THE MARGINAL NOTE IS "ACQUISITION OF LAND FOR RESIDUAL PRODUCTS."

All and whole that piece of ground measuring 184·5 poles or thereby situated at the Harbour of Dundee and bounded as follows videlicet On the north by ground belonging to the trustees of the harbour of Dundee upon which are railway lines leading to the coal hoist at a distance of ten feet from the southmost rail along which boundary the said piece of ground under description extends 344 feet or thereby on the west by the road known as Fish Dock Road along which boundary it extends 141 feet or thereby on the east by ground belonging to the said trustees along which boundary it extends 151 feet or thereby and on the south by ground belonging to the said trustees along which boundary it extends 344 feet or thereby.

PIECE OF GROUND REFERRED TO AS SECONDLY DESCRIBED IN THE SECTION OF THIS ORDER OF WHICH THE MARGINAL NOTE IS "ADDITIONAL LAND FOR MAKING STORING AND DISTRIBUTION OF GAS AND RESIDUAL PRODUCTS."

All and whole that piece of ground measuring 343 poles or thereby and bounded as follows videlicet On the north by the road or street known as Foundry Lane along which it extends 391 feet or thereby on the east by the mineral depôt of the Dundee and Arbroath Joint Railway along which it extends 278 feet or thereby on the south by other property belonging to the Corporation along which it extends 269 feet or thereby and on the west by property belonging or reputed to belong to the Dundee Seal and Whale Fishing Company Limited along which it extends 348 feet or thereby.

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