CHAPTER cv.

An Act for authorising the Construction of new works and the raising of a further sum of Money by the Hamilton Waterworks Commissioners; for transferring the Hamilton Waterworks from the Commissioners now managing the same to the Magistrates and Town Council of the Burgh of Hamilton; and for other purposes. [29th June 1875.]

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WHEREAS by "The Hamilton Waterworks Act, 1854," (herein-after called "the Act of 1854") certain Commissioners were appointed, and now consist of the provost of the said burgh, together with three members of the town council of that burgh, and three other persons rated for the public water rate in that Act mentioned (which Commissioners are herein-after referred to as "the existing Commissioners"), and such Commissioners were authorised to make and maintain the works in that Act mentioned for supplying the Parliamentary burgh or town of Hamilton and suburbs thereof with water, and for that purpose to borrow, on security of the works and rates thereby authorised, any sums not exceeding in the whole the sum of nine thousand pounds:

17 & 18 Vict. c. xc.

And whereas by "The Hamilton Waterworks Amendment Act, 1863," herein-after called "the Act of 1863," the mode of electing Commissioners by the ratepayers was amended, and the existing Commissioners were authorised to borrow on security of the works and rates aforesaid a further sum of four thousand pounds:

26 & 27 Vict. c. xxix.

And whereas the existing Commissioners have already, by means of the sinking fund by the Act of 1854 established, paid off from the moneys borrowed by them the sum of one thousand eight hundred pounds:

And whereas it was provided by the Act of 1854 that, on the first Monday following the publication in the Edinburgh Gazette of a certificate by the sheriff of the county of Lanark that the whole of

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the principal moneys due and owing for the purposes of that Act, and the interest thereof, and all debts and obligations due and owing by the existing Commissioners, have been paid off and discharged within the meaning of that Act, the existing Commissioners should cease to be Commissioners for the purposes of that Act, and that the waterworks and all the property, rights, powers, and privileges belonging to the existing Commissioners, excepting as therein otherwise specially provided, should be vested in and be held, used, and enjoyed by the magistrates and town council of the said burgh, on behalf of the community of that burgh, as Commissioners for the purposes of that Act, and that the rates by that Act authorised to be levied should cease and determine; and that the said magistrates and town council should be empowered to levy certain rates in lieu thereof:

And whereas there is no immediate prospect of the debt due by the existing Commissioners being paid off, and it would be for the advantage of the said burgh and the inhabitants thereof that the said waterworks and the duty of supplying the said burgh with water should, as soon as conveniently may be, be transferred to the said magistrates and town council, and that all the powers of the existing Commissioners with respect to the construction, maintenance, and management of the waterworks, and the providing and supplying of water, and the levying of rates, should thereafter be conferred upon the said magistrates and town council:

And whereas the population and trade of the town of Hamilton have increased, and the present supply of water is becoming inadequate; and it is expedient, and would be for the public advantage, that additional works should be made, and that power for the raising of additional moneys for the purpose of such works should be granted:

And whereas plans and sections showing the lines and levels of the reservoirs and other works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk of the county of Lanark at his offices in Glasgow and Hamilton respectively, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and

with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that to say),

Short title.

1. This Act may be cited as "The Hamilton Water Act, 1875."

Provisions of certain general Acts incorporated.

2. Excepting when and so far as repealed by this Act, the Act of 1854 and the Act of 1863, and also the Acts wholly or partially incorporated with those Acts so far as they are so incorporated, "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1863," and the 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 with respect to the crossing of roads or other interference therewith, are (except where expressly varied by this Act) incorporated with and applied to and form part of this Act.

Interpretation of terms.

3. Subject to the provisions of this Act, the words and expressions in this Act, and in the Act of 1854, and in the Act of 1863, to which meanings are assigned by the Acts wholly or partially incorporated therewith, have the same respective meanings, unless there be something in the subject or context repugnant to such construction. In this Act the expression "the date of transfer" means the eleventh day of November, one thousand eight hundred and seventy-eight, and the expression "the new Commissioners" means the magistrates and town council of the burgh of Hamilton, and their successors in office, acting as Commissioners for the purposes of the Act of 1854, the Act of 1863, and this Act. In this Act, and in the Acts wholly or partially incorporated with this Act, the following words and expressions have the meanings hereby assigned to them respectively; (that is to say,)

"The Commissioners" means, until the date of transfer, the existing Commissioners, and, from and after the date of transfer, the new Commissioners:

"Persons" includes companies and corporations:

"The waterworks" and "the undertaking" include the waterworks authorised by the Act of 1854, and the reservoir and other works by this Act authorised to be made and maintained.

Repeal of portions of Acts of 1854 and 1863.

4. On and from the date of transfer, sections 2 to 12, both inclusive, section 18, and sections 60 to 67, both inclusive, of the Act of 1854, and sections 4 and 5 of the Act of 1863, are hereby repealed.

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New Commissioners substituted for existing Commissioners.

5. On and after the date of transfer, the magistrates and town council of the burgh of Hamilton shall for the purposes of the Act of 1854 and of the Act of 1863, and of this Act, be substituted for the existing Commissioners, and shall be the Commissioners for executing the purposes of those Acts and this Act under the name of "The Hamilton Waterworks Commissioners," and by that name may hold lands, and sue and be sued, and all the undertaking and works, apparatus, lands, buildings, and other heritages vested in or belonging to the existing Commissioners, or in or to any person on their behalf, and all stores in their hands, and all Government and other securities, moneys, rights, claims, debts, and effects, and all other property whatsoever belonging or owing to the existing Commissioners, including the contingent fund and sinking fund by the said Acts and this Act created, and the securities upon which the same may be invested, shall at the date of transfer become and be vested in and belong to the said magistrates and town council, and their successors in office, as such Commissioners, and, subject to the provisions of this Act, the said magistrates and town council, as such Commissioners, shall be entitled to make, levy, demand, and recover the rates which the existing Commissioners were by those Acts authorised to make, levy, demand, and recover, and shall stand in the place of, and have and exercise all the powers, rights, and authorities, and be subject to all the obligations and liabilities by those Acts and this Act conferred or imposed upon the existing Commissioners.

Debts and liabilities to be discharged by the new Commissioners.

6. All mortgages, bonds, securities for money, conveyances, contracts, agreements, and obligations granted, made, or entered into by the existing Commissioners by virtue of the Act of 1854 and the Act of 1863, and of this Act, and all liabilities arising out of the same, and all other debts and liabilities incurred or owing by the existing Commissioners, shall from and after the date of transfer be payable by and shall be enforceable against and recoverable from the new Commissioners, and shall be chargeable and charged upon the lands, heritages, property, and works vested in the new Commissioners by this Act, and the rates, charges, and revenues to be levied and received by them for the supply of water, to the same extent as they would have been charged and chargeable upon the said lands, heritages, property, and works, rates, charges, and revenues, if the same had not been vested in the new Commissioners and this Act had not been passed, and shall remain in full force and effect, and be and continue valid and available in all courts of law and equity, until the same be fully satisfied, paid, performed, and discharged.

New Commissioners to pay annual burdens affecting undertaking.

7. All annual or other periodical payments or burdens that may from and after the date of transfer be payable for or leviable from the lands, heritages, works, and property vested in the new Commissioners by this Act shall be paid by the new Commissioners.

Debts, conveyances, &c., in favour of existing Commissioners transferred to the Commissioners.

8. All debts and moneys due to the existing Commissioners at the date of transfer shall be paid to the new Commissioners; and all deeds, conveyances, grants, assignments, leases, purchases, sales, covenants, agreements, contracts, and securities executed, made, or entered into with the existing Commissioners, and which are in force at the date of transfer, shall be as valid and of as full force and effect, in favour of or against the new Commissioners, as the same would have been in favour of or against the existing Commissioners if this Act had not been passed.

Actions not to abate.

9. No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the existing Commissioners previously to the date of transfer shall abate, or be discontinued, or be prejudicially affected by the passing of this Act, but all such actions, suits, prosecutions, and other proceedings shall continue and take effect after the date of transfer either in favour of or against the new Commissioners in such and the like manner as the same would have continued and taken effect in relation to the existing Commissioners if this Act had not been passed; and all penalties by reason of any offence against the provisions of the Acts relating to the existing Commissioners previously to the date of transfer may, after that date, be sued for, and all offences which may have been committed before that date against the provisions of such Acts or any of them may be prosecuted, in such or the like manner to all intents and purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed, the new Commissioners being, in reference to the matters in this enactment mentioned, in all respects substituted for and in the place of the existing Commissioners.

Proceedings under former Acts saved.

10. From and after the date of transfer everything before that time done or suffered under the recited Acts and this Act shall be as valid as if the vesting in the new Commissioners by this Act authorised had not been made; and such vesting shall accordingly be subject and without prejudice to anything so done or suffered, and to all rights, liabilities, claims, and demands which, if the said vesting had not been made would be incident to or consequent on any and everything done or suffered under the said Acts or any of them; and with respect to all such rights, liabilities, claims, and demands, the new Commissioners shall to all intents and purposes represent

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the existing Commissioners: Provided that the generality of the provisions in this enactment shall not be confined or restricted by any special provision contained in the same.

Power to make waterworks.

11. Subject to the provisions of this Act, the Commissioners may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the works herein-after described, with all necessary embankments, dams, weirs, sluices, catchwater drains, culverts, cuts, tunnels, accesses, and other works and conveniences in connexion with the works herein-before described, and all pipes, drains, cuts, and other works necessary for taking, impounding, and collecting the waters herein-after mentioned as to be diverted and impounded, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference, as may be required for that purpose. The works herein-before referred to and authorised by this Act are—

1. A reservoir (herein-after called "Reservoir No. 1") situate upon the farms of Earnockmuir and Haspielaw, commencing at a point upon the stream called Cadzow Burn about five hundred and seventy yards south-westward from the south-western corner of the farm buildings of Grindstonefauld, and terminating at the embankment next herein-after described:
2. An embankment (herein-after called "Embankment No. 1") across the said stream, at and adjoining a point in the centre of that stream about three hundred and twenty yards south-westward from the south-western corner of the said farm buildings, which embankment will commence at a point about thirty-five yards north-westward from the said point in the centre of the said stream, and will terminate at a point about thirty-three yards south-eastward from the said point in the centre of the said stream:
3. A conduit or pipe commencing at a point in Reservoir No. 1, about seventeen yards south-westward from the said point in the centre of the said stream, and terminating in the existing reservoir at Wellbrae belonging to the existing Commissioners, at or near the southern end of the embankment of that reservoir:
4. A reservoir (herein-after called "Reservoir No. 2") situate upon the farms of Wellbrae, Muirmains, High Muirhouses, and High Kennedies, or some of them, commencing at and on the eastern side of the existing embankment of the said reservoir at Wellbrae, and terminating at the embankment next herein-after described:

5. An embankment (herein-after called "Embankment No. 2") across the stream called Earnock Burn, at and adjoining a point in the centre of that stream about two hundred and fifty yards eastward from the centre of the said existing embankment; which Embankment No. 2 will commence at a point about seventy-seven yards northward from the said point in the centre of the last-mentioned stream, and will terminate at a point about fifty-six yards southward from the said point in the centre of that stream, with a conduit or pipe passing from Reservoir No. 2 at or near the eastern end thereof through Embankment No. 2, to a point near and on the eastern side of that embankment, and there joining the conduit or pipe of the existing Commissioners leading from the said existing reservoir to the town of Hamilton:

6. A diversion of the flood watercourse of the said stream called Earnock Burn, and of the said stream itself, which diversion will commence at a point near the northern end of the embankment of the said existing reservoir, and will terminate at a point on that stream about fifty yards eastward from the point in the centre of that stream herein-before described:

7. A road of access commencing at a point on the statute labour road called the Cadger Road, about thirty yards eastward from the junction with that road of the occupation road leading to High Muirhouses farm-steading, and terminating at a point at or near Reservoir No. 2, about one hundred yards eastward from the southern end of the said existing embankment.

Power to divert water.

12. The Commissioners may, within the limits of deviation shown on the deposited plans, divert, and may impound and store up in the reservoirs and other works by this Act authorised, and in the existing reservoir and works of the existing Commissioners, and may appropriate, use, and distribute for the purposes of the Act of 1854, the Act of 1863, and this Act, the waters of the said stream called the Cadzow Burn, and of the stream called the Stonehall Burn, which flows into the Cadzow Burn, and the affluents of those streams; and also the waters of the stream called the Earnock Burn, and of the stream called Kennedy's Burn, which flows into the Earnock Burn, and of all or any other affluents of the Earnock Burn.

Lands to be taken by agreement.

13. In addition to the lands authorised to be taken by the Act of 1854 and this Act, the Commissioners may purchase by agreement lands, not exceeding in the whole two acres, for the purposes

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of depôts, pipe yards, and other buildings and conveniences in connexion with the undertaking.

Powers for compulsory purchases limited.

14. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the commencement of this Act.

Power to take servitudes by agreement.

15. Persons empowered by "The Lands Clauses Consolidation (Scotland) Act, 1845," to sell and convey or dispose of lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Commissioners any servitude, right, or privilege (not being a servitude of water) required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such servitudes, rights, and privileges as aforesaid respectively.

Powers of deviation.

16. The Commissioners may make lateral deviations from the lines of the works by this Act authorised to the extent marked on the deposited plans, and may make vertical deviations from the levels as defined on the deposited sections of the said works, to any extent not exceeding three feet as respects the reservoirs and embankments, and not exceeding five feet as respects the other works: Provided always, that the Commissioners shall not, under the powers of lateral deviation hereby conferred, construct the said embankments so that the extreme heights thereof respectively above the bottom of the streams called the Cadzow Burn and the Earnock Burn, at the respective points where the said embankments are carried across those streams respectively, shall be more than three feet greater than the extreme heights of the said embankments respectively above the bottom of the said respective streams as shown on the deposited sections.

Temporary occupation of lands.

17. The provisions with respect to the temporary occupation of lands of "The Railways Clauses Consolidation (Scotland) Act, 1845," as applied to this Act, shall apply only to the reservoirs by this Act authorised and the works immediately connected therewith; and, for the purposes of this Act, those provisions shall be read as if such reservoirs and works were therein mentioned instead of "the railway," and the boundaries of such reservoirs and works instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from such boundaries.

Period for completion of works.

18. If the works authorised by this Act are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

For preserving supply of water to lake at Neilsland, &c.

19. As soon as reservoir No. 1 and the conduit or pipe therefrom by this Act authorised are constructed, the Commissioners shall, if and so far as required by John Watson of Earnock and Neilsland, or his successors in the lands of Neilsland, Sheriff-faulds, and Beechfield, and at such times and in such quantities as may be required by him or them, discharge into the streams which feed the lake on those lands one million gallons of water in each year; and the Commissioners shall not, without the previous consent in writing of the said John Watson or his successors in the said lands, abstract any water from the streams or drains which flow into the said lake, except at the points marked on the deposited plans "inlet," in the fields numbered thereon 21, 22, and 23, and shall only abstract such water at those points when the flow of water in the said streams and drains is greater than the quantity which, if flowing at the same rate during the entire year, would amount to the produce of ten inches of available rainfall over the areas of watershed contributing to the said inlets respectively; the extent of such areas and the amount of such quantities being determined, before any water is so abstracted, by James Morris Gale and William Robertson, civil engineers, jointly, whom failing by disagreement or otherwise, by an engineer to be appointed by the Sheriff of Lanarkshire, on the application of the Commissioners, or of the said John Watson or his successors in the said lands; and the determination of the said James Morris Gale and William Robertson, whom failing of such engineer, shall be final and conclusive.

Limiting abstraction of water from a certain stream.

20. The Commissioners shall not abstract any water from the stream called Stonehall Burn, and numbered 26 on the deposited plans, when the flow in the said stream does not exceed what is required for agricultural purposes by the said John Watson, or his successors in the lands of Neilsland and Sheriff-faulds.

Providing supply of water to workmens houses at Earnockmuir.

21. As soon as the conduit or pipe by this Act authorised, or any similar work for conveying water from Cadzow Burn is completed by the Commissioners, they shall construct and maintain a well on the line thereof, at such point as shall be required by the said John Watson, or his successors, in the lands of Earnockmuir,

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for the purpose of affording, and shall afford thereat, free of charge, a supply of water in all time thereafter to the workmens houses at Earnockmuir, by means of a pump to be provided, erected, and maintained at the said well by the said John Watson or his successors in the said lands.

Reserving sections 30 and 36 of Act of 1854.

22. Nothing in this Act contained shall alter, prejudice, or affect sections thirty and thirty-six of the Act of 1854; and the Commissioners shall fulfil the obligations imposed upon the existing Commissioners by and under the authority of those sections, notwithstanding the powers conferred and works authorised by this Act, as if this Act had not been passed.

Power to borrow on mortgage.

23. In addition to the moneys which the existing Commissioners were by the Act of 1854 and the Act of 1863 authorised to borrow, amounting in the aggregate, after deduction of the sum paid off by them by means of the sinking fund, to eleven thousand two hundred pounds, the Commissioners may from time to time borrow on mortgage any moneys not exceeding in the whole eight thousand eight hundred pounds, and may mortgage or assign in security of the moneys so borrowed the rates by the said Acts and this Act authorised; and if after having borrowed the said moneys, or any part thereof, the Commissioners pay off the same otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Commissioners may borrow on cash credit.

24. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the moneys which the Commissioners are by this Act authorised to borrow, or any part thereof, and, if required, to make and grant mortgages or assignations of the rates by the Act of 1854 and this Act authorised, in security of the payment of the amount of such credit, or of the moneys advanced from time to time on such cash account, with interest thereon: Provided that the whole moneys due and owing by the Commissioners on such cash account, and for money borrowed by them on mortgages or assignations of the said rates, or any part thereof, shall not, when taken together, exceed the sum of twenty thousand pounds.

Saving existing securities.

25. Nothing in this Act contained shall prejudice any mortgages or assignations in security granted by the existing Commis-

sioners under the authority of the Act of 1854, or of the Act of 1863, and subsisting at the date of the passing of this Act, and such mortgages and assignations shall be and remain in full force, and as valid and effectual in all respects as if this Act had not been passed.

Powers of recited Acts to apply to money borrowed under this Act.

26. The whole powers, provisions, and directions of the Act of 1854, and the Act of 1863, with respect to the manner of borrowing the sums thereby authorised to be borrowed, and to the mortgages and securities to be granted therefor, and to the borrowing of sums to pay off existing securities, and to the transfer or assignment of securities, and to the power to the mortgagees to appoint a judicial factor, and to the powers conferred on the judicial factor, are hereby made applicable to the moneys to be borrowed, and the mortgages or assignations in security to be granted under the authority of this Act, in the same manner as if the moneys to be borrowed under this Act had been borrowed under the authority of those Acts.

Application of money borrowed.

27. The moneys to be borrowed by the Commissioners under the authority of this Act shall be applied in defraying the cost of this Act and of constructing the works by this Act authorised, and of acquiring the lands, water, and other property to be taken for the purposes thereof, and in carrying into effect the other purposes of this Act, other than the maintenance of works and the annual charges and expenses of the Commissioners.

Commissioners may apply to purposes of this Act funds not required for other purposes.

28. The Commissioners may apply towards the purposes of this Act, other than the maintenance of works, and the annual charges and expenses of the Commissioners, any moneys authorised to be borrowed by the existing Commissioners under the Act of 1854 or the Act of 1863, and which may not be required for the purposes for which the same were authorised to be borrowed.

Sinking fund.

29. In lieu of the sinking fund prescribed by the Act of 1854, the Commissioners shall annually from and after the commencement of this Act, in addition to the reserve fund by the Act of 1854 provided, set apart and appropriate as a sinking fund out of the several rates levied and received by them, such sums of money as they shall think fit, not being less than the sums herein-after mentioned, that is to say, until the expiration of seven years after the works by this Act authorised shall have been executed, a sum of two hundred pounds, and from and after the expiration of that period, and until the expiration of fourteen years after the said works shall have been

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executed, a sum of two hundred and fifty pounds, and thereafter a sum of three hundred pounds, and the sums so from time to time set apart shall be applied, so far as the same will extend, towards the payment of such of the principal moneys owing by the Commissioners as they may find it necessary or expedient to pay off, or the same shall be invested in the Public Funds, or on Government or real securities, or in the purchase of stock or shares in any bank in Scotland incorporated by Act of Parliament or Royal Charter, or may be deposited at interest in any such bank in the name of the Commissioners, and the dividends or interest of the moneys so invested or deposited shall from time to time be invested or deposited in like manner, in order that the said moneys may accumulate at compound interest; and when such accumulated fund shall amount to a sum which, in the opinion of the Commissioners, can conveniently be applied for that purpose, the stock, shares, funds, or securities wherein the same shall be invested, or the moneys so deposited shall from time to time be converted into money or called up, and the moneys arising from such conversion or so called up shall be applied, so far as the same will extend, towards payment of such of the principal moneys owing by the Commissioners as they shall be enabled thereby to pay off.

Sheriff to grant certificate of money borrowed, debts, &c., being paid off.

30. The sheriff of the county of Lanark shall, and he is hereby required, on the summary application of any one of the Commissioners, or of any person rated or liable to be rated for "the Public Water Rate" in the Act of 1854 mentioned, and on proof being adduced to the satisfaction of such sheriff, to grant a certificate in writing that the whole of the principal moneys due and owing for the purposes of the Act of 1854, the Act of 1863, and this Act, and the interest thereof, and all debts and obligations due and owing by the Commissioners, have been paid off and discharged; and for enabling the sheriff to determine as to the granting of such certificate, the Commissioners shall be bound, and they are hereby required to produce and exhibit to such sheriff all such books and other documents and writings to them belonging as he may think fit, and may in that behalf direct.

On publication of certificate certain rates to cease to be levied, but Commissioners may levy modified or occasional rates.

31. On the first Monday following the publication in the Edinburgh Gazette of the said certificate, the rates by the Act of 1854 authorised to be levied and recovered shall, except as hereinafter mentioned, cease and determine, with the exception of any rates then made or due and owing, and of the rates herein-after provided; but in order to provide for the management, maintenance, and repair, and also for such extension as may be found necessary

of the waterworks and works in connexion therewith, the Commissioners may levy and recover such modified or occasional rates, exclusive of the Public Water Rate herein-before mentioned, as may be necessary for such purposes, and such modified or occasional rates shall be so levied and recovered by the Commissioners in the same manner and with all the powers and privileges in all respects, as far as may be applicable, as is provided in reference to the rates in the Act of 1854 authorised, other than the Public Water Rate; Provided always, that the said modified or occasional rates shall not in any one year exceed twopence in the pound of the rackrent or annual value of the property rateable in respect thereof.

If these rates insufficient full amount of rates may be levied.

32. In the event of the rates to be levied and recovered as last herein-before provided proving inadequate to defray the management, maintenance, and repair, and extension so far as may be necessary, of the said waterworks and works in connexion therewith, or in the event of the said waterworks and works in connexion therewith, or any part thereof, becoming dangerous or falling into decay, or being injured by any accidental orunforeseen cause, it shall be lawful for the Commissioners to resume, make, levy, and recover the full amount of the several rates by the Act of 1854 authorised, including "the Public Water Rate," in the same manner and with all the powers and privileges in all respects, so far as may be applicable, as is by the said Act provided in reference to such rates, and to continue the said rates until a fund shall be realised which shall be adequate to all or any of the purposes aforesaid, and until the sum which it may be necessary to raise and disburse for such purposes, or any of them, with the interest thereof, shall be satisfied and paid; and thereafter the Commissioners shall be limited and restricted to the levying and recovering of the said modified or occasional rates as herein-before provided.

Disputes as to levying modified or full amount of rates to be settled by the sheriff.

33. In the event of any dispute arising between the Commissioners and any person rated or liable to be rated for the purposes of the Act of 1854, the Act of 1863, and this Act, as to the necessity for making, levying, and recovering the said modified or occasional rates, or the full amount of the said rates, as herein-before provided, or as to the necessity for continuing the same in whole or in part, the said dispute shall be settled by the sheriff of the county of Lanark, on the summary application of any one of the Commissioners or of such persons aforesaid, and the decision of the Sheriff shall be final and conclusive, and shall not be subject to review in any manner or in any court whatever.

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Expenses of Act.

34. The costs, charges, and expenses of obtaining and passing this Act, and incidental thereto, shall be paid by the Commissioners out of the rates to be levied, or out of the money to be borrowed under the authority of the Act of 1854, the Act of 1863, and this Act.

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