CHAPTER lxviii.

An Act to empower the District Committee of the Middle Ward of the County of Lanark to abandon certain Works authorised by the Lanarkshire (Middle Ward District) Water Act 1892 and to construct additional Waterworks to amend the Provisions of that Act to authorise and require the County Council of the County of Lanark to levy Assessments and to borrow Money and for other purposes. [2nd July 1896.] A.D. 1896.

WHEREAS the District Committee of the Middle Ward of the county of Lanark (herein-after called "the District Committee") are the local authority under the Public Health (Scotland) Acts for the district of the Middle Ward of the county of Lanark (herein-after called "the Middle Ward District") in terms of the Local Government (Scotland) Acts:

And whereas by the Lanarkshire (Middle Ward District) Water Act 1892 (herein-after called "the Act of 1892") the District Committee were authorised and empowered to construct waterworks and to supply water to meet the requirements of the population of the Middle Ward District: 55 & 56 Vict. c. clxix.

And whereas the District Committee have proceeded to carry out the provisions of the Act of 1892 and to construct the waterworks by that Act authorised:

And whereas it is expedient owing to engineering difficulties which have arisen that the construction of Reservoir No. 2 authorised by that Act should not be proceeded with and that the District Committee should be authorised to abandon such reservoir and certain works connected therewith and to construct another reservoir on the Glengavel Water and to construct the additional reservoirs conduits and other works herein-after described:

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And whereas owing to such engineering difficulties the completion of the works authorised by the Act of 1892 has been delayed and the District Committee are not yet able to supply water therefrom and the county council of the county of Lanark (herein-after called "the county council") are not yet in a position to impose and levy the domestic water rate by the said Act authorised:

And whereas the public water rate leviable by the county council is insufficient to meet the interest and instalments of principal required to be paid or set aside in respect of the moneys borrowed or for which the county council are responsible under the Act of 1892 and it is expedient to make further provision for the payment of such interest and instalments of principal until the completion of the works:

And whereas it is expedient to authorise the county council to borrow additional money for the purposes of this Act:

And whereas it is expedient to authorise and empower the District Committee to lease or provide or erect and maintain fit and convenient public offices for holding the meetings and transacting the business of the District Committee and to feu lease or purchase and hold any lands or buildings for such purposes:

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

And whereas plans and sections showing the lines and levels of the 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 have been deposited with the principal sheriff clerk of the county of Lanark in his offices at Glasgow Hamilton Lanark and Airdrie respectively and are herein-after respectively referred to as the deposited plans sections and books of reference:

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:—

Short title.

1. This Act may be cited as the Lanarkshire (Middle Ward District) Water Act 1896 and the Act of 1892 and this Act may be cited together as the Lanarkshire (Middle Ward District) Water Acts 1892 and 1896.

Incorporation of Acts.

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

with the provisions of this Act) are hereby incorporated with and form part of this Act:—

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 except the clauses and provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except the words in section 44 thereof "with the "consent in writing of the owner or reputed owner of any "such house or of the agent of such owner" and also with the exception of clauses 68 70 and 72;

The Waterworks Clauses Act 1863;

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

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health (Scotland) Acts or the Local Government (Scotland) Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction In this Act and in the Acts wholly or partly incorporated with this Act—

The expression "the county" means the county of Lanark;

The expression "the sheriff" means the sheriff of the county;

The expression "the county council" means the county council of the county;

The expression "the District Committee" means the District Committee of the Middle Ward of the county;

The expression "Public Health (Scotland) Acts" means the Public Health (Scotland) Act 1867 and any Act amending the same;

The expression "the Local Government (Scotland) Acts" means the Local Government (Scotland) Act 1889 and any Act amending the same;

The expression "the Standing Joint Committee" means the Standing Joint Committee appointed in pursuance of the Local Government (Scotland) Acts;

The expression "the special Act" means this Act;

The expressions "the undertakers" "the company" "the promoters of the undertaking" and "the commissioners" mean respectively the District Committee and the county council as the case may be; and

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The expression "the waterworks" means and includes the waterworks and works connected therewith belonging or which shall belong to the District Committee under the Act of 1892 and this Act and the expression "the undertaking" means the water undertaking of the District Committee;

In this Act and in the Act of 1892 the expression "the Middle Ward District" means the district of the Middle Ward of the county of Lanark as existing at the passing of the Act of 1892 exclusive of the burghs and police burghs therein at that date.

Abandonment of certain works authorised by Act of 1892.

4. The District Committee shall abandon the construction of Reservoir No. 2 authorised by the Act of 1892 and such of the incidental works connected therewith as may be rendered useless or unnecessary by or in consequence of such abandonment or by the construction of the works authorised by this Act or any of them.

Compensation for damage to land by entry &c. for purposes of works abandoned.

5. The abandonment by the District Committee under the authority of this Act of the said Reservoir No. 2 and works connected therewith shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the District Committee on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of such reservoir and works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the District Committee to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the Act of 1892.

Compensation to be made in respect of works abandoned.

6. Where before the passing of this Act any contract has been entered into or notice given by the District Committee for the purchasing of any land for the purposes of or in relation to the said Reservoir No. 2 and works connected therewith authorised to be abandoned by this Act the District Committee shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the District Committee to the owners and occupiers of or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the

Lands Clauses Consolidation (Scotland) Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to construct works and acquire lands.

7. Subject to the provisions of this Act the District Committee may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described 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 situate in the county of Lanark and are—

First. A reservoir (herein-after called "the Glengavel Reservoir") to be situate on the streams respectively called the Glengavel Water and Powbrone Burn and adjacent lands;

Second. A conduit or line of pipes commencing in the Glengavel Reservoir and terminating by a junction with Conduit No. 1 authorised by the Act of 1892;

Third. A diversion of the Strathaven and Muirkirk Highway;

Fourth. A catchwater or line of pipes commencing in the Patrick Burn and terminating in the Glengavel Reservoir;

Fifth. A service reservoir (herein-after called "Service Reservoir A") to be situate in the south-western corner of the enclosure numbered on the 25-inch Ordnance map 2529 in the parish of New Monkland and county of Lanark;

Sixth. A service reservoir (herein-after called "Service Reservoir B") to be situate in the south-western corner of the enclosure numbered on the said Ordnance map 1980 in the parish of New Monkland and county of Lanark;

Seventh. A service reservoir (herein-after called "Service Reservoir C") to be situate in the enclosure numbered on the said Ordnance map 1716 in the parish of Shotts and county of Lanark;

Eighth. A service reservoir (herein-after called "Service Reservoir D") to be situate in the eastern corner of the enclosure numbered on the said Ordnance map 841 in the parish of Cambuslang and county of Lanark;

Ninth. A service reservoir (herein-after called "Service Reservoir E") to be situate in the south-eastern corner of the enclosure numbered on the said Ordnance map 307 in the parish of Cambuslang and county of Lanark;

Tenth. A service reservoir (herein-after called "Service Reservoir F") to be situate in the north-western corner of the

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enclosure numbered on the said Ordnance map 519 in the parish of Bothwell and county of Lanark;

Eleventh. A service reservoir (herein-after called "Service Reservoir G") to be situate in the north-eastern corner of the enclosure numbered on the said Ordnance map 1863 in the parish of Bothwell and county of Lanark;

Twelfth. An aqueduct conduit or line of pipes (herein-after called "Conduit A") commencing in the highway leading from Edinburgh to Glasgow and terminating at the south-eastern corner of Service Reservoir A herein-before described and branch lines of pipes (a) and (b);

Thirteenth. An aqueduct conduit or line of pipes (herein-after called "Conduit B") commencing at the south-western corner of the Service Reservoir A herein-before described and terminating by a junction with Conduit C herein-after described and branch lines of pipes (c) (d) (e) (f) (g) (h) and (i);

Fourteenth. An aqueduct conduit or line of pipes (herein-after called "Conduit C") commencing by a junction with Conduit A and terminating at the south-eastern corner of the Service Reservoir B herein-before described and branch lines of pipes (j) and (k);

Fifteenth. An aqueduct conduit or line of pipes (herein-after called "Conduit D") commencing in the highway leading from Edinburgh to Glasgow and terminating at the north-western corner of the Service Reservoir C herein-before described;

Sixteenth. An aqueduct conduit or line of pipes (herein-after called "Conduit E") commencing at the north-eastern end of the Service Reservoir C herein-before described and terminating in the highway leading from Glasgow to Edinburgh and a branch line of pipes (l);

Seventeenth. An aqueduct conduit or line of pipes (herein-after called "Conduit F") commencing by a junction with Conduit D in the highway leading from Edinburgh to Glasgow at its junction with the Fortissat Highway and terminating in the highway leading from Stane to Headlesscross and branch lines of pipes (m) (n) and (o);

Eighteenth. An aqueduct conduit or line of pipes (herein-after called "Conduit G") commencing at the termination of Conduit E herein-before described and terminating in the highway leading from Glasgow to Edinburgh at the boundary between the counties of Lanark and Linlithgow and a branch line of pipes (p);

Nineteenth. A reservoir (herein-after called "Lintmill Reservoir") to be situate on the Lintmill Burn to the south of Hirstloanfoot and adjacent lands;

Twentieth. Filters and pure water tank to be situate in the enclosure numbered on the said Ordnance map 1703 in the parish of Shotts;

Twenty-first. An aqueduct conduit or line of pipes (herein-after called "Conduit H") commencing in Lintmill Reservoir and terminating in the highway leading from Glasgow to Edinburgh;

Twenty-second. A reservoir (herein-after called "the Logan Reservoir") to be situate on the stream called the Logan Water and adjacent lands;

Twenty-third. A conduit or line of pipes commencing in the Logan Reservoir and terminating by a junction with the existing conduit leading from Dunside Reservoirs to Struther-hill Filters;

Twenty-fourth. A road of access commencing at the south-eastern end of the embankment of the Logan Reservoir and terminating by a junction with the existing private road leading to Dunside Reservoirs.

Power to make and maintain embankments &c.

8. The District Committee may subject to the provisions of this Act together with the principal works herein-before described make and maintain upon lands delineated upon the deposited plans and acquired by them all necessary and proper embankments dams weirs bridges roads approaches ways wells tanks basins gauges filter beds fountains stand pipes sluices outlets outfalls drains discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits mains pipes junctions valves engines buildings apparatus and other conveniences in connexion with the said works or any of them or necessary or convenient for diverting impounding taking collecting storing conducting distributing and regulating the supply of water for the purposes herein-after mentioned and for compensating all persons whose supply of water may be affected by or in consequence of the works herein-before described or the other powers of this Act and for inspecting maintaining repairing altering cleansing managing and using the said several works but nothing in this Act shall exonerate the District Committee from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them under the powers of this section.

Power to acquire easements

9. The District Committee may in lieu of acquiring any lands for the purpose of the conduits or lines of pipes by this Act

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only for lines of pipes.

authorised acquire such easements and rights in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts:

Provided that nothing herein contained shall authorise the District Committee to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the District Committee to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso:

Provided that as regards any lands taken or used by the District Committee for the purpose of making such conduits or lines of pipes the District Committee shall not (unless they give notice to treat for and have acquired such lands and not merely easements therein) 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 at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the District Committee.

Temporary occupation of lands.

10. The provisions with respect to the temporary occupation of lands of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act shall apply only to the reservoirs authorised by this Act and works immediately connected therewith and the provisions of sections 25 and 26 of that Act shall apply also to all the other works by this Act authorised and for the purposes of this Act those provisions shall be read as if the said reservoirs aqueducts and works were therein mentioned instead of the railway and the boundaries of those reservoirs aqueducts and works instead of the centre of the railway and the prescribed limits shall be two hundred yards from such boundaries.

Limits of lateral and vertical deviation.

11. Subject to the provisions of this Act the District Committee may in the construction of the works by this Act authorised deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation defined on the said plans and may deviate vertically from the levels shown on the

deposited sections to any extent not exceeding in the case of the said reservoirs three feet upwards and ten feet downwards and not exceeding three feet downwards or upwards as regards the other works by this Act authorised Provided that the District Committee shall not in the exercise of the powers of deviation hereby conferred construct any embankment or retaining wall of any reservoir so that the height thereof above the general surface of the ground shall be more than three feet greater than the height of the corresponding embankment or retaining wall above the general surface of the ground as shown on the deposited sections nor raise over the surface of the ground any part of the pipes not so shown on the deposited sections.

Power to alter roads &c. temporarily.

12. During the execution of the several works which the District Committee are by this Act authorised to make and subject to the provisions of this Act the District Committee may from time to time alter or stop up temporarily any roads lanes paths bridges passages sewers drains watercourses gas pipes water pipes and electric apparatus in any of the lands shown on the deposited plans and specified in the deposited books of reference which they may from time to time find it expedient for any of those purposes so to interfere with the District Committee doing as little damage as possible and providing substitutes for any sewers drains gas pipes or water pipes or electric or other machinery so interfered with and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to authorise any interference with electric apparatus or other property of Her Majesty's Postmaster-General Provided also that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 otherwise than in accordance with the provisions of section 15 of that Act.

Power to take servitudes by agreement.

13. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Act grant to the District Committee any easement or servitude right or privilege (not being an easement or servitude right or privilege of water in which other than the parties to the agreement have an interest) 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

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and to such easements or servitudes rights and privileges as aforesaid respectively.

For the protection of the Caledonian Railway Company.

14. The following provisions for the protection of the Caledonian Railway Company (herein-after called "the Caledonian Company") shall unless otherwise agreed between the Caledonian Company and the District Committee apply and have effect (that is to say):—

(1.) In constructing maintaining or using the Service Reservoir G by this Act authorised the Company shall not enter upon or interfere with the railway or works of the Caledonian Company adjoining the site of such reservoir or take or interfere with any lands or property of the Caledonian Company:

(2.) The aqueducts conduits or lines of pipes (Conduit D and Conduit F) and the branch lines of pipes (m) and (n) connected with the said Conduit F shall unless they be respectively carried over or under the railways of the Caledonian Company at the several points of crossing shown on the deposited plans by means of existing bridges be carried over or under the railway by bridges or culverts to be constructed by the District Committee for the purpose of such pipes or conduits as may be necessary and so that the pipes and conduits may at all times be accessible for inspection and repair and where any such conduits or branch lines of pipes shall be laid along any bridge carrying a public road over any railway of the Caledonian Company or through any bridge whereby a public road passes under any such railway the same shall be laid so that the permanent structure or masonry of such bridge shall not be interfered with:

(3.) The District Committee shall not enter upon or interfere with any railway works or land belonging to the Caledonian Company further or otherwise than may be necessary for constructing maintaining and repairing any such conduits or branch lines of pipes of the District Committee to be laid under or across any such railway work or lands and they shall not alter or interfere with the lines or levels of any such railway or work and they shall only acquire such an easement or servitude through or in any land or property of the Caledonian Company as may be required for constructing maintaining and repairing the said conduits or branch lines of pipes or any bridges or culverts as aforesaid required therefor in accordance with the provisions of this Act:

(4.) All works of the District Committee in connexion with the Service Reservoir G or for constructing or subsequently

maintaining repairing or renewing the conduits or branch lines of pipes and works of the District Committee which may be laid under across over or within fifty feet of any railway works or lands of the Caledonian Company or which may in any way affect any railway of the Caledonian Company or any bridge or approach thereto or any work of or repairable or used by the Caledonian Company shall be executed and subsequently maintained repaired and renewed under the superintendence and to the satisfaction of the engineer of the Caledonian Company and according to plans and sections and in such manner and of such design and materials as shall be previously approved in writing by such engineer and in all things by and at the expense of the District Committee:

(5.) All the works and operations of the District Committee under this Act shall be constructed executed and completed and subsequently repaired and renewed so as not to injuriously affect the structure of any building or to cause any injury to any railway or any bridge approach or other works or lands of the Caledonian Company or any interruption to the passage or conduct of traffic over any such railway or at any station thereon and the District Committee shall restore and make good any injury or disturbance caused by them to the railway works and property of the Caledonian Company in constructing the works in connexion with the Service Reservoir G or in carrying any conduit or branch line of pipes or other work under or over any railway or through the lands of the Caledonian Company and shall also from time to time restore and make good the road over or through any bridge or approach thereto which the Caledonian Company may be liable to maintain and which may be disturbed or interfered with by or owing to any works or operations of the District Committee:

(6.) If any such injury or interruption shall arise from or be in any way owing to the works or operations of the District Committee or the bursting leakage or failure of any conduit branch line of pipes service reservoir or other work of the District Committee the District Committee shall forthwith make good or remove such injury or interruption at their own expense or the Caledonian Company may do the same and the District Committee shall pay to the Caledonian Company all costs and expenses loss or damage incurred or sustained by them in respect thereof:

(7.) The Caledonian Company may from time to time repair and when necessary alter or reconstruct any bridge or work of the

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Caledonian Company over across or under which any conduit branch line of pipes or other work of the District Committee may be laid without being liable to the District Committee or any other person for any loss injury damage expense or interruption to any such conduit line of pipes or other work of the District Committee or the water supply which may arise in connexion with the repair alteration or reconstruction of such bridge or work unless the same shall arise from some neglect or default of the Caledonian Company or their agents workmen or servants and the District Committee shall repay to the Caledonian Company any additional expense incurred by that company in any such repair alteration or reconstruction by reason of the crossing of any such bridge or work of the Caledonian Company or interference therewith by any conduit line of pipes or other work of the District Committee and the Caledonian Company shall give notice to the District Committee of any intended alteration or disturbance of the works of the District Committee and the same shall be carried out as far as possible so as not to interfere with the continuous supply of water to the district and any work of the Caledonian Company as far as it alters or disturbs any work of the District Committee shall be done to the reasonable satisfaction of the engineer of the District Committee and any dispute between the engineers of the Caledonian Company and the District Committee shall be settled by arbitration as after provided:

(8.) If any difference shall arise between the District Committee and the Caledonian Company or between their respective engineers as to any plans or sections or as to the mode of executing any works or as to any additional expense incurred by the Caledonian Company in connexion with the repair alteration or reconstruction of any bridge or work of the Caledonian Company or as to any costs loss or damage provided for in this section such difference shall be determined by an engineer to be appointed by the sheriff on the application of either the District Committee or the Caledonian Company and the costs of any such reference shall be borne and paid as the referee shall direct.

For the protection of the North-British Railway Company.

15. In constructing altering replacing repairing and maintaining the works authorised by this Act where they will cross under or over the North British Railway the District Committee shall be subject to the following conditions (videlicet):—

(1.) All works crossing or affecting the North British Railway or any of the bridges banks or works thereof or any lands or

property belonging to that company shall be executed at the expense of the District Committee under the superintendence and to the reasonable satisfaction of the principal engineer of the North British Railway Company and according to plans and specifications to be previously submitted to such engineer and approved by him in writing Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:

(2.) The works shall be constructed altered replaced repaired and maintained so that the traffic upon the North British Railway shall not be in any wise impeded or interfered with and such maintenance shall be effected under the superintendence and to the satisfaction of the engineer of the North British Railway Company and in all things at the expense of the District Committee:

(3.) If by reason of the construction altering replacing repairing or maintaining of the works or any of them or the failure of any of the works or of the maintenance thereof or otherwise the North British Railway or the works land or property connected therewith shall be injured or the traffic thereon impeded the District Committee shall compensate the North British Railway Company for all costs to which that company may be put in repairing the said damage:

(4.) The District Committee shall also indemnify the North British Railway Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on their railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the District Committee or any of their contractors or their respective servants or workmen and the amount of such damage or compensation shall be recoverable with full costs from the District Committee by all and the same means as a simple contract debt is recoverable:

(5.) The District Committee shall not acquire any estate or interest in the lands and property of the North British Railway Company other than an easement or right of constructing or maintaining therein the works by this Act authorised:

(6.) The amount to be paid for the acquisition of such easement shall be settled in the manner provided by the Lands Clauses Consolidation (Scotland) Act 1845 with respect to the purchase of lands otherwise than by agreement:

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(7.) If any difference shall at any time arise between the District Committee and the North British Railway Company or their engineer with respect to any matter arising under this section such difference shall be referred to and determined by an engineer to be agreed on or failing agreement to be appointed by the sheriff of Lanarkshire on the application of either the District Committee or the company.

Power to acquire additional lands by agreement.

16. In addition to the lands which the District Committee are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act from time to time by agreement purchase any additional quantity of land not exceeding in the whole ten acres Provided that the District Committee shall not upon any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with their waterworks.

Power to divert and impound water of Glengavel Water and other streams.

17. Subject to the provisions of this Act the District Committee may divert intercept impound take appropriate store use and distribute for the purposes of this Act the waters of the streams called or known as the Glengavel Water the Powbrone Burn the Patrick Burn the Sheetloch Burn the Spoutloch Burn the Wells Burn the Bught Burn the Blaeberry Burn the Kip Burn the Logan Water the Long Burn and the Lintmill Burn and of all or any of the affluents of those streams and all streams springs and waters flowing into or arising within the sites of the reservoirs and other works by this Act authorised and which can be collected by those reservoirs or other works or any of them.

Amending provisions of Act of 1892 as to compensation water.

18.—(1.) Section 12 of the Act of 1892 shall be read and construed as if Reservoir No. 1 by that Act authorised were substituted therein for Reservoir No. 2 by that Act authorised and the provisions of sections 13 and 14 of that Act for the protection of the Duke of Hamilton and Mrs. Elizabeth Gordon Miller shall be read and construed as if the compensation water therein referred to were discharged or allowed to flow as compensation water down the Glengavel Water below Reservoir No. 1 by that Act authorised in place of Reservoir No. 2 by that Act authorised and the agreement between James Auldjo Jamieson Writer to the Signet Edinburgh commissioner for the Duke of Hamilton of the first part and the District Committee of the second part scheduled to and confirmed by section 20 of the said Act shall be read and construed as if the Glengavel Reservoir authorised by this Act and Reservoir No. 1 authorised by that Act were respectively substituted for Reservoir No. 1 and Reservoir No. 2 authorised by the Act of 1892.

(2.) Section 23 of the Act of 1892 shall be read and have effect as if the Glengavel Reservoir authorised by this Act were substituted for Reservoir No. 1 authorised by the Act of 1892 where such Reservoir No. 1 is referred to in that section.

Compensation water from Logan Reservoir.

19.—(1.) The District Committee shall discharge or allow to flow as compensation water down the Logan Water below the Logan Reservoir by this Act authorised a regular and continuous flow of water of not less than one million gallons in every day of twenty-four hours and such water shall be deemed to be full compensation to all mill owners and other persons interested in the waters flowing down the Logan Water below the said reservoir for the waters intercepted and appropriated for the purposes of the undertaking of the District Committee.

(2.) The District Committee shall construct and maintain a suitable measuring gauge over or through which the quantity of compensation water by this section provided shall flow or be delivered and such gauge shall be open to the inspection of all parties having a legal interest in such compensation water at all reasonable times.

Works to form part of water undertaking of District Committee and provisions of Act of 1892 to apply.

20. The works authorised by this Act shall form part of the undertaking of the District Committee and all the powers and provisions vested in and applicable to the District Committee by the Act of 1892 with reference to their undertaking and so far as they are not repealed or altered by this Act shall be and the same are hereby in so far as applicable extended to and applied to the provisions of this Act.

Restriction on taking houses of labouring class.

21. The District Committee shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty

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shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of lands.

22. The powers of the District Committee for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

23. If the works authorised by this Act and shown on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of such period the powers by this Act granted to the District Committee for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the District Committee from extending enlarging altering or renewing any of their engines machinery weirs tanks pipes and other works from time to time as occasion requires for supplying water within the limits of this Act or beyond the said limits as authorised by this Act.

Power to apply capital already authorised.

24. The District Committee may apply to any of the purposes of this Act to which capital is properly applicable any funds which under the Act of 1892 or this Act belong to or are authorised to be borrowed by the county council and which may not be required for the purposes for which the same were authorised to be borrowed or directed to be applied.

County council may pay interest and instalments of debt and charge same against domestic water rate when leviable.

25. Until the District Committee are supplying water for domestic purposes from the works authorised by the Act of 1892 and this Act the county council shall from time to time pay all interest and instalments of principal as the same respectively may become due and require to be paid or set aside in respect of the moneys borrowed under the Act of 1892 or this Act or for which they may have become responsible under the provisions of section 23 of the Act of 1892 and shall accumulate such payments with interest at the rate of three per centum per annum and shall charge the same against the rates leviable by them under the provisions of the Act of 1892 and when and so soon as the domestic water rate authorised by the Act of 1892 shall become leviable the county council may and they are hereby authorised and required from time to time to levy that rate to such an increased annual amount as when supplemented by the public water rate (if any) may be required to repay any moneys so accumulated by them as aforesaid within such period as they may determine not exceeding fifty years from the time when such domestic supply commences to be given or within three years from the passing of this Act whichever shall first happen.

Power to county council to borrow.

26. The county council may borrow any moneys required to be paid by them under the provisions of the immediately preceding section and may on the requisition of the District Committee with the consent of the Standing Joint Committee in addition to the powers conferred by the Public Health (Scotland) Acts and the Act of 1892 borrow money for the purposes of this Act on the security of the assessments authorised by the Act of 1892 and this Act and of the general assessment which may be imposed under the Public Health Acts or any of them and may assign any such assessments in security of the money so borrowed And the provisions of the Act of 1892 with reference to moneys borrowed under the authority of that Act shall apply to moneys borrowed under the authority of this Act.

Debts relating to special water supply districts to be deemed part of moneys borrowed under Act of 1892.

27. All moneys borrowed prior to the fifteenth day of May one thousand eight hundred and ninety-two in respect of the special water supply districts named in section 23 of the Act of 1892 or any of them shall so far as now remaining unpaid be regarded for all purposes of repayment as part of the moneys borrowed under the provisions of that Act Provided that all such moneys shall be repaid within a period not exceeding sixty years from the date when the same were originally borrowed.

Provisions of Act of 1892 relating to borrowed money to apply.

28. The following provisions of the Act of 1892 shall apply to all mortgages granted under this Act (that is to say) :—

Section 64.—Form of mortgage;

Section 65.—Manner in which mortgages to be signed and executed;

Section 66.—Transfer of mortgages;

Section 67.—Transfer of mortgages in case of bankruptcy;

Section 68.—Mortgages of rates to be personal estate;

Section 69.—Discharge of mortgages.

Application of moneys borrowed.

29. The sums borrowed by the county council on the requisition of the District Committee under the authority of this Act shall be paid to the District Committee as the District Committee may from time to time require and shall be applied by the District Committee only to purposes to which the sums so borrowed are properly applicable.

Protection of lender from inquiry.

30. No person lending money to the county council shall be bound to inquire as to the observance by the county council of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

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Power to hold lands needful to prevent fouling and to protect water.

31. The District Committee may hold any lands acquired by them under the powers of the Act of 1892 or this Act and which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachments or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the District Committee shall not create or permit a nuisance and shall not erect any buildings on the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

For protection of reservoirs from pollution.

32. The District Committee may on any lands or in any stream or watercourse to which they now have right or which they may hereafter acquire under the powers of the Act of 1892 or this Act or otherwise construct all such drains channels and other works as they think necessary or desirable for preventing sewage or polluting liquids from entering or polluting any of the reservoirs conduits or watercourses of the District Committee or any waters flowing into the same.

District Committee may erect buildings and offices.

33. The District Committee may from time to time lease or provide or erect and maintain fit and convenient public offices together with all necessary and proper furniture for the same for holding the meetings and transacting the business of the District Committee and for the use of their officers and servants and for such purposes may feu lease or purchase and hold any lands or buildings which the District Committee think necessary from any persons willing to feu let or sell the same or may cause any new building to be erected upon any land feued leased or purchased under the provisions of this Act or otherwise belonging to the District Committee The power conferred by this section so far as involving capital expenditure or borrowing shall only be exercised by the District Committee with the consent of the Standing Joint Committee and under the provisions relating to capital expenditure and borrowing contained in the Local Government (Scotland) Acts and such capital expenditure may be allocated by the county council upon and charged by them on the rates leviable by them in the Middle Ward District under the Act of 1892 and this Act the Roads and Bridges (Scotland) Act 1878 and the Public Health (Scotland) Acts and that in proportion to the requirements of the District Committee for such offices and furniture in their administration of the said several Acts as these may be estimated and fixed by the county council from time to time.

Cost of Act.

34. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the county council out of the assessments or rates to be levied or out of the moneys to be borrowed under the authority of the Act of 1892 and this Act.

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