CHAPTER lxx.

An Act to enable the District Committee of the Middle Ward of the county of Lanark to construct additional waterworks and certain railways in connection with their undertaking to confer further powers on the County Council of the county of Lanark with respect to the domestic water rate authorised by the Lanarkshire (Middle Ward District) Water Act 1892 and to enable them to borrow additional money to amend the provisions of the said Act and for other purposes. [13th July 1899.] A.D. 1899.

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

And whereas the powers of rating and borrowing under the said Acts are vested in the County Council of the county of Lanark herein-after called "the County Council":

And whereas by the Lanarkshire (Middle Ward District) Water Act 1892 (herein-after called "the Act of 1892") and the Lanarkshire (Middle Ward District) Water Act 1896 (herein-after called "the Act of 1896") certain powers were conferred upon the District Committee for the construction of waterworks for the supply of the Middle Ward District and for the purposes of such Acts the County Council were authorised to levy certain rates and to borrow money on the security thereof: 55 & 56 Vict. c. clxix. 59 & 60 Vict. c. lxviii.

And whereas it is expedient that the District Committee should be authorised to make and maintain the additional waterworks by this Act authorised:

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And whereas it would effect a considerable saving in expense and would promote the general convenience if the District Committee were authorised to construct and maintain short railways from the railway of the Caledonian Railway Company to their reservoir and works at Glengavel and it is expedient that the necessary powers for such purpose should be conferred upon the District Committee:

And whereas for the purposes aforesaid it is expedient that the County Council should be authorised to apply any moneys which they are authorised to borrow under the provisions of the Acts of 1892 and 1896 and to borrow additional moneys for such purposes:

And whereas the works authorised by the Acts of 1892 and 1896 are being proceeded with but owing to engineering difficulties which have been experienced in connection therewith and to the substitution of the Glengavel Reservoir authorised by the Act of 1896 for Reservoir No. 1 authorised by the Act of 1892 the District Committee are not yet in a position to supply water from the Glengavel Reservoir and some time must yet elapse before that Reservoir is completed:

And whereas until such completion the County Council are unable to impose and levy the domestic water rate authorised by the Act of 1892:

And whereas the District Committee are now supplying water within their limits of supply as defined by this Act from the works authorised by the Acts of 1892 and 1896 other than the Glengavel Reservoir and from other portions of their undertaking and it is expedient that the County Council should be authorised to levy the domestic water rate authorised by the Act of 1892 upon all persons to whom a supply of water for domestic purposes shall be afforded by the District Committee from any portion of their undertaking and that the restrictions imposed by section 23 of the Act of 1892 with respect to levying the domestic water rate within the special water supply districts therein mentioned should be repealed:

And whereas the purposes 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 were duly deposited with the principal sheriff clerk of the county of Lanark at his offices in Glasgow Hamilton and Airdrie respectively and are in this Act 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 1899 and the Lanarkshire (Middle Ward District) Water Acts 1892 and 1896 and this Act may be cited together as the Lanarkshire (Middle Ward District) Water Acts 1892 to 1899.

PART I.—Preliminary.

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

(A) 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 ;

(B) So much thereof as authorises the District Committee to cut off or discontinue any supply of water for domestic purposes ;

(c) 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

(D) Clauses 68 70 and 72 ;

The Waterworks Clauses Act 1863 ;

The Railways Clauses Consolidation (Scotland) Act 1845 (except the provisions thereof with respect to the carrying of passengers and goods on the railway and the tolls to be taken therefor) ; and

Part I. (relating to the construction of a railway) except the provisions thereof relating to level crossings and Part III. (relating to working agreements) of the Railways Clauses Act 1863.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction In

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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 "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;

The expression "the waterworks" means and includes the waterworks and works connected therewith belonging or which shall belong to the County Council or the District Committee as the case may be under the Act of 1892 the Act of 1896 and this Act and the expression "the undertaking" means the water undertaking of the District Committee; and

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 and of the area annexed to the burgh of Wishaw in the year 1896 included within the limits of compulsory supply of the commissioners of that burgh under the provisions of the Wishaw Water (Additional Supply) Act 1898.

PART II.—New Works.

Power to construct works and acquire lands.

4. Subject to the provisions of this Act the District Committee may make construct lay down and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the several works and railways shown on the deposited plans and herein-after described or some of them or some part or parts thereof 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 service reservoir (H) in the parish of Shotts to be situate at or near the centre of the enclosure numbered 1733 on the $\frac{1}{2500}$ Ordnance survey map of the parish of Shotts published in 1898:

Second A service reservoir (I) in the parish of Shotts to be situate in the eastern corner of the enclosure numbered 1326 on the $\frac{1}{2500}$ Ordnance survey map of the parish of Shotts published in 1898:

Third A service reservoir (K) in the parish of Cambusnethan to be situate in the enclosure numbered 184 on the $\frac{1}{2500}$ Ordnance survey map of the parish of Cambusnethan published in 1891 at or near the middle of the southern boundary thereof:

Fourth A Railway No. 1 (in this Act called "Railway No. 1") 1 furlong and 1·36 chains in length commencing by a junction with Railway No. 1 authorised by the Caledonian Railway Act 1896 at a point on the said authorised railway three hundred and four yards or thereabouts measured along the same in a south-westerly direction from the centre of the bridge carrying the same over the public highway leading from Snabe to Geil Bridge by way of Torfoot and terminating at a point in the enclosure numbered 2764 on the $\frac{1}{2500}$ Ordnance survey map of the parish of Avondale published in 1897 sixty-three yards or thereabouts measured in a north-westerly direction from the extreme northern corner of the enclosure numbered 2800 on the said Ordnance survey map and two hundred yards or thereabouts measured in a north-easterly direction from the extreme southern corner of the said enclosure numbered 2764:

Fifth A Railway No. 2 (in this Act called "Railway No. 2") 2 miles 7 furlongs in length commencing by a junction with Railway No. 1 at a point one hundred and sixty-eight yards or thereabouts measured in a northerly direction from the said extreme northern corner of the said enclosure numbered 2800 and two hundred yards or thereabouts measured in a westerly direction from the extreme western corner of the enclosure numbered 2796 on the said Ordnance Survey map and terminating at a point at or near the southern bank of the stream called or known as the Glengavel Water two hundred yards or thereabouts measured in an easterly direction from the point at which the bye-wash channel from the Spoutloch Burn enters the said Glengavel Water:

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Sixth A Railway No. 3 (in this Act called "Railway No. 3") 1 mile 4 furlongs and 2 chains in length commencing by a junction with Railway No. 2 at the point herein-before described as the point of termination of that railway and terminating at a point on the fence forming the southern boundary of the property of the District Committee one hundred yards or thereabouts measured in a south-westerly direction from the point at which the Patrick Water enters the said Glengavel Water.

Tolls &c. not to be taken in respect of railways.

5. The railways by this Act authorised may be used for the purposes of the undertaking of the District Committee but they shall not take any tolls rates or charges in respect thereof or the traffic thereon.

Power to make and maintain subsidiary works.

6. 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 valves engines buildings apparatus junctions stations sidings gates communications and other works and conveniences in connection 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 property 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.

Limits of lateral and vertical deviation.

7. Subject to the provisions of this Act the District Committee may in the construction of the railways and 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 in the case of the said railways to any extent upwards or downwards and may increase any inclination or gradient of the said railways

shown on the deposited sections thereof as not steeper than one in fifty to such an extent as they may see fit Provided that such inclinations or gradients where so increased be not steeper than one in fifty and they may diminish the radius of any curve described on the deposited plans of the said railways to any extent which shall leave a radius of not less than one furlong.

Railways to be used exclusively for purposes of works.

8. The railways which may be constructed under the powers of this Act shall be used exclusively for the purposes of the waterworks and the undertaking and for the conveyance of minerals stone merchandise materials and plant in connection therewith and for the conveyance of officers servants employees and workmen of the District Committee and of their contractors Provided always that after the completion of the works in the construction of which the said railways shall be used the rails and sleepers and all other materials used in the construction of the said railways including fences walls bridges gates and cattle creeps shall be taken up and removed and the lands so far as not required for any of the other works authorised by this Act shall subject to the provisions of this Act be dealt with as superfluous lands and that for the purposes of this section the prescribed period referred to in section 120 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be two years after the period prescribed by this Act for the completion of the works authorised by this Act.

Board of Trade may modify or dispense with usual requirements as to railways.

9. The Board of Trade shall in making or approving any regulations in relation to the working or using of the said railways have regard to the nature of the district through which the railways pass and the character and extent of the traffic which may use the same and shall so far as they may deem consistent with public safety dispense with or modify all or any of the requirements or regulations with which compliance is usually under the provisions of any Act relating to railways or otherwise required by the Board of Trade in regard to railways.

Power to alter roads &c. temporarily.

10. For the purposes and during the execution of the several works which the District Committee are by this Act authorised to make and in maintaining the same and subject to the provisions of this Act the District Committee may from time to time break up or cross over or under alter stop up or divert temporarily any streets highways roads lanes paths bridges railways canals passages sewers drains streams watercourses gas pipes water pipes and electric or telephonic 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

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so to interfere with providing when possible a temporary substitute before interrupting the traffic on any street highway or railway or the flow of water gas sewage or electricity in any such sewer drain stream watercourse or pipe 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 or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply otherwise than in accordance with the provisions of that section.

Power to cross certain roads on the level.

11. Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the District Committee may in the construction of any railway by this Act authorised carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say) :—

No. on deposited Plans.	Parish.	Description of Road.
20	Avondale - - - -	Public road.
35	Avondale - - - -	Public road.

Power to divert highways as shown on deposited plans.

12. The District Committee may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of the sheriff and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) : —

Railway.	Parish.	No. on deposited Plans
No. 2	Avondale - - -	20

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New portions of road to be subject to same provisions as existing roads.

13. Where in the construction of the railways by this Act authorised any diverted portion of road authorised by the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act is formed in lieu of any existing road such diverted portion shall as respects management and maintenance and in all other respects but subject to the provisions of this Act be held as part of and be subject to the same provisions as any existing road so diverted.

Power to take servitudes &c. by agreement.

14. 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 servitude right or privilege (not being a servitude right or privilege of water in which other than the grantors 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 and to such servitudes rights and privileges as aforesaid respectively.

Power to acquire additional lands by agreement.

15. 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 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 undertaking.

Works to form part of water undertaking and provisions of Acts of 1892 and 1896 to apply.

16. 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 and the Act of 1896 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.

17.—(1) 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 1897 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 said fifteenth day of December but have been or shall be subsequently so occupied.

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(2) If the District Committee acquire or appropriate any house or houses in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the court of session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

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

Period for compulsory purchase of lands.

18. 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.

Confirming agreement with Duke of Hamilton's Trustees.

19. The agreement dated the ninth and thirteenth days of March one thousand eight hundred and ninety-nine between the trustees of the late Duke of Hamilton and the District Committee as the same is set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto respectively.

Period for completion of works.

20. If the works authorised by this Act and shown on the deposited plans are not completed within five 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.

For protection of Caledonian Railway Company.

21. The following provisions for the protection of the Caledonian Railway Company (in this Act called "the company") shall unless otherwise agreed between the District Committee and the company apply and have effect (that is to say) :—

(1) The junction of Railway No. 1 authorised by this Act with Railway No. 1 authorised by the Caledonian Railway Act 1896 shall be by not more than a single line of rails and shall be made at such point within the limits of deviation of Railway No. 1 authorised by this Act shown on the deposited plans as shall be fixed by the engineer of the company :

(2) The said junction and all works connected therewith so far as situate on the lands or property of the company shall be constructed and thereafter maintained at the cost in all things

of the District Committee and under the superintendence and to the reasonable satisfaction in all respects of the engineer of the company and according to plans sections and specifications to be submitted to and approved by him previously to the commencement of the works:

(3) The District Committee shall not temporarily or permanently alter the line or levels of the railway of the company for the purposes of the junction and no obstruction or interference with the traffic on such railway shall be caused in the construction working or user of the said junction:

(4) If any interference or obstruction shall at any time be caused to the traffic on the railway of the company or any loss or damage be sustained by them in consequence of the construction working or user of the said junction the District Committee shall pay to the company full compensation in respect thereof unless such obstruction loss or damage be attributable to the fault or negligence of the company or their servants in which case the District Committee shall not be held liable:

(5) On the District Committee ceasing to use the railway in terms of this Act they shall unless otherwise agreed between the District Committee and the company forthwith remove the said junction and any works of the District Committee situate upon the lands or property of the company and in case of their default the company may do the same and recover the costs and expenses thereof from the District Committee:

(6) The District Committee shall not acquire any lands or property of the company but only an easement over so much thereof as may be necessary for forming maintaining and using the junction with the railway of the Company as herein-before provided:

(7) Except so far as inconsistent with this section the provisions of Part I. of the Railways Clauses Act 1863 as incorporated with this Act shall apply to the said junction as if the District Committee were a company authorised to make the junction:

(8) If any difference shall arise between the District Committee and the company as to any plans sections or specifications or the mode of executing any works such difference shall be settled by an arbiter to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the Board of Trade.

Agreements with Caledonian

22. Subject to the provisions of this Act the District Committee on the one hand and the company on the other hand may enter

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Railway Company.

into and carry into effect agreements for or with respect to any of the purposes following (that is to say) :—

The construction working use management and maintenance of any railways sidings junctions communications or other works belonging to either of the contracting parties and the conveyance of traffic thereon ;

The supply and maintenance under and during the continuance and for the purposes of any agreement of working and rolling stock plant and machinery and the employment of officers and servants ;

The management regulation interchange transmission accommodation and delivery of traffic ;

The payments to be made and the conditions to be observed with respect to any of the foregoing matters ; and

The appointment of joint committees for the purposes of any such agreements :

And for the purposes of this section the District Committee shall be deemed to be a railway company.

Saving for Postmaster-General.

23.—(1) Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways comprised in the undertaking of the District Committee and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the railways of the District Committee are worked by the company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

(2) Nothing in this Act relating to the making of agreements for the working of the railways of the District Committee or any part thereof by the company shall extend to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster-General and the company any larger number of telegraphic messages of that company free of charge than the Postmaster-General would have been bound to transmit had such working agreements not been hereby authorised.

Power to establish communication with

24. The District Committee may establish and maintain such wires and apparatus for the transmission of messages and other communications wholly or partially by means of electricity or by

telephone (which wires and apparatus are in this section called "any such apparatus as aforesaid") as they think expedient or necessary for the better execution of any of the powers or authorities for the time being vested in them and in relation to any such apparatus as aforesaid for the purposes of the Telegraph Act 1863 the District Committee shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs would be or might have been under that Act but nothing in this Act shall authorise the District Committee to work any such apparatus as aforesaid in consideration of any money payment or other valuable consideration or for any purpose other than the execution of their powers and authorities aforesaid or in contravention of any exclusive privilege by law vested for the time being in the Postmaster-General or to construct any such apparatus as aforesaid which shall interfere in any way with any telegraphic line in the possession or under the control of the Postmaster-General and the District Committee shall within forty-eight hours of the service on them of a notice in writing by the Postmaster-General in that behalf remove or alter to the satisfaction of the Postmaster-General any such apparatus as aforesaid which in the opinion of the Postmaster-General interferes or will interfere with the efficient or convenient maintaining working or user of any telegraphic line which the Postmaster-General has constructed or desires to construct and in default of such removal or alteration as aforesaid the Postmaster-General may remove or alter any such apparatus as aforesaid at the expense of the District Committee.

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works by means of electricity.

In this Act the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

PART III.—Financial.

25. The County Council 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 and the Act of 1896 borrow money for the purposes of this Act on the security of the assessments authorised by the Act of 1892 the Act of 1896 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 and the Act of 1896 with reference to moneys borrowed and the repayment thereof under the authority of those Acts shall apply to moneys borrowed under the authority of this Act.

Power to County Council to borrow.

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

26. 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 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.

Manner in which mortgages to be signed and executed.

27. Every mortgage to be granted by the County Council for the purposes of the Act of 1892 the Act of 1896 or this Act shall in addition to being sealed be signed by two members of the County Council and by the county clerk Provided that no county councillor shall by his subscription of such mortgage be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed or any interest thereon or of any sums whatsoever in respect thereof Section 65 of the Act of 1892 and so much of section 28 of the Act of 1896 as relates to the manner in which mortgages are to be signed and executed by the County Council are hereby repealed.

Application of moneys borrowed.

28. 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.

Power to apply capital already authorised.

29. 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 the Act of 1896 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.

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.

Power to levy domestic water rate.

31. The County Council may from and after the commencement of this Act and in accordance with the provisions of the Act of 1892 impose and levy the domestic water rate authorised by that Act upon all lands and heritages within the limits of that Act as amended by this Act which shall be supplied with water for domestic purposes by the District Committee whether such supply shall be afforded from any of the works authorised by the Act of 1892 and the Act of

1896 or from any other portion of the undertaking of the District Committee and so much of section 23 of the Act of 1892 as amended by section 18 of the Act of 1896 as restricts the amount of the domestic water rate leviable within the special water supply districts in section 23 of the Act of 1892 mentioned until the water from the Glengavel Reservoir is brought to the parish in which any such special water supply district is situate is hereby repealed Provided always that nothing herein contained shall prejudice or affect the exemption from water rate in favour of the railway and property of any railway company contained in section 55 of the Act of 1892 and such exemption shall continue in full force and effect and shall extend to any rates authorised to be levied under this Act.

PART IV.—Miscellaneous.

Restricting limits of supply.

32. Subject to the provisions of this Act the limits within which the District Committee are authorised to supply water shall comprise and include the Middle Ward District save and except the areas specially excepted under the provisions of section 22 of the Act of 1892.

Costs of Act.

33. 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 the Act of 1896 and this Act.

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The SCHEDULE referred to in the foregoing Act.

MINUTE OF AGREEMENT between James Auldjo Jamieson Writer to the Signet Edinburgh as Commissioner nominated and appointed by the Most Noble Spencer Compton Cavendish Duke of Devonshire Knight of the Garter the said James Auldjo Jamieson and George Dalziel Writer to the Signet Edinburgh Trustees acting under the trust disposition and settlement granted by the Most Noble William Alexander Louis Stephen Duke of Hamilton Brandon and Chatelherault Knight of the Thistle dated the nineteenth day of January eighteen hundred and ninety-three and along with relative codicils dated respectively the seventeenth day of October eighteen hundred and ninety-four the thirteenth day of May eighteen hundred and ninety-five and the fourteenth day of May eighteen hundred and ninety-five recorded in the books of council and session on the twenty-sixth day of July eighteen hundred and ninety-five conform to factory and commission granted by the said trustees in his favour dated the twenty-sixth and twenty-ninth days of October and registered in the books of council and session the first day of November all in the year eighteen hundred and ninety-five (the said trustees being herein-after called "the trustees") of the first part and the District Committee of the Middle Ward of the county of Lanark (herein-after called "the District Committee") of the second part.

Whereas the District Committee are at present promoting a Bill before Parliament to enable them to construct additional waterworks and certain railways in connection with their undertaking and for other purposes:

And whereas by the said Bill it is narrated that it would effect a considerable saving in expense and would promote the general convenience if the District Committee were authorised to construct and maintain short railways from the railway of the Caledonian Railway Company to the District Committee's reservoir and works at Glengavel:

And whereas by section 4 of the Bill the District Committee seek power subject to the provisions thereof to make construct lay down and maintain in the lines and situations and according to the levels shown on the deposited plans and sections (inter alia) certain railways in the said Bill referred to respectively as Railways No. 1 No. 2 and No. 3:

And whereas by section 4 of the said Bill the District Committee seek power to enter upon take and use for the construction of said railways such

of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose:

And whereas it has been agreed between the trustees and the District Committee that instead of the District Committee acquiring lands for the construction of the said railways so far as these will pass through the trustees' lands the trustees should grant to the District Committee the temporary use of the lands required for the period after specified upon payment of an annual rent or wayleave therefor instead of purchasing the lands so required Therefore the parties have agreed and do hereby agree as follows viz.:—

1. The District Committee agree notwithstanding the provisions of the said Bill to renounce and do hereby renounce their right to acquire compulsorily the lands required for the said railways so far as these are intended to pass through the lands of the trustees but this renunciation shall apply in so far only as regards the right and interest of the said trustees in the said lands the rights and powers of the District Committee under the Bill remaining in full force and effect in so far as regards the rights and interests of all or any of the tenants of the said lands who may refuse to grant consent to the District Committee occupying the said lands for the construction and use of the intended railways as authorised by the Act:
2. In consideration of such renunciation the trustees agree to allow the District Committee to have the use of the lands necessary for the construction of the said railways so far as these will pass through the trustees' lands for a period of seven years from the passing of the Bill into law but declaring that the District Committee shall have power to terminate their occupancy of the said lands at any term of Martinmas during the seven years above mentioned The lands so allowed to be used shall be those delineated on the deposited plans and described in the deposited books of reference or such portions of them as may be required for the purpose of the said intended railways:
3. The District Committee agree and hereby bind and oblige themselves to pay to the trustees for the use of the lands which may be occupied by the said railways the sum of fifty pounds yearly and that at the term of Martinmas annually beginning the first payment at the term of Martinmas first occurring after occupation of any part of the ground required for said railways of a proportion of said annual sum for the period from the first date of occupation to the said term of Martinmas and thereafter paying the said sum of fifty pounds at the term of Martinmas yearly until the occupancy of the lands shall have ceased:
4. The District Committee shall before occupation of the lands obtain the consents of the agricultural tenants of the lands to the occupancy of the lands for the construction and use of the intended railways as authorised by the Act but in the event of any tenant withholding such consent the right of the District Committee to exercise the compulsory powers granted to them in the Bill shall not in any way be prejudiced or affected:

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5. The District Committee shall be bound during the subsistence of this agreement to free and relieve the trustees of all claims of whatever kind that may be preferred against them by the agricultural tenants of the lands to be occupied by the railways including such deductions of rent as may in the event of the District Committee exercising their compulsory powers under the Bill require to be allowed to the tenants by the trustees for the lands taken and that so far as the railways will pass through the lands of the trustees whether under the current leases of said lands or under any leases thereof which may be entered into during the subsistence of this agreement:

6. The District Committee bind and oblige themselves to flit and remove from the lands occupied by said intended railways on the expiry of the period of seven years from the date of said Bill passing into law and to remove all rails sleepers and other materials used for said railways as also to restore the lands so occupied to as good a condition as they were in before being occupied and to the satisfaction of the trustees Failing such restoration the District Committee bind and oblige themselves to pay to the trustees compensation for whatever lands may be left by them unrestored or insufficiently restored as such compensation failing agreement may be fixed by arbiters mutually chosen or by an oversman in the event of the arbiters differing in opinion it being understood that the said arbiters or oversman in fixing the compensation for non-restoration or insufficient restoration shall make adequate allowance for the tenants' claims on account thereof to the end of the leases of the lands then current:

7. If any difference arise between the trustees and the District Committee with reference to the provisions of this agreement or anything to be done or not to be done thereunder such difference shall be determined by an arbiter to be agreed between the parties or in default of agreement to be appointed (on the application of either party) by the sheriff of the county of Lanark or any of his substitutes and the decision of the arbiter shall be binding and conclusive on both parties.

In witness whereof these presents consisting of this and the four preceding pages the word "renunciation" in the nineteenth line of page third hereof being partly written on erasure and the word "preferred" in the eighth line of page fourth hereof being also partly written on erasure all before subscription are subscribed—

For and on behalf of the District Committee by Colin Dunlop and John Craig two of the members thereof and John Burn Ferguson clerk to the District Committee and are subscribed by the parties as follows videlicet By the said Colin Dunlop and the said John Burn Ferguson both at Hamilton on the ninth day of March eighteen hundred and ninety-nine before these witnesses William Edward Whyte and John Millar both clerks in the office of the District Committee at Hamilton and by the said John Craig at Blantyre on the day month and year last mentioned before these witnesses Elizabeth Craig spinster residing at Bellsfield Blantyre aforesaid and the said John Millar and by the said James

Auldjo Jamieson at London on the thirteenth day of said month of March and year last mentioned before these witnesses David Kerr clerk and William Sharpen footman both to the said James Auldjo Jamieson. A.D. 1899.

DAV. KERR Witness
WILLIAM SHARPEN Witness } JAS. AULDJO JAMIESON.

ELIZABETH CRAIG Witness
J. MILLAR Witness
W. E. WHYTE Witness
J. MILLAR Witness } COLIN DUNLOP.
JOHN CRAIG.
J. B. FERGUSON
District Clerk.

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FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

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