CHAPTER xlii.

An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to the Burgh of Castle Douglas. [23d May 1879.]

A.D. 1879.

WHEREAS a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Public Health (Scotland) Act, 1867, is not of any validity unless the same has been confirmed by Act of Parliament: 30 & 31 Vict. c. 101.

And whereas Her Majesty's Principal Secretary of State for the Home Department has, under the said Act, duly made the Provisional Order contained in the schedule annexed to this Act, and it is expedient that the said Order should be so confirmed:

Be it therefore 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:

Provisional Order in schedule confirmed.

1. The Provisional Order contained in the schedule annexed to this Act is hereby confirmed, and all the provisions contained in the said Order shall, from and after the passing of this Act, have the same validity and force as they would have if enacted in the body of this Act.

Short title.

2. This Act may be cited as the Public Health (Scotland) Act, 1867, Order Confirmation (Castle Douglas) Act, 1879.

A.D. 1879.

SCHEDULE.

Public Health (Scotland) Act, 1867. *Castle Douglas.*

WHEREAS by the Public Health (Scotland) Act, 1867, it is, among other things, enacted, section 89, that with respect to the improvement of burghs having a population of less than ten thousand according to the census last taken, and not having a local Act for police purposes, "the local authority, if "they think it expedient so to do, may acquire and provide or arrange for a "supply of water for the domestic use of the inhabitants, and for that purpose "may conduct water from any lake, river, or stream, may dig wells, make and "maintain reservoirs, may purchase, take upon lease, hire, construct, lay down, "and maintain such waterworks, pipes, and premises, and do and execute all "such works, matters, and things as shall be necessary and proper for the afore-"said purpose, and may themselves furnish a supply of water, or contract or "arrange with any other person to furnish the same; and for the purposes "aforesaid, the local authority shall be held to have all the powers and rights "given to promoters of undertakings by the Lands Clauses Acts: Provided "always, that they shall make reasonable compensation for the water so taken "by them, and for the damage which may be done to any lands by reason of "the exercise of the powers hereby conferred in terms of the said Acts;" and that "the local authority, if they have any surplus water after fully supplying "what is required for domestic purposes, may supply water from such surplus "to any public baths and washhouses or for trading or manufacturing purposes "on such terms and conditions as may be agreed on between the local autho-"rity and the persons desirous of being so supplied."

And whereas it is provided by the said Act, section 90, that, upon compliance with the provisions therein contained with respect to advertisements and notices, the local authority may present to one of Her Majesty's Principal Secretaries of State a petition stating the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and praying that the local authority may, with reference to such land, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement; and that, upon the receipt of such petition and proof of the proper advertisements having been published and notices served, the Secretary of State may direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition; and after the completion of such inquiry, the Secretary of State may, by Provisional Order, empower the local authority to put in force, with reference to the land referred to in such Order, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them:

A.D. 1879.

And whereas the provost, magistrates, and town council of the burgh of Castle Douglas, in the stewartry or shire of Kirkcudbright, as police commissioners (herein-after called the "Commissioners"), under the General Police and Improvement (Scotland) Act, 1862, within the police boundaries of the said burgh of Castle Douglas, as defined by interlocutor or judgment of the steward substitute of the said stewartry of date the 31st day of July 1861, and which interlocutor or judgment was duly recorded in the steward court books of the said stewartry, and which boundaries were continued as the boundaries on the adoption by the magistrates and council of the General Police and Improvement (Scotland) Act, 1862, on the 18th day of November 1862 are the local authority within the police boundaries of the said burgh, under the Public Health (Scotland) Act, 1867; and such burgh contains less than ten thousand inhabitants, and has no local Act for police purposes:

And whereas a petition under the Public Health (Scotland) Act, 1867, and the Public Health (Scotland) Amendment Act, 1871, has been presented to me as one of Her Majesty's Principal Secretaries of State, by the Commissioners, setting forth, among other things, that the present water supply of the said burgh, which is derived mainly from wells, is quite inadequate and insufficient and unsuitable for the purposes of the inhabitants and unfit for domestic use, and that it would be of great advantage to the inhabitants of the said burgh if the Commissioners were authorised to obtain a supply of water for the domestic use of the inhabitants and for trading and manufacturing and other purposes, under the provisions of the Public Health (Scotland) Act, 1867, and Public Health (Scotland) Amendment Act, 1871, from Loch Roan, in the parish of Crossmichael and stewartry aforesaid, by means of an aqueduct, conduit, or line of pipe from the said loch to a point within the police boundaries of the said burgh; and that, with the view of affording such supply of water, the Commissioners proposed, under the provisions of the said Acts and the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, which two last-mentioned Acts are in this Order referred to as the Lands Clauses Acts, to take land and other property for the execution of the proposed works, and works and conveniences connected therewith, and for all purposes necessary for providing such supply of water; and that the Commissioners had published the advertisements and served the notices required by section 90 of the Public Health (Scotland) Act, 1867; and the said petition prayed that a Provisional Order might be made empowering the Commissioners to put in force with reference to the lands, lochs, burns, springs, streams, roads, and other property mentioned in such petition, the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas due inquiry was directed and held in respect of the matters contained in the said petition, and I have resolved to grant the prayer thereof; and a plan describing the aqueducts, conduits, and line of pipes, before and after mentioned, and the lands, lochs, burns, springs, streams, roads, and other property intended to be taken for the purposes thereof, and of the said water supply, and a book of reference to such plan containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, lochs,