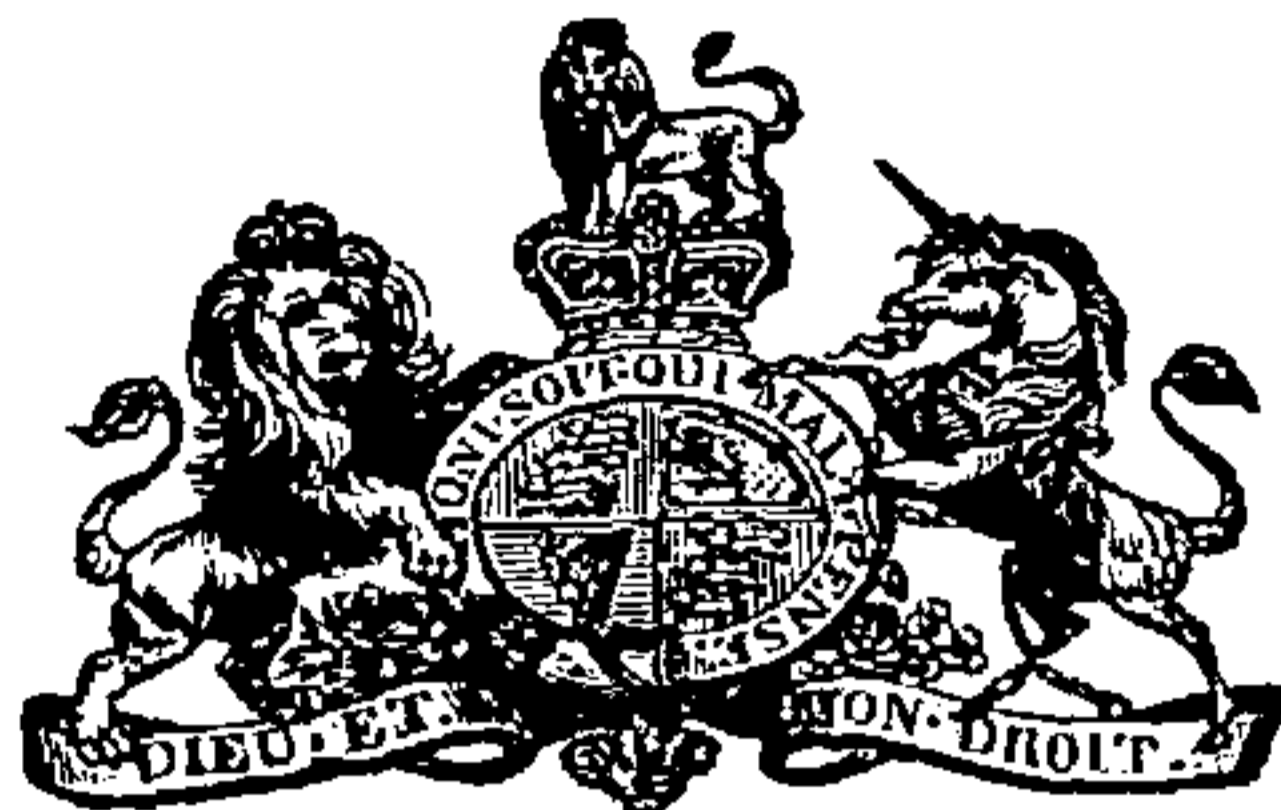


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### CHAPTER cxxv.

An Act to authorise the Commissioners of the Burgh of A.D. 1898.  
Wishaw to provide an additional water supply to the  
Burgh and to make and maintain new and additional  
waterworks and for other purposes. [25th July 1898.]

**W**HEREAS the present water supply of the burgh of Wishaw  
in the county of Lanark was introduced in the year one  
thousand eight hundred and seventy by the then Commissioners  
of Police of the burgh under the Burgh Police and Improvement  
(Scotland) Act 1862:

And whereas the said burgh is now managed and administered  
by the Commissioners thereof under the Burgh Police (Scotland)  
Act 1892 and the Commissioners are also the local authority therein  
under the Public Health (Scotland) Act 1897:

And whereas the boundaries of the burgh were extended in the  
year one thousand eight hundred and seventy-four under the  
provisions of the said Burgh Police and Improvement (Scotland)  
Act 1862 and were further extended in the year one thousand eight  
hundred and ninety-six under the provisions of the said Burgh  
Police (Scotland) Act 1892 and the population of the burgh now  
numbers eighteen thousand and upwards:

And whereas by the great expansion of the trade and population  
of the burgh of Wishaw the supply of water to the said burgh is  
inadequate and insufficient for the wants and conveniences of the  
present and increasing population and trade and manufactures  
within the same:

And whereas it is expedient for the health comfort and convenience  
of the inhabitants that an increased supply of water should be  
provided to the burgh and that the Commissioners should be  
empowered to introduce such additional supply and for that purpose  
to acquire the lands and construct and maintain the waterworks  
herein-after described:

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And whereas it is expedient that the limits within which the Commissioners are authorised to give a supply of water should be defined and that they should be authorised to supply water beyond the limits of supply :

And whereas the boundaries of the burgh of Wishaw as now extended include certain lands and heritages situate within the limits of water supply of the district committee of the Middle Ward of the county of Lanark under the provisions of the Lanarkshire (Middle Ward District) Water Acts 1892 and 1896 but within which area water pipes have already for many years been laid and a water supply afforded by the Commissioners and it is expedient that the said area should in consequence of the passing of this Act cease to form part of the limits of supply of the said district committee :

And whereas it is expedient that the Commissioners should be authorised to raise money by rates assessments and charges and by borrowing for the purposes of this Act :

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited for all purposes as the *Wishaw Water (Additional Supply) Act 1898*.

Interpretation.

2. 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 this Act the expression "the burgh" or "the burgh of Wishaw" means the burgh of Wishaw according to the boundaries thereof at the date of the passing of this Act The expression "the Commissioners" means the Commissioners of the burgh of Wishaw acting under the Burgh



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Police (Scotland) Act 1892 and Acts amending the same or under any other Police Act for the time in force within and applicable to the burgh. The expression "the Police Acts" means the Burgh Police (Scotland) Act 1892 and Acts amending the same or any other Police Act for the time being in force within the burgh. The words "clerk" and "treasurer" and "collector" mean the clerk and treasurer and collector respectively for the time being of the Commissioners or the clerk and treasurer and collector respectively who may be appointed in terms of this Act. "Valuation roll" or "valuation rolls" means the valuation rolls for the county of Lanark made up in terms of the Lands Valuation (Scotland) Act 1854 or any Act amending the same. The expression "the sheriff" means the sheriff of the county of Lanark or any of his substitutes. The word "lands" and the word "premises" shall have the same meanings as in the Police Acts. And in the Acts wholly or partially incorporated with this Act "the special Act" means this Act. "The company" "the undertakers" "the promoters of the undertaking" and "the commissioners" mean the Commissioners. The expression "the water undertaking" shall comprehend not only the works authorised to be constructed by and the lands and water acquired under this Act and the rights powers and privileges conferred by this Act on the Commissioners but also the whole property and works of the Commissioners connected with their existing water supply to the burgh and such other property and works and rights powers and privileges as may be acquired by the Commissioners under the provisions of this Act relating to the water supply and distribution thereof. And in the Waterworks Clauses Act 1847 the expression "the waterworks" means the existing waterworks of the Commissioners and the works by this Act authorised.

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3. 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:—

Incorporation of Acts.

The Lands Clauses Acts:

The Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners (except clause 84):

The Waterworks Clauses Act 1847 except the clauses and provisions with respect to the communication pipes to be laid by the undertakers and 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

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“ any such house or of the agent of such owner ” and also with the exception of clauses 68 70 71 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 and in construing the said clauses and provisions “ the company ” means the Commissioners “ the railway ” means the Works No. 1 No. 2 and No. 3 authorised by this Act and “ the centre of the railway ” means any part of these works.

Commissioners to execute purposes of Act.

4. This Act shall be carried into execution by the Commissioners.

Payment of rates not to disqualify any judge.

5. No person liable under this Act in payment of rates or other consideration in respect of water supply shall on that account or on account of being a Commissioner be disqualified from acting as a justice of the peace or sheriff or exercising any judicial function in the carrying out of this Act.

Books and accounts to be kept.

6. The Commissioners shall for the purposes of this Act cause to be provided and kept true and regular accounts and to be entered therein all sums of money received and paid by them for the purposes of this Act and the water undertaking and such accounts shall be kept as part of but separate and distinct from the other accounts of the Commissioners and if a clerk be appointed for the purposes of this Act such clerk shall keep the books and records of the Commissioners so far as the same relate to the purposes of this Act and any copy or extract from the books and records of the Commissioners so far as relating to the purposes of this Act authenticated by the signature of the clerk shall be received as evidence in all courts whatsoever in any cause or matter concerning this Act and shall be open to the inspection of any person interested therein without payment of any fee or reward.

Commissioners may appoint clerk treasurer and collector.

7. The clerk treasurer and collector respectively of the Commissioners may be clerk treasurer and collector respectively under this Act or the Commissioners may if they think fit appoint any other suitable person or persons to the offices of clerk treasurer and collector for the purposes of this Act or to any one or more of such offices and remove such person or persons and appoint others in their stead or in the room of such of them as may die resign or discontinue their offices and the provisions of the Police Acts in regard to the clerk treasurer and collector appointed or to be appointed for the purposes thereof shall be and are hereby



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made applicable to the clerk treasurer and collector or any one or more of them who may be appointed under the provisions and for the purposes of this Act. A.D. 1898.

8. The Commissioners may subject to the provisions of this Act make and maintain in the lines and according to the levels shown on the deposited plans and sections the waterworks herein-after described or some of them together with all proper embankments dams weirs bridges roads approaches ways wells tanks basins gauges filter-beds stand-pipes sluices waste-weirs outlets outfalls discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions meters valves engines buildings apparatus and conveniences connected with the said works or any of them or necessary or convenient for diverting taking collecting storing conducting distributing and regulating the supply of water for the purposes herein-after mentioned and for inspecting maintaining repairing altering cleansing managing and using the same and may enter upon take and use such of the lands and streams delineated on the said plans and described in the deposited book of reference as may be required for the said purposes or any of them and for any of the other purposes of this Act The waterworks herein-before referred to and authorised by this Act are—

Power to make new waterworks.

- (1) A weir (Work No. 1) to be situate on the stream called Potrenick Burn wholly in the parish of Crawford and county of Lanark at a point one hundred and fifty yards or thereabouts measured in a straight line in a south-easterly direction from the centre of the bridge carrying the highway from Dumfries to Lanark over said burn :
- (2) A weir (Work No. 2) to be situate on the stream called Potrail Water wholly in the parish of Crawford and county of Lanark at a point six hundred and fifty yards or thereabouts measured in a straight line in a north-easterly direction from the centre of the bridge before referred to :
- (3) A weir (Work No. 3) to be situate on the stream called Peden Burn wholly in the parish of Crawford and county of Lanark at a point eight hundred yards or thereabouts measured in a straight line in a north-westerly direction from the centre of the bridge carrying the foresaid highway over the said Peden Burn :
- (4) A line or lines of pipes (Work No. 4) commencing in the parish of Crawford in or out of the proposed weir (Work No. 1) herein-before described and terminating in the parish of Carluke in the existing reservoir of the Commissioners known

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as No. 2 Reservoir at the south corner thereof and which line or lines of pipes will pass from in through or into the parishes of Crawford Crawford John the united parishes of Roberton and Wiston the parishes of Symington Covington Carmichael Pettinain Lanark and Carluke and the royal burgh of Lanark all in the county of Lanark :

(5) A branch line of pipes (Work No. 5) wholly situate in the parish of Crawford and county of Lanark commencing in or out of the proposed weir (Work No. 2) herein-before described and terminating by a junction with the proposed line or lines of pipes (Work No. 4) herein-before described at a point twenty yards or thereabouts measured in a westerly direction from the point of commencement before described :

(6) A line of pipes (Work No. 6) wholly situate in the parish of Crawford and county of Lanark commencing in or out of the proposed weir (Work No. 3) herein-before described and terminating by a junction with the proposed line or lines of pipes (Work No. 4) before described at a point two hundred and fifty yards or thereabouts measured in a northerly direction from the centre of the said bridge carrying the highway from Dumfries to Lanark over the Peden Burn.

For protec-  
tion of Cale-  
donian  
Railway  
Company.

9. 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 Commissioners apply and have effect (that is to say) :—

(1) The line or lines of pipes (Work No. 4) by this Act authorised where the same is intended to cross the railway of the Caledonian Company at or near Elvanfoot Station and Braidwood Station shall be carried over the railway by means of the bridges which carry the roads in which such line or lines of pipes are to be laid over the railway at such points of crossing and the said line or lines of pipes shall be carried under the Douglas branch of the Caledonian Company's railway near Lanark under the bridge which carries that railway over the road from Lanark to Elvanfoot and the said line or lines of pipes shall be carried under the railway of the Caledonian Company at Stoneyburn Farm near the village of Crawford :

(2) The Commissioners shall not except as aforesaid enter upon or interfere with any railway work or land belonging to the Caledonian Company :

(3) All works of the Commissioners for laying down maintaining repairing or renewing the said line or lines of pipes over or



under the said railways of the Caledonian Company or within fifty feet of any 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 other 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 to be previously submitted to and approved in writing by such engineer and in all things by and at the expense of the Commissioners :

(4) The Commissioners shall restore and make good any disturbance caused by them to the railways bridges and property of the Caledonian Company in carrying the said line or lines of pipes or other work over or under the railways of the Caledonian Company and shall restore and make good the road over 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 Commissioners :

(5) All the works and operations of the Commissioners under this Act shall be constructed executed and completed so as not to injuriously affect the structure of any bridge or to cause any injury to any railway work 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 :

(6) If any such injury or interruption shall arise from or be in any way owing to the works or operations of the Commissioners or the bursting leakage or failure of the said line or lines of pipes or other work of the Commissioners the Commissioners shall forthwith make good or remove such injury or interruption at their own expense or the Caledonian Company may do the same and the Commissioners 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 repair and when necessary alter or reconstruct any bridge or work of the Caledonian Company over across or under which the said line or lines of pipes or other work of the Commissioners may be laid without being liable to the Commissioners or any other person for any injury or interruption to such line or lines of pipes or other work of the Commissioners or the water supply which may arise in connexion with such repair alteration or reconstruction

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unless the same shall arise from some neglect or default of the Caledonian Company or their agents workmen or servants and the Commissioners 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 the said line or lines of pipes or other work of the Commissioners Provided that the Caledonian Company shall give notice to the Commissioners of any intended alteration or disturbance of the works of the Commissioners and the same shall be carried out as far as possible so as not to interfere with the continuous supply of water to their district and any work of the Caledonian Company so far as it alters or disturbs any work of the Commissioners shall be done to the reasonable satisfaction of the engineer of the Commissioners :

(8) If any difference shall arise between the Commissioners 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 Board of Trade on the application of either the Commissioners or the Caledonian Company and the costs of any such reference shall be borne and paid as the referee shall direct.

Power to deviate laterally and vertically.

10. The Commissioners may in constructing the works by this Act authorised deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and may deviate vertically from the levels of the various works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided always that in the exercise of such power of vertical deviation the Commissioners shall not lay above ground any pipe at a greater height above ground than is shown on the deposited sections except with the consent of the road authority.

Power to alter roads &c. temporarily.

11. For the purposes and during the execution of the several works which the Commissioners are by this Act authorised to make and in maintaining the same and subject to the provisions of this Act the Commissioners may break up or cross over or under alter or stop up temporarily or use any streets highways roads lanes paths bridges railways canals passages sewers drains watercourses



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gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference and which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway or railway or the flow of water gas sewage or electricity in any such sewer drain watercourse canal or pipe and making full compensation to all persons injuriously affected thereby 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 to 1890 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

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12. The Commissioners may from and after the passing of this Act by means of the works by this Act authorised and by the existing waterworks of the Commissioners or some of them or some part or parts thereof divert impound take appropriate store use and distribute the waters of the streams following (that is to say) The streams called respectively the Potrenick Burn the Potrail Water and the Peden Burn and all affluents streams springs and waters flowing into or arising within the said streams or burns respectively and from the said works authorised by this Act and the existing waterworks of the Commissioners or from some of them the Commissioners may supply water within the limits of this Act or to such places beyond the same as authorised by this Act for the domestic and other purposes for which the Commissioners are by this Act and the Police Acts authorised to supply water Provided that the Commissioners shall not take any greater quantity of water from the said streams than three million gallons in any one day of twenty-four hours.

Power to  
take water.

13.—(1.) The Commissioners shall promote and use their best efforts to obtain in the next session of Parliament a Bill for authority to make and maintain a reservoir and works at some point above the Works Nos. 1 2 and 3 described in the section of this Act of which the marginal note is "Power to make new waterworks" and shall so soon as the same are completed discharge or allow to flow as compensation water therefrom a uniform and continuous flow of water of not less than one million gallons during the twenty-four hours of each day so long as the quantity taken for supply by the Commissioners shall not exceed two million gallons a day of twenty-

Compensa-  
tion water.

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(2.) Such compensation water shall be deemed to be full compensation to all mill owners riparian proprietors and other persons interested in the waters flowing from the Potrenick and Peden Burns and the Potrail Water below the said reservoir for the three million gallons of water intercepted and appropriated for the purposes of this Act. Provided that if the said reservoir is not completed within five years from the passing of this Act and the said compensation water continuously thereafter discharged therefrom the Commissioners shall cease to intercept and appropriate any of the waters of the said streams. Provided further that the Commissioners may from and after the passing of this Act take the waters of the foresaid streams for their water supply until the discharge of the said compensation water from the said intended reservoir.

(3.) The Commissioners shall for the purpose of ascertaining the amount of the compensation water daily discharged construct and maintain immediately below the foot of the outer slope of the embankment of the said reservoir a suitable and sufficient measuring gauge or other apparatus over or through which the compensation water shall flow or be discharged and such gauge or other apparatus shall be open to the inspection and examination of all persons having a legal interest in the said compensation water or persons duly authorised by them on their behalf at all reasonable times.

(4.) The Commissioners shall also for the purpose of ascertaining the quantity of water daily appropriated for the purposes of water supply (other than compensation water) construct and maintain at a point or points to be approved by Benjamin Hall Blyth whom failing an engineer to be appointed by the sheriff suitable and sufficient measuring gauges or other apparatus over or through which such water shall flow or be discharged and such measuring gauges or other apparatus shall be open to the inspection and examination of all persons having a legal interest in the said compensation water or persons duly authorised by them on their behalf at all reasonable times.

(5.) If at any time such measuring gauges or other apparatus or any of them shall be out of repair or unfit for the purpose for which they were intended the same shall forthwith be put into a proper and efficient state of repair at the expense of the Commissioners



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and if the Commissioners shall fail to repair such gauges or other apparatus or any of them within fourteen days after notice given to them by or on behalf of any of the persons having a legal interest in the waters as aforesaid any person so interested may cause such works to be done and performed in connexion with the said measuring gauges or other apparatus as shall be necessary for placing them in a proper and efficient state of repair and to recover the expense so incurred with full costs of suit against the Commissioners in any court of competent jurisdiction.

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14. The Commissioners may acquire compulsorily or by agreement for the purposes of this Act and for the purpose of securing the purity of the sources of their water supply and of protecting the same and their waterworks against pollution nuisance encroachment or injury the following lands shown on the deposited plans and described in the deposited book of reference (that is to say):—

Additional lands to be acquired.

Certain lands in the parish of Crawford in the county of Lanark lying along and adjacent to the Works No. 1 and No. 2 by this Act authorised and extending to twenty acres or thereabouts and also lying around and adjacent to Work No. 3 by this Act authorised and extending to ten acres or thereabouts and which lands are bounded on all sides by the lands and property belonging or reputed to belong to the Earl of Hopetoun together with all water and other rights and privileges therein: 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 Commissioners shall not create or permit a nuisance on such lands or any part thereof.

15. The Commissioners may subject to the provisions of this Act take by agreement and any person by the Lands Clauses Acts or otherwise enabled to sell lands may grant to them any estate servitude interest right or privilege (not being a servitude of water in which persons other than the grantors have an interest) in over affecting or belonging to lands at a price or yearly rent feu duty or otherwise but in the case of a person not enabled otherwise than by the said Acts to sell lands then subject and according to the provisions relative to the taking of lands by agreement contained in the said Acts and for the purposes of this section any such estate servitude interest right or privilege shall be deemed to be lands within the meaning of those Acts.

Power to agree for servitudes &c.

16. In addition to the lands authorised to be taken and acquired under the powers of this Act the Commissioners may purchase by agreement lands not exceeding ten acres for the purpose of making

Lands for extraordinary purposes.

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depôts pipe yards and other buildings and conveniences in connexion with the water undertaking of the Commissioners but nothing in this Act shall exonerate the Commissioners from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section and no house or building shall be erected on any such lands other than any houses or buildings which may be required in connexion with the undertaking of the Commissioners.

Limiting time for exercise of compulsory powers of purchase.

17. The powers of the Commissioners 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.

18. If the works authorised by this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for executing any works not so completed or in relation thereto shall (except where otherwise agreed on between the Commissioners and any person whose lands may be affected) cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Commissioners from maintaining using laying extending enlarging altering replacing relaying increasing adding to or removing any of their conduits aqueducts mains or pipes at any time and as occasion requires for the purpose of supplying water within the limits of this Act or beyond the said limits as authorised by this Act.

Restriction on taking houses of labouring class.

19. The Commissioners 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. The expression "labouring class" includes mechanics artizans 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.

Limits of compulsory supply and limits of Act.

20. The limits for the compulsory supply of water by the Commissioners and the limits of this Act shall be the burgh of Wishaw



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according to the boundaries thereof at the date of the passing of this Act which limits are in this Act referred to as "the limits of compulsory supply" or "the limits of this Act." A.D. 1898.

**21.**—(1.) From and after the passing of this Act the county council of the county of Lanark shall not levy any assessments under the provisions of the Lanarkshire (Middle Ward District) Water Acts 1892 and 1896 within the limits of this Act. County council not to levy water rate and payment of lump sum.

(2.) The Commissioners shall in respect of the loss to the county council of rating area pay to the county council within one month after the passing of this Act a sum of seven hundred and fifty pounds which sum shall be applied by the county council for the purposes of the Lanarkshire (Middle Ward District) Water Acts 1892 and 1896 together with interest thereon at the rate of four per cent. per annum from the date when the same shall become due until payment.

**22.** In the event of the Commissioners supplying water beyond the limits of this Act to and within the jurisdiction of any county council or of any local authority as defined by the Public Health (Scotland) Act 1897 they shall be bound if and when such county council or local authority shall themselves resolve to supply water to and within the jurisdiction of such county council or local authority beyond the said limits to sell to such county council or local authority on receiving six months notice in writing any pipes plant or other apparatus of the Commissioners which are used exclusively for the distribution of water within the jurisdiction of such county council or local authority beyond the said limits under the powers of this Act and that for such price as may be agreed on or failing agreement as may be fixed by arbitration under the Lands Clauses Acts. Sale of portion of pipes within jurisdiction of other local authorities.

**23.** The Commissioners may subject to the provisions of this Act lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) mains pipes and other conveniences for conveying and distributing water under the powers of this Act Provided always that such laying down extension enlargement or increase shall be executed only on lands or property belonging to the Commissioners or which may be acquired by them by agreement or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes. Commissioners may enlarge or increase number of pipes.

**24.** For the purpose of executing any necessary work of repair or of cleansing or of examining any of the works by this Act authorised or any reservoir filter or tank aqueduct or conduit Powers for repair of aqueducts

A.D. 1898.  
and tempo-  
rary dis-  
charge of  
water into  
streams.

belonging to the Commissioners the Commissioners may cause the water in any such works or reservoir filter or tank aqueduct or conduit to be temporarily discharged into any available stream or watercourse In the exercise of the power conferred by this section the Commissioners shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

Pressure.

25. The water to be supplied from any main or pipe of the Commissioners need not be constantly laid on under pressure nor be supplied in any case at a level above or at a greater pressure than can be supplied or afforded by gravitation from the service reservoirs or tanks from which the supply is taken.

Supply of  
water for  
domestic use  
within the  
limits of  
compulsory  
supply.

26. The Commissioners shall cause pipes to be laid so far as not already laid and water to be brought through all streets and roads or portions of streets or roads along which houses are built within the limits of compulsory supply as defined by this Act and shall as soon as conveniently may be after the completion of the works by this Act authorised to be constructed at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the limits of compulsory supply or any person entitled to demand a supply of water under the provisions herein contained furnish to such person by means of communication pipes and other necessary and proper apparatus to be provided laid down and maintained by and at the cost of such person unless otherwise agreed between him and the Commissioners a sufficient supply of water for domestic purposes in any such house or dwelling (including a supply for private water closets and private fixed baths in each such dwelling-house) including the office houses yards and other pertinents of the same Provided that no person shall be entitled to demand such supply of water or to require the Commissioners to lay down pipes or fire plugs unless some pipe of the Commissioners shall have been laid within one hundred feet of the premises in respect of which such supply of water or pipes or fire plugs are demanded or in the case of tenements situated in a private close or place unless a water pipe of the Commissioners shall have been laid within one hundred feet of the entrance to such close or place.

Commis-  
sioners may  
supply water  
for other  
than domes-  
tic purposes.

27. The Commissioners may furnish to any person within the limits of compulsory supply a supply of water for other than domestic purposes to shops offices and warehouses and for steam engines or railway purposes or for warming or ventilating any



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premises other than dwelling-houses or for working any machine or apparatus or for cattle or for horses or for washing carriages where such horses or carriages are kept for sale or hire or are the property of a dealer or for gardens fountains or ornamental purposes or for any trade manufacture business or occupation or for hotels taverns poor-houses hospitals prisons barracks schools or other public buildings and either in bulk or otherwise such respective supplies being so furnished at such rates and upon such terms and conditions as may be agreed between the Commissioners and the person desiring such supply or in the event of disagreement either as to the ability of the Commissioners to give the supply or as to the rates terms or conditions on or in respect of which the supply is to be given the same shall be fixed by the sheriff upon summary application by either of the parties and the decision of the sheriff shall be final. Provided always that so far as possible the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply and the charges for such supply shall be recoverable in the same manner as any other water rates or charges may be recovered under the authority of this Act. Provided further that when water is so supplied it shall not be lawful for the Commissioners to charge the parties obtaining the same both with the domestic water rate in respect of the premises for which such supply is given and also to charge for the same by measure but the Commissioners shall have the option either to charge the persons obtaining the same with such domestic water rate or to charge for the supply by measure. Provided also that the supply of water under this section shall not prejudicially affect or restrict the supply of water from time to time required for domestic use within the limits of compulsory supply.

**28.** The Commissioners may supply water by meter or otherwise from the line of pipes by this Act authorised or from any of the works of the Commissioners to any owners and occupiers of lands and heritages lying adjacent or near to the same and to any local authority or other public authority or person all within the parishes of Crawford Crawford John the united parishes of Robertson and Wiston the parishes of Symington Covington Carmichael Pettinain Lanark Carluke Cambusnethan and Dalziel in the county of Lanark beyond the limits of compulsory supply or within some or one of them in or through which the said line of pipes and waterworks of the Commissioners may pass and the Commissioners may contract with all or any such persons and authorities for such supply at such rates and upon such terms and conditions and for such period or periods of time as they may agree. Provided always that any supply

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Power to Commissioners and local authorities &c. to agree as to supply of water on line of pipes &c.

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A.D. 1898. — of water under the provisions of this Act to any local authority or other public authority or person beyond the limits of this Act shall not prejudicially affect or restrict the supply of water from time to time required within the limits of compulsory supply. Provided further that the supply of water by the Commissioners under this section shall be subject to the consent of any local authority or any company who at the passing of this Act are authorised to supply water within the said parishes beyond the aforesaid limits.

Payment of charge for water supply.

**29.** The charge for the supply of water under the two immediately preceding sections of this Act shall be payable at such times and in such manner as the Commissioners shall fix and unless the Commissioners shall otherwise determine shall except when the same is supplied by measure be paid in advance and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Commissioners or at the time when the agreement to take water from the Commissioners is made. Provided always that where the supply is furnished by measure the consumer may be required to deposit such sum in security of the payment for such supply as the Commissioners may think necessary.

For protection of burgh of Lanark.

**30.** For the protection of the provost magistrates and town council of the royal burgh of Lanark as such and as commissioners of the burgh of Lanark acting in execution of the Burgh Police (Scotland) Act 1892 and as the local authority of the burgh of Lanark acting under the Public Health (Scotland) Act 1897 and the Acts amending the same (in this section called "the corporation") and for other purposes the following provisions shall (unless otherwise agreed upon) have effect and be binding on the Commissioners of the burgh of Wishaw (in this section called "the Commissioners") (that is to say) :—

- (1) At least twenty-one days before the Commissioners commence any works the execution of which would in any way interfere with or affect any of the roads or streets lanes or footpaths or public places in the royal burgh of Lanark or which would interfere with or affect the sewers drains water pipes or other works belonging to the corporation in its several capacities aforesaid or any of them or which they have the right of using or any service pipes or connexions the Commissioners shall give to the corporation notice in writing accompanied by plans sections and specifications and also working drawings where required by the corporation showing the manner in which the works by this Act authorised within the said royal burgh are to be executed and also showing any vertical deviation from the



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level of the said works made under the powers conferred by this Act (it being hereby provided that the pipes shall be so laid as not to require any alteration of the levels of the works of the corporation existing at the time of the passing of this Act) and also showing the means to be employed by the Commissioners not only for protecting the said roads streets lanes footpaths or public places sewers drains water pipes and other works during the operations of the Commissioners but for making good any injury or damage to or interference with the said roads streets lanes footpaths or public places sewers drains water pipes and other works and for providing new or substituted sewer pipes or works if necessary which plans sections and specifications shall be subject to the approval of the corporation previously to the works of the Commissioners affecting the said roads streets lanes or footpaths or public places sewers drains water pipes or other works within the said royal burgh being commenced and such works shall be carried out in conformity with the plans as approved of or settled Provided always that if the corporation do not within fourteen days after service of such notice on them intimate to the Commissioners their approval or disapproval of the said plans sections and specifications the Commissioners may thereafter proceed to execute the said works in conformity therewith :

- (2) Where any of the works to be done under or by virtue of this Act or by any vertical deviation thereunder shall or may pass over under through or by the side of or so as to interfere with any sewer drain water pipe watercourse or works within the jurisdiction or under the control of the corporation including service pipes or connexions or shall or may in any way affect the sewerage or drainage of the district under their control the Commissioners shall make good any damage which may be done by their operations to any of the said sewers drains water pipes watercourses or works in all time coming and shall clear out the said sewers drains water pipes watercourses or works should they get silted-up in consequence of any of the operations of the Commissioners during or within twelve months after the construction of the Commissioners' works and shall provide new altered or substituted works in such manner as the Commissioners and the corporation may agree upon and failing agreement as may be decided by arbitration in manner herein-after provided (and for the construction of which the corporation shall be bound to afford all reasonable facilities and communicate their powers so far as necessary and competent)

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and shall save harmless the corporation against all and every damage or expense to be occasioned thereby :

(3) The corporation shall at all times have the right and privilege of constructing at their own expense drains and sewers or laying water pipes and gas pipes across or underneath and where necessary for convenient crossing along the works by this Act authorised so far as situated within the said royal burgh including the laying of service pipes and connexions and that free of all charges or expenses or wayleave or otherwise declaring however that before the corporation shall commence any such operations they shall give at least twenty-one days notice to the Commissioners of their intention so to do and along with such notice shall submit plans sections and specifications of the works proposed to be constructed for the approval of the Commissioners and in the event of any difference of opinion arising with reference to such works or the plans sections and specifications thereof the same shall be settled by arbitration in manner herein-after provided Provided always that if the Commissioners do not within fourteen days after service of such notice on them intimate to the corporation their approval or disapproval of the said plans sections and specifications the corporation may thereupon proceed to execute the said works in conformity therewith Such operations of the corporation shall also as far as practicable be carried out in a manner not to interfere with or endanger the said works and shall be conducted at the expense of the corporation and at the sight and to the satisfaction of the engineer for the time being of the Commissioners :

(4) If the corporation or the Commissioners shall differ upon or with reference to any plans elevations sections or other particulars which under the provisions herein-before contained are to be delivered by the Commissioners to the corporation or by the corporation to the Commissioners or as to the mode of carrying out any of the works herein-before provided for or as to any works required for the protection of the corporation being necessary or as to any other matter or thing arising out of the said plans elevations sections or particulars or any of the provisions of this Act every such difference shall on the application of the Commissioners or of the corporation be referred to the determination of an arbitrator to be mutually agreed upon by the Commissioners and the corporation and failing such agreement as may be appointed on the requisition of either of them by the sheriff of the county of Lanark or his substitute at Lanark and such arbitrator shall have power



to determine the matter in difference and the costs of and incidental to the referencé shall be paid by the Commissioners unless the arbitrator shall decide that the contention of the corporation is unreasonable in which case the corporation shall pay their own costs. In the event of the death incapacity or failure to act of the arbitrator so appointed and the corporation and the Commissioners failing to agree as to another arbitrator the said sheriff or sheriff-substitute shall as often as occasion requires appoint another arbitrator in room and place of the arbitrator previously appointed as aforesaid :

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- (5) It shall not be competent to nor in the power of the Commissioners to supply any water within the limits of the said royal burgh unless with consent of the corporation but the corporation shall be at liberty at any time after the introduction of the water under this Act into the existing reservoir of the Commissioners in the parish of Carluke to apply to the Commissioners for a supply of water from any of their conduits or pipes within the limits of said royal burgh indicating the point at which they propose that such connexion shall be made with the said conduits or pipes for the purposes of such supply such connexion to be formed at such part on the said conduits or pipes as shall be mutually arranged and failing arrangement as may be fixed by arbitration as herein-before provided and so as not to interfere with or interrupt the free flow of the water and the Commissioners shall make such connexions and shall permit the corporation by means thereof to take by meter to be provided and maintained by the Commissioners a supply of water during the period of thirty years from and after the introduction of the water into the foresaid reservoir but which supply shall not exceed forty-five thousand gallons a day and the same shall be so taken daily free of charge and the corporation shall repay to the Commissioners all the cost incurred by the Commissioners of forming such connexion including the cost of providing and maintaining a meter as the same shall be ascertained in case of difference by arbitration as herein-before provided. In the event of any of the conduits or pipes of the Commissioners bursting or choking or any accident happening thereto whereby the Commissioners are unable to supply the said forty-five thousand gallons of water daily they shall with all convenient speed have the conduits or pipes repaired or cleared and thereafter make up the quantity of water they failed to supply through the defect in or choking of the conduits or pipes :

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(6) It shall be competent if the Commissioners so desire and the corporation so empower them to carry the line of pipes to be laid by them through the royal burgh of Lanark along the following streets viz. Hyndford Road Wellgatehead and Wellgate instead of by Ladyacre Road Bannatyne Street and High Street as shown on the deposited plans.

Agreement confirmed.

**31.** The agreement made between the Upper Ward District Committee of the county council of the county of Lanark and the Commissioners as set forth in the Fifth Schedule to this Act is hereby confirmed and made binding on the parties thereto.

Cleansing sewers &c.

**32.** The Commissioners may if they see fit furnish a supply of water for the purposes of watering or cleansing streets or of flushing or cleansing sewers and drains or for public baths or wash-houses or for public fountains or wells either gratuitously or at such charge or reduced charge and upon such terms and conditions as they shall think proper.

Owners to provide and maintain service pipes.

**33.** For the purpose of providing for the better distribution of the water supply among the inhabitants of the burgh the Commissioners may require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street within the limits of compulsory supply in which the pipes of the Commissioners are laid to take a supply of water for such house or tenement by connecting a service pipe with the main pipe of the Commissioners in any such street (such connexion to be made by the Commissioners or some person to be employed by them at the expense of the owner) and to provide lay and maintain in good and sufficient repair such service pipes stand-pipes or taps cisterns and other means and apparatus and in such positions as shall appear to the Commissioners to be necessary for that purpose and in the event of refusal or delay on the part of such owner to comply with such requisition it shall be lawful for the Commissioners to enter such house or tenement and premises connected therewith and to provide lay and maintain such service pipes stand-pipes or taps cisterns and other means and apparatus in such positions as aforesaid and to recover the expense thereof from such owner in the same manner as rates or charges are recoverable by the Commissioners under this Act and the Waterworks Clauses Acts 1847 and 1863 Provided always that in the case of houses not exceeding four pounds of yearly rent or value such owner shall not be required to introduce water into each house but only such means of supply for each tenement of houses as the Commissioners may deem necessary Provided also that in case of any question or difference arising



between the Commissioners and such owner with respect to the necessity for such supply being provided for any such house or tenement or with respect to the number or description of service pipes stand-pipes or taps cisterns or other means and apparatus necessary for the purpose aforesaid the same shall be determined and fixed by the sheriff on summary application by either of the parties and the decision of the sheriff shall be final and not subject to appeal or review in any court or by any process whatsoever. A.D. 1898.

**34.** When there shall be in any building or part of a building within the limits of compulsory supply a common pipe the supply through and from which pipe shall be used by or shall be accessible to the various occupants of such building or part of a building as aforesaid nothing in this Act shall render it obligatory upon the Commissioners to give or continue a supply of water through or from such common pipe unless the several water rates and charges which may be payable under the provisions of this Act to the Commissioners in respect of the supply of water through such common pipe to such building and every part thereof shall first have been paid to the Commissioners by the owner or occupier of such building or part of a building as aforesaid. Provision as to common pipe.

**35.** For the purpose of preventing the waste misuse or undue consumption or the contamination of the water supplied by the Commissioners the Commissioners may prescribe the size nature strength materials mode of arrangement and repair of the pipes valves cocks cisterns water-closets and other apparatus to be used and may interdict any arrangement and use of any pipes valves cocks cisterns water-closets and other apparatus which in their judgment may tend to any such waste misuse undue consumption or contamination and they may make byelaws for regulating all or any matters and things whatsoever connected with the supply of water and may impose such penalties for breaches of such byelaws not exceeding forty shillings for each offence as may be considered expedient Provided always that any byelaws made by the Commissioners in the exercise of the power conferred on them by this section shall be operative only in such part of the limits of compulsory supply in which the Commissioners are bound to afford and do in fact afford or are prepared to afford a constant supply and shall not be operative unless the same shall have been approved of and confirmed by the sheriff. Regulations for preventing waste &c. of water.

**36.** Every person who shall wilfully carelessly or without due authority from the Commissioners in any way interfere with any valve pipe lock cock or other apparatus or works of the Commissioners or with any meter used for registering the quantity of water Penalty for interference with Commissioners' valves &c.

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supplied by the Commissioners to the injury of the Commissioners shall without prejudice to any other right or remedy competent to the Commissioners be liable to a penalty not exceeding five pounds for every such offence.

Commis-  
sioners may  
repair  
apparatus on  
failure by  
owner or  
occupier.

**37.** If any of the apparatus shall be out of order the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same and if such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do the Commissioners or any person authorised by them may enter upon such premises and repair renew and make watertight all such apparatus and shall be entitled to recover from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner by the Acts herewith incorporated provided for the recovery of penalties or by action in any court of competent jurisdiction and for the purposes of this section the word "apparatus" means and includes pipe cistern bath water closet ball-cock stop-cock valve and other articles used in the supply or storing of water in houses manufactories or premises or in connexion therewith Provided that in the event of such repair or renewal being paid by the occupier of any such house or premises he shall be entitled to recover such expense from the owner thereof or to deduct the same from his rent unless otherwise provided for by the terms of the tenancy.

Penalty for  
taking water  
from public  
fountains  
&c. except  
for domestic  
use.

**38.** Every person who takes water from any of the public fountains or stand-pipes belonging to the Commissioners for any purpose other than domestic or drinking purposes shall for every such offence be liable to a penalty not exceeding five pounds.

Tube or hose  
not to be  
affixed to  
mains or  
pipes with-  
out consent  
of Commis-  
sioners.

**39.** It shall not be lawful for the owner or occupier of any house or premises supplied with water by the Commissioners without their written consent to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the Commissioners or to any service pipe or apparatus of such owner or occupier for the purpose of washing horses carriages or other vehicles houses or buildings or for watering gardens or washing pavements of roads or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for every such offence forfeit and pay to the Commissioners a penalty not exceeding forty shillings.

Rent for  
water may be  
ascertained  
by meter.

**40.** The Commissioners may agree with any person for supplying him with water by measure and may require any person supplied with water for other than domestic purposes to take and pay for his



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supply by measure In both cases a meter for ascertaining the quantity consumed shall be provided by the Commissioners at a reasonable rent to be fixed by the Commissioners. A.D. 1898.

41. The Commissioners shall and they are hereby authorised and required once in every year to estimate and fix the amount of money necessary to be levied for the purposes of the water undertaking and for the purposes of this Act for defraying the costs charges and expenses of supplying water for and during the year then current and the interest of money already borrowed by the Commissioners or of so much thereof as is applicable to the existing water undertaking and the interest of money that may be borrowed or due under the provisions of this Act and the payment to the sinking and reserve funds together with the expense of maintaining and managing or extending the works mains and pipes of the water undertaking of the Commissioners and obtaining and providing and distributing supplies of water within or beyond the limits of this Act and the whole or such portion of the salaries wages and other expenses of the treasurers engineers surveyors clerks collectors or other officers or servants employed by the Commissioners as they shall think equitable and fair to charge to such account and all other charges obligations and expenses chargeable against revenue. Commis- sioners to estimate annual sums required.

42. The estimate to be made up in manner before provided shall be submitted to and considered by the Commissioners at a meeting to be held as soon as conveniently may be after they shall have obtained a copy of the valuation roll or rolls for the year then current and at such meeting or any adjournment thereof the Commissioners may and they are hereby authorised and required in order to raise such a sum of money as along with the public water rate after mentioned and other water revenues of the Commissioners shall be sufficient for the purposes aforesaid annually to impose assess and levy a rate for the purposes of this Act (and that over and above and in addition to any rates which the Commissioners are authorised to impose or levy or may have imposed under the Police Acts or under any other Act in force within the burgh) to be called "the domestic water rate" upon and from the occupiers of all lands and premises and the parts and pertinents of the same within the limits of compulsory supply on the full yearly rent or value of dwelling-houses offices shops warehouses public buildings farm buildings and all other residential or business premises and on one fourth of the full annual value of all other lands and premises including lands and premises used exclusively as a canal or towing path for the same or used exclusively as a railway constructed under the powers of any Act of Parliament (excepting Estimate to be considered and domestic water rate imposed.

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the stations depôts and buildings thereof which shall be assessed on their full annual value) Provided always that as regards all persons who shall be the occupiers of any subjects or premises (other than tenements situate in a private close or place) they shall not be liable to be assessed in respect thereof for the domestic water rate unless some pipe of the Commissioners shall be laid down within one hundred feet of the outer wall fence or boundary of the same Provided further that as regards the occupiers of tenements situate in a private close or place they shall not be liable to be assessed in respect of such tenements for the said rate unless some pipe of the Commissioners shall be laid down within one hundred feet of the entrance to such close or place or the nearest part thereof.

Public water  
rate to be  
levied.

43. The Commissioners may and they are hereby authorised and required annually to impose assess and levy a rate to be called "the public water rate" upon and from the owners of all lands and premises within the limits of compulsory supply according to the full yearly rent or value thereof for the year then current which rate shall not exceed twopence in the pound on the rental or full annual value of all such lands and premises and such public water rate may be levied by the Commissioners from the occupiers of such lands and premises and any occupier so paying shall be entitled to deduct from his rent the rate so paid by him Provided always that the public water rate shall not in any one year exceed one fourth of the domestic water rate in the same year.

Lands &c.  
how to be  
valued.

44. The annual value of the following lands and heritages shall for the purposes of the public water rate be held to be the nearest aggregate sum of pounds sterling to one fourth of the annual value thereof entered in the valuation roll viz. :—

- (1) All lands and premises used exclusively as a canal or basin of a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament excepting the stations depôts and buildings which shall be assessable to the same extent as other lands and premises within the limits of compulsory supply ;
- (2) All the underground gas and water pipes or underground works of any gas or water undertaking ;
- (3) All woodland arable meadow or pasture ground or other ground used for agricultural purposes ;
- (4) All mines minerals and quarries.

Mode of  
ascertaining  
rental of  
property.

45. The annual rent or value of all lands heritages houses buildings and other premises and property liable to be assessed for the domestic water rate and the public water rate respectively shall



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be fixed by the valuation roll or valuation rolls Provided always that where the valuation roll does not afford the means of assessing the said rates or either of them in terms of this Act the same shall be assessed by the Commissioners in such manner as shall in their opinion be just.

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46. When any premises in respect of which any person may be liable to be assessed for the domestic water rate under the provisions of this Act shall at the time of assessing any such rate be unoccupied then and in every such case it shall be lawful for the Commissioners to include such premises describing them in the column in the water rate book appropriated to the name of occupier as being "unoccupied" and if any person shall afterwards occupy such property during any part of the period for which such rate may have been assessed it shall be lawful for the Commissioners to insert the name of such occupier and to levy from him or from the owner if he shall be liable to pay the same as in this Act provided such part of the said rate as shall be proportioned to the time during which such person shall occupy such property and every such person shall thereupon be deemed to all intents and purposes to be properly rated and all such rates may be levied and recovered from the person who shall be liable to pay the same under the provisions of this Act Provided always that any such person whose name shall be so inserted in such water rate book and such owner as last aforesaid may appeal against the same to the Commissioners as provided by this Act Provided also that except as aforesaid no domestic water rate shall be payable by any person whatsoever in respect of unoccupied premises.

Unoccupied premises may be included in rates.

47. The owners of all dwelling-houses or parts of dwelling-houses occupied as separate tenements the annual rent or value of which houses or tenements shall not exceed the sum of four pounds shall be liable to the payment of the domestic water rate instead of the occupiers thereof and the powers and provisions herein contained for the recovery of the domestic water rate from occupiers shall apply and be construed to apply to the owners of such houses and tenements and the person receiving the rent of any such house or tenement as aforesaid from the occupier thereof on his own account or as agent or factor for any person interested therein shall be deemed the owner of such house or tenement Provided always that the Commissioners shall allow to the owners of all dwelling-houses or parts of dwelling-houses occupied as separate tenements not exceeding four pounds of annual rent or value who shall pay the domestic water rate authorised to be levied thereon by this Act an abatement of ten per centum on the amount of such rate paid by such owner Provided also that such owners shall in the absence of

Power to rate the owners of houses in certain cases.

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A.D. 1898. — agreement to the contrary be entitled to recover from the occupiers of such houses the amount of the rates payable for their respective possessions.

Assessment of lands and premises let for less than one year.

48. The owners of all lands and premises which are let for a period less than one year shall themselves be liable for and shall pay the domestic water rate on such lands and premises.

Form of rate and notice thereof to ratepayers.

49. Every assessment for the domestic water rate and public water rate shall be fairly transcribed in the water rate book to be kept for that purpose and which may be in the form of the Fourth Schedule to this Act annexed or to the same effect and every such assessment shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and a notice shall be given to every person of the rate charged upon him the place of payment and the date at which such payment is required to be made and that he may appeal to the Commissioners against the same on a day to be specified in such notice and also specifying the date on which appeals by any person complaining that he has been improperly assessed shall be heard by the Commissioners.

Owner or occupier may be entered in water rate book without stating his name.

50. If the name of any owner or occupier whose name is required to be entered in the water rate book of the Commissioners under the provisions of this Act shall not after due inquiry be known to the Commissioners it shall be sufficient to state such owner or occupier in the water rate book as the owner or occupier of the property to be rated by the designation of "the owner" or "the occupier" without stating his name or by such or the like description or designation as may appear in the valuation roll in force for the time.

Water rate book to be open to inspection of ratepayers.

51. The water rate book immediately after any rate is assessed shall be open to the inspection of any person interested or liable to pay such rate at all reasonable times and any such person may take copies or extracts from the water rate book of the rate in which he is interested or for which he is liable without paying anything for the same and any person having the custody of such rate book who refuses or does not permit any person so interested or rated as aforesaid to take copies or extracts in regard to such rate shall for every such offence be liable to a penalty not exceeding five pounds.

Rates may be amended.

52. The Commissioners may amend the water rate book in respect of any such rate assessed by virtue of this Act by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting therein the name of any person who ought to have been rated or by striking out the



name of any person who ought not to have been rated or by making such other amendments therein as will make such rate conformable to this Act and no such amendment shall be held to make void the rate. Provided always that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in the water rate book and no such alteration had been made and as respects such person the rate shall be considered to have been assessed at the time when he received notice of such alteration.

A.D. 1898.

**53.** If any person shall consider himself to be improperly or unduly rated he may on or before the date specified in the notice of assessments for lodging appeals lodge with the clerk written objections signed by him and the Commissioners or a committee named by them shall proceed on such days and at such places as shall be fixed by them and of which notice shall have been previously given to consider such objections and shall dispose thereof summarily and without written pleadings and the decision of the Commissioners shall be final.

Any person aggrieved may lodge objections and be heard.

**54.** The Commissioners may assess the domestic water rate and the public water rate prospectively in order to raise money to pay the interest on borrowed money and contributions to the sinking fund annuities and instalments and charges and expenses to fall due or to be incurred thereafter or retrospectively in order to raise money to pay interest and contributions to the sinking fund annuities and instalments and charges and expenses already due or incurred and such assessments may be made levied and recovered notwithstanding that the works authorised by this Act may not at the time have been made or a supply of water given under this Act within the limits of compulsory supply and the domestic water rate and the public water rate shall be assessed for the period from the term of Whitsunday in each year to the term of Whitsunday in the year following and shall be payable at such place or places and on such day in each year as the Commissioners shall appoint or otherwise as the Commissioners may determine and the first assessment under this Act may be made and imposed as from the term of Whitsunday one thousand eight hundred and ninety-eight.

Assessment of water rates.

**55.** The rates assessments rents and charges authorised to be levied under this Act for water supply shall be collected and recovered by the Commissioners under the powers and provisions of the Burgh Police (Scotland) Act 1892 applicable to the collection and recovery of the burgh general assessment and sections 353 to 357 and relative schedule of the said Act shall *mutatis mutandis* apply

Mode of recovery of rates.

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A.D. 1698. — to the collection and recovery of such rates assessments rents and charges as if the same were assessments levied under that Act.

Water rate book to be evidence.

**56.** In any proceeding to levy and recover or consequent on the levying or recovering of any rate rent or charge under the provisions of this Act the water rate book of the Commissioners shall be received as evidence of such rate and of the amount thereof.

Public rates to be open to inspection of Commissioners and others.

**57.** The Commissioners or any person by them authorised may inspect all or any of the public or parochial rates and assessments embracing the lands and heritages within the limits of this Act or any part thereof or within any district in which the Commissioners may and are for the time supplying water under the provisions of this Act and the books in which are contained all the assessments by which the same are made and may take copies thereof or extracts therefrom respectively and any person having the custody of such rates and assessments and books who shall not suffer the Commissioners or any person authorised by them to inspect the same at reasonable times or to take copies thereof or extracts therefrom shall be liable to a penalty not exceeding five pounds for each offence.

Rates may be levied under the Burgh Police (Scotland) Act 1892.

**58.** If at any time it shall appear to the Commissioners that the rates assessments rents and charges authorised by this Act may be more conveniently levied as well as collected and recovered under the procedure prescribed by the Police Acts the Commissioners may levy the said rates assessments rents and charges authorised by this Act accordingly and the same may be levied either along with the burgh general assessment authorised by the Burgh Police (Scotland) Act 1892 or separately as the Commissioners may deem most expedient.

Water rates to be regulated so as not to exceed expenses.

**59.** If in any year the water revenue of the Commissioners shall be more than sufficient for all the purposes to which it is applicable the Commissioners shall carry the surplus to the credit of the account for the following year and when a deficiency occurs in one year it shall be provided for in the estimate and by assessment in the next year and the Commissioners shall as nearly as possible so regulate the rates rents or charges that they may one year with another respectively produce the amount of money required. Provided always that the Commissioners shall not be bound under this Act to impose any rate other than a rate consisting of an integral number of pence in the pound.

Application of rates and charges.

**60.** The several rates rents and charges levied and received by the Commissioners under the authority of this Act and the other



income of the Commissioners for the supply of water shall be applied in the manner and to the purposes following (that is to say):—

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—

Firstly In defraying the expense of managing and maintaining the water undertaking including salaries and other payments to officers and servants and the annual costs charges and expenses of providing and supplying water and paying any feu duties rents and ground annuals and other annual payments exigible in respect of any lands streams or property forming part of the water undertaking :

Secondly In payment of the interest on any money already borrowed and to be borrowed by the Commissioners for the purposes of the water undertaking :

Thirdly In providing for the repayment by instalments or annuities or otherwise of money already borrowed or to be borrowed and setting apart a sinking fund by this Act required :

Lastly In payment of such portion of the costs of enlarging or increasing and renewing and from time to time extending the works mains and pipes as the Commissioners shall think it reasonable to charge against the revenue for the year and of any other necessary annual expenditure and for providing a reserve fund which the Commissioners are hereby authorised to make to meet any contingencies.

**61.** All penalties and forfeitures exigible under the provisions of this Act and of the Acts wholly or partially incorporated therewith (excepting any penalties which may be imposed upon the Commissioners) shall be paid over to the Commissioners instead of being applied in the manner provided by the last-mentioned Acts or the Acts therein referred to.

Application  
of penalties.

**62.** All offenders against any of the provisions of this Act or of any of the Acts incorporated with the same respectively or against any of the byelaws of the Commissioners may be prosecuted and all penalties and forfeitures in respect of offences against any of such provisions or byelaws may be recovered summarily by the Commissioners before the sheriff or before any two or more of the justices of the peace for the county of Lanark.

Prosecution  
of offences.

**63.** The Commissioners may from time to time borrow on mortgage or otherwise any sums required for the purposes of this Act and for executing the waterworks authorised by this Act and for the purchase of land and other property and rights and for the repayment of any money already borrowed for the purposes of the

Power to  
borrow.

[Ch. cxxv.] *Wishaw Water (Additional Supply)* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898. existing water undertaking and for the general purposes of their water undertaking not exceeding in the whole ninety-five thousand pounds and may make and grant mortgages or other securities of the several rates rents and charges by this Act authorised in security of the money so borrowed and interest thereon and any sums so to be borrowed may be borrowed on terms of the repayment thereof by annuity instalment or otherwise.

Commis-  
sioners may  
reborrow.

64. If after having borrowed the sums of money by this Act authorised or any part thereof the Commissioners shall pay off the same or any part thereof otherwise than by means of annuities or instalments or of the sinking fund herein-after mentioned it shall be lawful for the Commissioners again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from time to time.

Commis-  
sioners may  
borrow on  
cash account.

65. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners according to the usage of bankers in Scotland to the extent of the aggregate amount which the Commissioners are at the time authorised to borrow or any part thereof and may make and grant mortgages and assignments of their water undertaking and of the several rents rates and charges authorised and leviable under the authority of this Act in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided always that the whole sums due and owing by the Commissioners on such cash account and borrowed by them on mortgage shall never when taken together exceed the aggregate amount of the sum by this Act authorised to be borrowed.

Borrowing  
power for  
current  
expenses.

66. In order to raise such money as may be necessary to defray the current annual expenditure for the water undertaking of the Commissioners until the rates rents and charges which they are authorised to levy shall be levied and collected they may borrow during the currency of any year from the fifteenth day of May in one year to the fifteenth day of May in the succeeding year in addition to the other sums authorised to be borrowed on the security of such rates rents and charges in such way and manner as they may deem most expedient any sum or sums not exceeding in the whole two third parts of the estimated amount of such rates rents and charges for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided



[61 & 62 Vict.] *Wishaw Water (Additional Supply)* [Ch. cxxv.]  
Act, 1898.

always that such sums so borrowed shall be paid off and extinguished at or before the fifteenth day of May concluding the year to which such borrowing applies. A.D. 1898.

67. Every mortgage to be granted by the Commissioners shall be by deed duly stamped in which the consideration shall be truly stated and may be in the form contained in the First Schedule to this Act or to the like effect or as the circumstances may require. Form of mortgage.

68. Every mortgage or other deed to be made granted or executed by the Commissioners under this Act shall be signed by three of the Commissioners and the treasurer or clerk and sealed with the common seal of the Commissioners and all drafts or orders on any bank account of the Commissioners for their water undertaking and on the cash account before mentioned shall be signed by two of the Commissioners specially authorised to that effect and by the treasurer and countersigned by the clerk. Provided always that no Commissioner or any officer of the Commissioners shall by his subscription of any deed mortgage interest warrant draft or order be or be held to have rendered himself individually or personally liable for any obligation or for the payment of any money borrowed drawn or received or any interest thereon or of any sums whatsoever in respect thereof. Manner in which mortgages and orders on bank account to be signed and executed.

69. Any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by deed or by indorsation on the mortgage duly stamped wherein the consideration shall be truly stated and may be in the form of the Second Schedule to this Act or to the like effect. Transfers of mortgages.

70. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the Commissioners official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred. Transmission of mortgages in case of bankruptcy.

71. All mortgages and all moneys advanced and lent on the security of the rates rents and charges under this Act shall be movable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate. Mortgages of rates to be personal estate.

72. Any person entitled to any mortgage granted by the Commissioners under the authority of this Act may discharge the same and his right and interest therein in favour of the Commissioners and every such discharge may be endorsed on the mortgage and may be according to the form contained in the Third Schedule to this Act or to the like effect and such discharge when signed by the Discharge of mortgages.

[Ch. cxxv.] *Wishaw Water (Additional Supply)* [61 & 62 Vict.]  
Act, 1898.

A.D. 1898. — person entitled to such mortgage and duly stamped shall be valid and effectual to all intents and purposes.

Sinking  
fund.

73. The Commissioners may and in the event of their borrowing otherwise than on terms of repayment by annuity or instalment shall in each year after the expiration of one year from the date of borrowing set apart as a sinking fund from and out of the rates rents and charges and other moneys received by them from or on account of the water undertaking (other than money borrowed) such a sum as shall by accumulation with compound interest thereon at the rate of three per centum per annum be sufficient to pay off the whole of the moneys for the time being outstanding whether already borrowed by the Commissioners or that may be borrowed by them for the purposes of their water undertaking within fifty years from the time of borrowing such moneys respectively Provided always that in the event of such repayment being made by way of annuity or instalment the annual amount of such annuity or instalment shall be sufficient to pay off as aforesaid the whole of such money so borrowed within the foresaid period of fifty years.

Annual  
return to  
Secretary for  
Scotland  
with respect  
to sinking  
fund.

74. The treasurer shall within two months after the expiration of each year during which any sum is by this Act required to be set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so set apart in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the Commissioners have failed to set apart the sum required by this Act to be set apart for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Act the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of



[61 & 62 VICT.] *Wishaw Water (Additional Supply)* [Ch. cxxv.]  
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the Court of Session in Scotland pronounced in a summary application presented for that purpose. A.D. 1898.

75. The sums borrowed by the Commissioners on mortgage or cash account or otherwise under the authority of this Act except any sums borrowed for current expenses under this Act shall be applied only to purposes to which capital is properly applicable. Application of moneys borrowed.

76. Nothing in this Act shall prejudice or affect the priority or other rights or remedies under any mortgages or securities or obligations granted by the Commissioners before the commencement of this Act and then subsisting. Reservation of prior mortgages.

77. No person lending money to the Commissioners shall be bound to inquire as to the observance by the Commissioners 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. Protection of lender from inquiry.

78. The mortgagees of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one thousand pounds. For appointment of a judicial factor.

79. The costs charges and expenses incurred in preparing for and obtaining this Act and incidental thereto shall be paid by the Commissioners. Costs of Act.

[Ch. cxxv.] *Wishaw Water (Additional Supply)* [61 & 62 Vict.]  
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A.D. 1898.

The SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

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FORM OF MORTGAGE.

WISHAW WATER (ADDITIONAL SUPPLY) ACT 1898.

Mortgage No.                      £.

By virtue of the Wishaw Water (Additional Supply) Act 1898 we the Commissioners of the Burgh of Wishaw in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer to the said Commissioners for the purposes of the said Act do hereby grant and assign to the said [*name of mortgagee*] and his executors administrators and assignees [*or as the case may be*] such proportion of the several rates rents and charges to be levied by the said Commissioners under the authority of the said Act as the said sum of [*specify amount*] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates rents and charges to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied and it is hereby stipulated that the said principal sum shall be repayable on the [*date*] or shall thereafter in virtue hereof remain as a loan to the said Commissioners until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be indorsed hereon and signed by the said mortgagee or his foresaids and by a Commissioner and the said treasurer and by the clerk to the Commissioners which minute or minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of any of the said parties nor tested and the said Commissioners shall pay interest on the said principal sum from the day of                      to the said date of repayment first above mentioned (being at the rate of [*specify rate*] per centum per annum) declaring that the said mortgagee and his foresaids shall not be entitled to make and that the said Commissioners shall not be bound to recognise or register any partial assignation of these presents or of the sums of money principal or interest herein contained and that the said Commissioners shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation revision adjustment or execution of any discharge renunciation assignation or minute of postponement or renewal thereof.

In witness whereof [*testing clause according to the law of Scotland*].

[Signed by three Commissioners and the treasurer or clerk and sealed  
with the common seal of the Commissioners.]



[61 & 62 VICT.] *Wishaw Water (Additional Supply)* [Ch. cxxv.]  
Act, 1898.

THE SECOND SCHEDULE.

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A.D. 1898.

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FORM OF TRANSFER OF MORTGAGE.

I [*name and designation of mortgagee*] in consideration of the sum of [*specify amount*] paid to me by [*name and designation of transferee*] do hereby transfer to the said [*name of transferee*] and his executors administrators and assignees [*or as the case may be*] a certain mortgage number [*number of mortgage*] dated the [*date of mortgage*] made in my favour by the Commissioners of the Burgh of Wishaw by virtue of the Wishaw Water (Additional Supply) Act 1898 in connexion with the water undertaking authorised by that Act for securing the sum of [*principal sum in mortgage*] [*or if the transfer be by endorsement the within mortgage*] together with the interest thereon from and after the [*date from which transferee is to be entitled to the interest*] In witness whereof [*testing clause according to the law of Scotland*].

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THE THIRD SCHEDULE.

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FORM OF DISCHARGE.

Received from the treasurer to the Commissioners of the Burgh of Wishaw acting on their behalf the sum of \_\_\_\_\_ being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up as paid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

[Ch. cxxv.] *Wishaw Water (Additional Supply) Act, 1898.* [61 & 62 VICT.]

A.D. 1898.

THE FOURTH SCHEDULE.

FORM OF WATER RATE BOOK.

Assessment for the domestic water rate and the public water rate under the *Wishaw Water (Additional Supply) Act 1898* for the year from the fifteenth day of May one thousand eight hundred and \_\_\_\_\_ to the fifteenth day of May one thousand eight hundred and \_\_\_\_\_ at the rate of \_\_\_\_\_ in the pound for domestic water rate and \_\_\_\_\_ in the pound for the public water rate.

Number.	Name of Owner.	Name of Occupier.	Description and situation of Property.	Full Annual Value.	Domestic Rate at in the Pound.	Public Rate at in the Pound.

THE FIFTH SCHEDULE.

MEMORANDUM OF AGREEMENT between the Upper Ward District Committee of the County Council of the county of Lanark (herein-after called "the first party") of the first part and the Commissioners of the Burgh of Wishaw (herein-after called "the second party") of the second part.

WHEREAS the second party are promoting in Parliament in the present session a Bill for authorising them to construct new works and for other purposes And whereas the first party have agreed not to oppose the said Bill on the condition that the second party shall enter into the agreement underwritten Therefore these presents witness that they have agreed and they hereby agree as follows :—

*First.*—The line or lines of pipes being Work No. 4 in the Bill shall be carried over Hyndford Bridge and the bridge over the Mouse at Cartland Craigs without interfering with the structure of either of the said bridges in such manner as shall be approved of by the engineer of the first party or in the event of any difference between him and the engineer of the second party to the satisfaction of an engineer to be appointed by the sheriff of the county of Lanark :



[61 & 62 VICT.] *Wishaw Water (Additional Supply)* [Ch. cxxv.]  
Act, 1898.

*Second.*—Unless otherwise arranged with the first party in the case of other streams which are intended to be crossed by the said line or lines of pipes wherever the bridges or culverts on the line or lines of pipes are narrower than the roads which they carry over the said streams or wherever the cover of the roads over any bridges or culverts other than the said Hyndford Bridge and bridge at Cartland Craigs is not sufficient for enabling the line or lines of pipes to be laid without interfering with the structure the same shall be carried across such streams in such other manner as shall be approved of by the engineer of the first party or in the event of any difference between him and the engineer of the second party to the satisfaction of an engineer to be appointed as aforesaid and the second party shall not be allowed to alter or cut the arches of any of the bridges or culverts or in any way to interfere with them and they further agree that there shall be a minimum depth of six inches above the said line or lines of pipes to allow of the metal becoming consolidated: A.D. 1898.

*Third.*—The second party shall be entitled to lay the said line or lines of pipes across the bridge at the south end of the village of Carluke commonly known as Jock's Bridge and to raise the roadway over the said bridge to a height not exceeding six feet from its present level and to widen the said bridge by the erection of a footpath on at least one side thereof all as may be arranged between the parties and wherever the second party find it necessary to raise the level of the road over any of the bridges or culverts within the district they shall be bound to raise the parapets of the bridges or culverts and footpaths to a corresponding height and to erect a malleable iron ornamental railing on the existing parapet:

*Fourth.*—The first party shall be at liberty at any time and from time to time after the water is introduced into the burgh by means of the said works to apply to the second party for a supply of water indicating the points at which they propose that connexions shall be made with the said line or lines of pipes for the purpose of such supply the same being places at which the water can be drawn under pressure without interfering with the continuous free flow of water from the weirs being Works Nos. 1 2 and 3 described in the Bill and the second party shall form such connexions at such points as shall be agreed on between the first and second parties or failing agreement as shall be fixed by the sheriff and shall permit the first party by means thereof to take such a supply of water for their district as the works are for the time being able to afford having regard to the requirements of the burgh but such supply to be so taken by the first party shall not exceed two hundred thousand gallons a day and the first party shall repay to the second party the cost of forming such connexions including the supply and maintenance of meters as the same shall be ascertained in case of difference by a referee to be appointed by the sheriff of the county of Lanark and the quantities of water so to be taken shall be ascertained by meters and the price to be charged for the same to be fixed failing agreement by the sheriff:

[Ch. cxxv.] *Wishaw Water (Additional Supply)* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898.

*Fifth.*—This agreement shall be subject to the approval of Parliament and shall be scheduled to and confirmed by the Act and the second party shall pay the expenses of this agreement.

IN WITNESS WHEREOF these presents written on this and the preceding page by John Hamilton writer Lanark for Morison & Smith writers Lanark are executed in duplicate as follows viz. They are subscribed by Alexander Murdoch Thomas Campbell and John Mackenzie Loudon three of the Commissioners of the burgh of Wishaw and John Logan clerk to the said Commissioners and they are sealed with the Common Seal of the said burgh of Wishaw all at Wishaw on the twenty-fifth day of February in the year eighteen hundred and ninety-eight before these witnesses Henry Dalrymple Bogie and Thomas Brownlie McKendrick both clerks to the said John Logan and they are subscribed by William Elliott Lockhart of Cleghorn and David William Stewart Cartland Lanark two of the members of the said Upper Ward District Committee and as authorised to subscribe these presents at a meeting held at Lanark on the twenty-fourth day of January eighteen hundred and ninety-eight and by John Smith clerk to the said Upper Ward District Committee all at Lanark on the twenty-sixth day of said month of February and year last mentioned before these witnesses the said John Hamilton and Robert McKeane clerk to the said Morison & Smith.

JOHN HAMILTON witness.  
ROBERT MCKEANE witness.

HENRY D. BOGIE witness.  
T. B. MCKENDRICK witness.



W. ELIOTT LOCKHART.  
D. W. STEWART.  
JOHN SMITH.

A. MURDOCH Commissioner.  
THOMAS CAMPBELL Com-  
missioner.  
JOHN M. LOUDON Com-  
missioner.  
J. LOGAN Clerk.

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