



CHAPTER cxvii.

An Act for authorising the Airdrie and Coatbridge Water Company to construct New Works to raise additional capital and for other purposes. A.D. 1892.
[20th June 1892.]

WHEREAS by the Airdrie and Coatbridge Waterworks Act 1846 (in this Act referred to as "the Act of 1846") the Airdrie and Coatbridge Water Company (in this Act called "the Company") were incorporated and empowered to supply with water the towns of Airdrie and Coatbridge and the suburbs thereof and places adjacent in the county of Lanark and for that purpose to raise a share capital of twenty-two thousand five hundred and eighty pounds and to borrow seven thousand five hundred pounds: 9 & 10 Vict.
c. cclxxxviii.

And whereas of the said authorised capital the sum of twenty-one thousand four hundred and eighty pounds has been raised by the creation and issue of ordinary shares with a maximum dividend of ten per centum per annum and the said sum of seven thousand five hundred pounds authorised to be borrowed has under the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 incorporated with the Act of 1846 been raised by the creation and issue of new shares with the same maximum dividend instead of by borrowing:

And whereas by the Airdrie and Coatbridge Waterworks (Amendment) Act 1874 (in this Act referred to as "the Act of 1874") further powers were granted to the Company and they were authorised to raise additional capital to the extent of forty thousand pounds and to borrow a sum of ten thousand pounds which if converted into share capital it was enacted should be limited to a dividend at a rate not exceeding five per centum per annum: 37 Vict.
c. xi.

And whereas the said additional capital of forty thousand pounds was created and issued as preference capital twenty-eight thousand and ninety pounds thereof with a maximum dividend of

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53 & 54 Vict.
c. ccxli. And whereas by the *Airdrie and Coatbridge Waterworks (Amendment) Act 1890* (herein-after called "the Act of 1890") further powers were conferred upon the Company :

And whereas the Company are owing on mortgage a sum of four thousand pounds but such mortgages are to be immediately paid off and the Company have not created any debenture stock :

And whereas it is expedient that the limits within which the Company are authorised to supply and are presently supplying water should be clearly defined :

And whereas the population and trade of the said towns and suburbs have largely increased and are still increasing and the present supply of water is becoming inadequate and it is expedient and would be for the public advantage that the Company should be authorised to construct and maintain additional works for the purpose of giving an increased and more certain supply of water :

And whereas it is expedient that the Company should be authorised to raise additional money by the creation and issue of new shares and stock and by borrowing on mortgage :

And whereas it is expedient that further powers should be conferred upon the Company as in this Act provided and that the Acts relating to the Company should be in divers particulars extended and amended :

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

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

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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 :— A.D. 1892.

1. This Act may be cited as the *Airdrie and Coatbridge Waterworks Amendment Act 1892* and the Act of 1846 the *Forth and Clyde Navigation and Airdrie and Coatbridge Water Act 1848* the Act of 1874 the Act of 1890 and this Act may be cited together as the *Airdrie and Coatbridge Water Acts 1846 to 1892.* Short title.

2. The Lands Clauses Acts the Waterworks Clauses Act 1847 except the words in section 44 thereof "with the consent in writing" of the owner or reputed owner of any such house or of the agent "of such owner" the Waterworks Clauses Act 1863 the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the several matters following (that is to say):— Incorporation of Acts.

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested :

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 are (except where expressly varied by this Act) incorporated with and shall apply to and form part of this Act.

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Interpreta-
tion.

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

The expression “the Company” means the Airdrie and Coatbridge Water Company;

The expressions “the waterworks” and “the undertaking” mean respectively the waterworks including the works by this Act authorised and the undertaking of the Company;

The expression “the limits of supply” means the limits of water supply as defined by this Act;

The expression “the sheriff” means the sheriff of the county of Lanark; and

The expression “the special Act” means this Act.

Power to
construct
works and
acquire
lands.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and may enter upon take and use such of the lands and streams and waters delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The works herein-before referred to and authorised by this Act are situate in the county of Lanark and are—

(1) A clear water basin and measuring well (Work No. 1) wholly situate in the parish of Shotts to be formed upon lands adjoining the Company's property in the field numbered 879 on the Ordnance Survey map of the parish of Shotts;

(2) A conduit or line of pipes (Work No. 2) and straining well in connexion therewith commencing in the parish of Shotts on the east side of Work No. 1 passing from in through or into the parishes of Shotts Bothwell Cambusnethan Carluke Lanark Carmichael Pettinain Covington Symington Culter and Lamington and Wandel and the royal burgh of Lanark and terminating in the parish of Lamington and Wandel;

(3) A road or path (Work No. 3) wholly situate in the parish of Lamington and Wandel commencing at a point on the road or path leading from Birthwood to Lamington and terminating at a point at or near the embankment of Work No. 5 herein-after described;

(4) A conduit or line of pipes (Work No. 4) wholly situate in the parish of Lamington and Wandel commencing at the termina-

tion of Work No. 2 and terminating at the point of termination of Work No. 3; A.D. 1892.

(5) A reservoir (Work No. 5) wholly situate in the parish of Lamington and Wandel to be formed by an embankment across the stream called or known as Eastside Burn;

(6) A reservoir (Work No. 6) wholly situate in the parish of Lamington and Wandel to be formed by an embankment across the stream called or known as Cow Gill Burn.

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

Power to make and maintain embankments &c.

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

Temporary occupation of lands.

7. Subject to the provisions of this Act the Company may divert impound take appropriate store use and distribute for the purposes of this Act the waters of the streams called or known as the Cow Gill Burn the Eastside Burn the Big Sma' Gill Burn and the Duncan Gill Burn and all other springs streams and waters flowing into the said streams and into or through the sites of the reservoirs and other works by this Act authorised.

Power to divert water.

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Limits of lateral and vertical deviation.

8. Subject to the provisions of this Act the Company may in the construction of the works by this Act authorised deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation defined on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet Provided that the Company shall not in the exercise of the powers of lateral deviation hereby conferred construct the said embankments so that the height thereof respectively above the general surface of the ground shall be more than three feet greater than the heights of the corresponding embankments above the general surface of the ground shown on the deposited sections.

Power to alter roads &c. temporarily.

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

Power to take servitudes by agreement.

10. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement or servitude right or privilege (not being a servitude of water excepting waters which the Company are by this Act empowered to take) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements or servitudes rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

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

12. If the works herein-before described and authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing those works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

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Period for completion of works.

13. The Company may from time to time for the purposes of their undertaking purchase by agreement and hold in addition to the lands now held by them or which they are authorised to acquire and hold any lands not exceeding in the whole fifty acres but the Company shall not create or permit any nuisance on any such lands and no building shall be erected upon the lands so purchased except buildings required for the purposes of the Company's undertaking.

Power to acquire and hold additional lands.

14. The Company may in lieu of acquiring any lands for the purpose of any aqueducts conduits or pipes by this Act authorised acquire such easements servitudes and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements servitudes and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements servitudes and rights as fully as if the same were lands within the meaning of such Acts Provided always that nothing herein contained shall authorise the Company to acquire by compulsion any such easement servitude or right in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement servitude or other right only and in which the jury arbiters or other authority to whom the question of disputed compensation shall be submitted shall be of opinion that such easement servitude or other right cannot be acquired without material detriment to such lands and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Company for the purpose of laying aqueducts conduits or pipes therein where such aqueducts conduits or pipes are laid underground the Company shall not (unless they give notice to treat for such lands and not merely for easements servitudes or other rights therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over

Company may acquire easements only in certain lands.

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For the protection of the proprietor of the estate of Lamington.

15. For the protection of the proprietor of the estate of Lamington the following provisions shall unless otherwise agreed between such proprietor and the Company apply and have effect (that is to say) :—

(1) The right to fish or shoot in or over the reservoirs by this Act authorised and the right of keeping or using pleasure boats on the same shall belong solely to the proprietor of the estate of Lamington but shall not be exercised by him by going upon the said reservoirs when frozen over Provided always that the Company may keep and use such boats as may be necessary for inspecting repairing or maintaining the works by this Act authorised ;

(2) The proprietor of the estate of Lamington shall have right to take from the said reservoirs a supply of water for domestic purposes for himself and his agricultural tenants on the estate the quantities of water so taken to be ascertained by meter and the price to be charged for the same to be the lowest charged for water sold in bulk by the Company Provided that all connexions with the Company's works for obtaining such supply and the meter or meters required in connexion therewith shall be made and provided by the Company and the cost thereof shall be repaid by the proprietor to the Company Provided also that the Company shall not be required to execute any work for furnishing such supply which would necessitate any opening in or other interference with the embankments of the said reservoirs or cause any injury or damage thereto or to any other work of the Company.

For the protection of the provost magistrates and town council of the royal burgh of Lanark.

16. For the protection of the provost magistrates and town council of the royal burgh of Lanark as such and as commissioners of police acting in execution of the Act 13 & 14 Vict. cap. 33 and the Lanark Police and Improvement Act 1854 and as the local authority of the burgh of Lanark acting under the Public Health (Scotland) Act 1867 and the Acts amending the same (in this section called " the corporation ") the following provisions shall (unless otherwise agreed upon) have effect and be binding on the Company (that is to say) :—

(1) At least twenty-one days before the Company 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 waterpipes or other works

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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 Company 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 level of the said works made under the powers conferred by this Act (it being hereby provided that no pipes shall be laid so as 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 Company not only for protecting the said roads streets lanes footpaths or public places sewers drains waterpipes and other works during the operations of the Company but for making good any injury or damage to or interference with the said roads streets lanes footpaths or public places sewers drains waterpipes and other works and for providing new or substituted sewers 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 Company affecting the said roads streets lanes footpaths or public places sewers drains waterpipes or other works 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 Company their approval or disapproval of the said plans sections and specifications the Company may thereupon 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 waterpipe watercourse or work 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 Company shall make good any damage which may be done by their operations to any of the said sewers drains waterpipes watercourses or works and shall clear out the said sewers drains waterpipes watercourses or works should they get silted up in consequence of any of the operations of the Company during or after the construction of the Company's works and shall provide new altered or substituted works in such manner as the Company and the corporation may agree upon and failing agreement as

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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) and shall save harmless the corporation against all and every damage or expense to be occasioned thereby. The Company shall during the construction of works by this Act authorised be at the expense of forming making and maintaining wherever required by the corporation provision for sewers over under or along the said works of the materials dimensions and depths and in the situations to be pointed out by the corporation so as to accommodate the future drainage of the district under the jurisdiction of the corporation. Provided always that the corporation shall within one month after intimation received by them from the Company by registered letter of the commencement of the construction of the works by this Act authorised intimate to the Company the place or places where they require the Company to make provision in constructing the said works for the said sewers over or under the said works ;

- (3) The corporation shall at all times have the right and privilege of constructing drains and sewers or laying waterpipes across or underneath and where necessary for convenient crossing along the works by this Act authorised 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 Company 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 engineer for the time being of the Company 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 Company 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 and responsibility of the corporation and at the sight and to the satisfaction of the engineer for the time being of the Company ;

(4) If the corporation or the Company 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 Company to the corporation or by the corporation to the Company or as to the mode of carrying out any of the works herein-before provided for 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 Company or of the corporation be referred to the determination of an arbitrator to be mutually agreed upon by the Company 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 reference shall be paid by the Company unless the arbitrator shall decide that the contention of either of the parties is unreasonable in which case such party 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 Company 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 ;

(5) It shall not be competent to nor in the power of the Company to supply any water within the limits of the said royal burgh unless with consent of the corporation.

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

For the protection of the Caledonian Railway Company.

(1) The conduit or line of pipes (Work No. 2) by this Act authorised shall be carried under the railway of the Caledonian Company at or near Newhouse Station by means of an arch or culvert to be constructed for such purpose if so required by the engineer of the Caledonian Company in such position within the limits of deviation and at such depth under the railway and in such manner as shall be determined by such engineer ;

(2) The Company shall not enter upon or interfere with any railway work or land belonging to the Caledonian Company further or otherwise than may be necessary for constructing maintaining and effecting repairs to any works of the Company to be laid under or across any such railway work or land and they shall

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not alter or interfere with the lines or levels of any such railway or work and they shall only acquire such an easement or servitude through or in any land or property of the Caledonian Company as may be required for making maintaining repairing and using the works of the Company in accordance with the provisions of this Act;

- (3) All works of the Company for laying down executing or subsequently maintaining repairing or renewing the conduit or line of pipes (Work No. 2) and any other mains pipes and works of the Company which may be laid under across over 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 and in such manner and of such design and materials as shall be previously approved by such engineer and in all things by and at the expense of the Company Provided that the Caledonian Company may if they so desire themselves execute and from time to time maintain repair and renew the conduit or line of pipes (Work No. 2) under their said railway at Newhouse Station and all works connected therewith and in that event the Company shall from time to time repay to the Caledonian Company all costs and expenses incurred by them in so doing;
- (4) The Company shall restore and make good any injury or disturbance caused by them to the railway and property of the Caledonian Company in carrying the said conduit or line of pipes (Work No. 2) under the railway at Newhouse Station and shall also from time to time 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 Company;
- (5) All the works and operations of the Company under this Act shall be constructed executed and done so as not to alter or interfere with the structure of any building or to cause any injury to any railway bridge approach or other work 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 Company or

the bursting leakage or failure of any conduit main pipe or other work of the Company the Company shall forthwith make good or remove such injury or interruption at their own expense or the Caledonian Company may do the same and the Company shall pay to the Caledonian Company all costs and expenses loss or damage incurred or sustained by them in respect thereof;

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(7) The Caledonian Company may from time to time repair and when necessary alter or reconstruct any bridge or work of the Caledonian Company over across or under which any conduit main pipe or other work of the Company may be laid without being liable to the Company or any other person for any loss injury damage expense or interruption to any such conduit main pipe or other work of the Company or the water supply which may arise in connexion with the repair alteration or reconstruction of such bridge or work unless the same shall arise from some neglect or default of the Caledonian Company or their agents workmen or servants and the Company 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 by any conduit main pipe or other work of the Company;

(8) If any difference shall arise between the Company 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 that company in connexion with the repair alteration or reconstruction of any bridge or work of that company or as to any costs loss or damage provided for in this section such difference shall be determined by an engineer to be appointed by the sheriff on the application of either Company and the costs of any such reference shall be borne and paid as the referee shall direct.

18. The Company shall not under the powers of this Act without the consent of the Secretary for Scotland purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Restriction
on taking
houses of
labouring
class.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working

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Compen-
sation water.

19. The Company shall as soon as the reservoir being Work No. 5 by this Act authorised is completed so far as to be able to afford the supply of compensation water herein-after mentioned and until the reservoir being Work No. 6 by this Act authorised is completed maintain a regular and continuous flow of water of not less than four hundred and eighty-six thousand gallons in every day of twenty-four hours from and out of the said reservoir being Work No. 5 by this Act authorised into the Eastside Burn and so soon as the reservoir being Work No. 6 by this Act authorised is completed so as to be able to afford the supply of compensation water herein-after mentioned shall maintain a regular and continuous flow of water of not less than eight hundred and thirty-nine thousand gallons in every such day from and out of the said last-mentioned reservoir No. 6 into the Cow Gill Burn which respective quantities shall be deemed to be full compensation to all millowners and other persons interested in the waters flowing down the said respective streams below the said respective reservoirs for the water intercepted and appropriated for the purposes of this Act.

Defining
limits of
supply.

20. The limits within which the Company are authorised to supply water are hereby defined as comprising and including the district embraced within the boundaries specified in the First Schedule to this Act.

Power to
raise addi-
tional
capital.

21. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) raise for the purposes of this Act and for the general purposes of their undertaking any additional capital not exceeding in the whole one hundred and twenty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock (if such share or stock shall be issued at or above par) together with any premium obtained

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upon the sale thereof shall have been paid in respect thereof
 Provided that it shall not be lawful for the Company to create
 and issue under the powers of this Act any greater nominal amount
 of capital than shall be sufficient to produce including any premiums
 which may be obtained on the sale thereof the sum of one hundred
 and twenty thousand pounds :

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Provided also that not less than one half of the additional capital
 to be issued under the powers of this Act shall be issued as ordinary
 capital.

22. Except as by this Act otherwise provided the capital in
 new shares or stock created by the Company under this Act and
 the new shares or stock therein and the holders thereof respectively
 shall be subject and entitled to the same powers provisions liabilities
 rights privileges and incidents whatsoever in all respects as if that
 capital were part of the now existing capital of the Company of
 the same class or description and the new shares or stock were
 shares or stock in that capital.

New shares
 or stock to
 be subject to
 the same
 incidents as
 other shares
 or stock :

23. The capital in new shares or stock so created shall form part
 of the capital of the Company.

And to form
 part of capital
 of Company.

24. Every person who becomes entitled to new shares or stock
 shall in respect of the same be a holder of shares or stock in the
 Company and shall be entitled to a dividend with the other holders
 of shares or stock of the same class or description proportioned
 to the whole amount from time to time called and paid on such
 new shares or to the whole amount of such new stock as the case
 may be.

Dividends on
 new shares
 or stock.

25. If any money is payable to a shareholder being a minor
 idiot or lunatic the receipt of his tutor or curator or curator bonis
 shall be a sufficient discharge to the Company.

Receipts for
 persons dis-
 qualified.

26. The Company shall not in any one year make out of their
 profits any larger dividend on the additional share capital of one
 hundred and twenty thousand pounds to be raised under the powers
 of this Act than five pounds in respect of every one hundred
 pounds actually paid up of such capital as shall be issued as ordinary
 capital or five pounds in respect of any one hundred pounds
 actually paid up of such capital as shall be issued as preference
 capital unless a larger dividend be at any time necessary to make
 up the deficiency of any previous dividend on the ordinary share
 capital which shall have fallen short of the said rate.

Limiting
 dividends on
 new capital.

27. In case in any year the net revenues of the Company
 applicable to dividend shall be insufficient to pay the full amount
 of dividend at the prescribed maximum rate on each class of

Dividends on
 different
 classes of
 stock or

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—
shares to be
paid pro-
portionately.
New shares
to be offered
by auction or
tender.

ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

28. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than two hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall except as may be otherwise provided by this Act be allowed to any holder of shares or stock in the Company.

Where share-
holder bids
or tenders
for shares
the same
amount as
any other
person share-
holder to be
declared the
purchaser.

29. Where the amount bidden or tendered by the proprietor of any share or stock of the Company for any shares or stock offered for sale by auction or by tender under the provisions of this Act is equal to the highest amount bidden or tendered for such last-mentioned shares or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such shares or stock.

Purchase
money of
capital sold
by auction to
be paid
within three
months.

30. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be
given as to
sale &c. of
shares.

31. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the sheriff and to the secretaries of the committees of the Edinburgh and Glasgow Stock Exchanges at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two

consecutive weeks in one or more local newspapers circulating within the limits of supply. A.D. 1892.

32. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares or stock so offered) and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time on failure of any sale or offer.

Shares not sold by auction or by tender to be offered to shareholders.

33. Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in constructing extending or improving the works of the Company or in paying off money borrowed on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Application of premium arising on issue of shares or stock.

34. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to borrow in respect of additional capital.

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As to conversion of borrowed money into capital.

35. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential by this Act authorised to be created and raised are limited to a rate not exceeding five pounds per centum per annum.

Repealing existing provisions as to judicial factor.

36. Every provision with respect to the appointment of a judicial factor for enforcing payment by the Company of arrears of principal or interest or principal and interest contained in any Act passed before the present session of Parliament whereby the Company are authorised to borrow money is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending at the passing of this Act under any such provision.

Appointment of a judicial factor.

37. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor and 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 in the whole.

Debenture stock.

38. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under any previous Act or this Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages over other debts.

39. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of and

annual feu duty or ground annual payable or to become payable by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or tack duty payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken or used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company. A.D. 1892.

40. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only for the purposes of this Act and the general purposes of the undertaking being in all cases purposes to which capital is properly applicable. Application of moneys.

41. Subject to the provisions of the Lands Clauses Consolidation (Scotland) Act 1845 with respect to the sale of superfluous lands the Company may from time to time sell feu or lease any lands vested in or acquired by them which may not be required for the purposes of the Company. Company may sell or lease lands.

42. On the sale by the Company of any lands they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water noxious trades or discharge or deposit of manure sewage or other impure matters as they think fit. Reservation of water rights.

43. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes Provided that such supply for other than domestic purposes do not interfere with the supply for domestic purposes. Power to Company to supply water for other than domestic purposes and by measure.

44. The Company after reasonable notice and on the demand of the occupier of any work or manufactory within the limits of supply to which water can be supplied by any pipe of the Company shall make connexions with such pipe and shall by means thereof furnish to such occupier a supply of water for the use of such work or manufactory at such rate as may be agreed upon between the Company and such occupier and the expense of such connexions shall forthwith be repaid to the Company by such occupier. Water for trading purposes within the limits of supply.

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A.D. 1892. Provided always that the charge to be made for such supply shall (without prejudice to the Company allowing reasonable and proportionate discounts to consumers) as far as possible be uniform.

Power to enter into contracts and arrangements for supplying water in bulk for domestic purposes to certain places adjacent to the authorised works.

45. Subject to the provisions of this Act the Company may if they see fit from time to time enter into and carry into effect such contracts and arrangements with any corporation local authority parochial board body or person with respect to the supply of water for domestic purposes in bulk to any places or properties adjacent or near to the works by this Act authorised within the parishes of Carluke Lanark Carmichael Pettinain Covington Symington and Culter or any of them as the Company may think fit and every such contract and arrangement may be for such period and on such terms (pecuniary or otherwise) and conditions as the Company may think fit and they may from time to time vary or rescind any such contract or arrangement Provided that no such contract or arrangement shall disqualify any person who may be a member of any such corporation local authority parochial board or body from becoming or remaining a director of the Company Provided always that it shall not be lawful for the Company to supply water under this section within the royal burgh of Lanark without the consent of the provost magistrates and council of the said royal burgh or within the water supply district of Carluke without the consent of the district committee of the county council of Lanark.

As to supply of water by meter and by agreement.

46. No person shall be entitled to require nor shall the Company be bound to supply any dwelling-house with water (otherwise than by meter or by special agreement) when any part of such dwelling-house is used for any trade or business purpose for which water is required.

Water supplied for domestic purposes not to be used for other purposes.

47. In addition to and without prejudice to the provisions contained in the Act of 1890 with regard to the misuse of water supplied by the Company no person supplied by the Company with water for domestic purposes shall use such water or suffer the same to be used for the purposes of affording power to or in connexion with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding five pounds.

Water to be supplied by measure if required in certain cases.

48. The Company may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure and if so required by any such person shall supply him with water by measure for other than domestic purposes In every case

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a meter for ascertaining the quantity consumed shall be provided by the Company at a reasonable rate for the same. A.D. 1892.

49. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed. Register of meter to be primâ facie evidence.

50. The agreement entered into between the upper ward district committee of the county council of the county of Lanark of the first part and the Company of the second part as set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto respectively. Confirming agreement with the upper ward district committee of the county of Lanark.

51. The agreement entered into between George Stodart and John George Chancellor trustees under the trust disposition and settlement of the deceased Adam Sim of Culter Mains Robert Paterson of Birthwood Biggar and Robert Granbery Baillie of Culter Allers Biggar of the first part and the Company of the second part as set forth in the Third Schedule to this Act is hereby confirmed and made binding on the parties thereto respectively. Confirming agreement with the trustees of the late Adam Sim and others.

52. The agreement entered into between the Company of the one part and the district committee of the middle ward of the county of Lanark of the other part as set forth in the Fourth Schedule to this Act is hereby confirmed and made binding on the parties thereto respectively. Confirming agreement with the middle ward district committee of the county of Lanark.

53. From and after the first day of June one thousand eight hundred and ninety-three the provisions of the Act of 1846 in so far as they relate to the qualification of a director shall be repealed and the qualification of a director shall be the possession in his own right of shares or stock of the Company to the nominal value of not less than five hundred pounds. Amending provisions of Act of 1846 as to qualification of directors.

54. The contingent or reserved fund provided by section 49 of the Act of 1846 as amended by the Act of 1890 is hereby increased to fifteen thousand pounds and the said section shall be read and construed as if the words "fifteen thousand" were substituted for the words "two thousand" wherever those words occur therein and such contingent or reserved fund shall be in substitution for any reserved fund authorised by the Waterworks Clauses Act 1847 and the provisions of that Act with respect to the reserved fund thereby authorised shall so far as applicable take effect with respect to the contingent or reserved fund provided by the Act of 1846 as amended by this Act. Increasing contingent or reserved fund.

55. The waterworks by this Act authorised shall form part of the waterworks of the Company and all the powers and provisions Powers under existing Acts

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A.D. 1892. vested in and applicable to the Company by the Acts of 1846 1874
— and 1890 or any of them with reference to their undertaking in so
extended to far as they are not repealed or altered by this Act shall be and the
purposes of this Act. same are hereby in so far as applicable extended and applied to the
purposes of this Act.

Expenses of **56.** All costs charges and expenses of and incident to the
Act. preparing for obtaining and passing of this Act or otherwise in
relation thereto shall be paid by the Company.

SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

LIMITS OF WATER SUPPLY.

An area of which the limits are bounded as follows:—Commencing in the parish of Old Monkland at a point on the north side of the River Clyde where it joins the eastern boundary of the water supply district of the magistrates and council of the city of Glasgow as Commissioners acting under the Glasgow Corporation Waterworks Act 1855 and subsequent Acts amending the same and the western boundary of the water supply district of the Airdrie and Coatbridge Water Company as such boundary is defined by the Airdrie and Coatbridge Waterworks Amendment Act 1890 which point is three hundred and eighty yards or thereabouts south-eastwards from Kenmuir Farm-steading thence along the said boundary in a northerly direction in a straight line to a point at or near the junction of the public road leading from Glasgow to Edinburgh through the village of Tollcross with the public road leading from Glasgow to Edinburgh thorough Dalmarnock thence along the said boundary in a northerly direction to a point on the south side of the Glasgow Bothwell Hamilton and Coatbridge branch of the North British Railway about fifty yards westwards from the centre of the public road leading from Mount Vernon to Barrachnie thence along the said boundary following the bends in a north-westerly direction along the south-west boundary of the said railway to a point seventy yards or thereabouts south-eastwards along the said railway from Battle Burn being the boundary between the parishes of Old Monkland and Shettleston thence along the said boundary in a north-easterly direction in a straight line into the parish of Shettleston to the centre of an intended road or street three hundred yards or thereabouts westwards from Mount Vernon House thence along the said boundary in a northerly direction on the centre of the said intended road or street to a point two hundred yards northwards from the north side of the public road leading from Glasgow to Edinburgh through the village of Shettleston thence in an easterly direction on a line parallel to and distant two hundred yards northwards from the said road to the point where the said line meets the boundary line between the parishes of Old Monkland and Shettleston thence in a north-easterly direction following the bends along the north-west boundary line of the parish of Old Monkland to its junction with the parish boundaries of Cadder and New Monkland near Glenboig Fireclay Works thence in a north-westerly direction along the boundary line between the parishes of Cadder and New Monkland to the point where the said boundary line crosses the road leading from Croftfoot to Inchnock thence in an easterly direction in a straight line through the parish of New Monkland to a point one hundred yards or thereabouts eastwards from the point where the Castlecary branch of the Caledonian Railway crosses the public road leading

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A.D. 1892. from South Medrox to Airdrie and Coatbridge thence in a south-easterly direction on a line parallel to and distant one hundred yards or thereabouts north-eastwards from the said road to the point where said line joins the boundary line between the parishes of Old and New Monkland being one hundred and forty-five yards or thereabouts southward from Palace Farm-steading thence in an easterly direction in a straight line to the junction of the public roads at New Monkland Church thence in a south-easterly direction in a straight line to a point on the public road leading from Carlisle to Stirling seventy yards or thereabouts northwards from the bridge carrying the said public road over the Ballochnie Railway thence in an easterly direction along the boundary line of the burgh of Airdrie and continuation thereof in a straight line to a point on the road leading from Colliertree to Barnhead three hundred yards or thereabouts northwards from the point where the branch railway leading from Rawyards to the Monkland Railway crosses the said road thence in a north-easterly direction in a straight line to a point on the North Calder Water one hundred yards or thereabouts northwards from the Ford Bridge where the public road leading from Airdrie to Bathgate crosses the said water thence in a south-westerly direction following the bends along the right bank of the said North Calder Water to its junction with the River Clyde thence in a westerly direction following the bends along the right bank of the River Clyde to the point of commencement hereinbefore described.

THE SECOND 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 AIRDRIE AND COATBRIDGE WATER COMPANY incorporated by Act of Parliament 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 to raise additional capital and for other purposes against which Bill the first party has presented a petition And whereas the parties have agreed that the first party's opposition shall be withdrawn on the conditions underwritten Therefore these presents witness that they have agreed and they hereby agree as follows :—

First. The conduit being Work No. 2 in the Bill shall be carried over Hyndford Bridge and the bridge over the Mouse at Cartland Craggs 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.

Second. Unless otherwise arranged with the first party in the case of other streams which are intended to be crossed by the said conduit wherever the bridges or culverts on the line of the conduit 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 Crag is not sufficient for enabling the conduit to be laid without interfering with the structure the same shall be carried across such streams by an independent erection 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 as aforesaid. A.D. 1892.

Third. The said conduit shall not be laid in the roadway between the bridge over Culter Water at Craigend Quarry and the bridge at Culter Allers Farm except for the purpose of crossing the said road near the quarry nor shall it be laid in the roadway between the eastern side of the Clyde at Sandy's Ford and a point near the eastmost corner of the enclosure marked on the plans deposited with reference to the Bill No. 9 in the parish of Culter and the work of laying the conduit so far as in the roadway for a distance of about fifty yards opposite the schoolmaster's house at Culter where the road is narrow shall be conducted only during the night or in such manner as not to interfere with the traffic on that road.

Fourth. If the second party shall carry the conduit under the River Clyde at Sandy's Ford they shall lay the same below the ford at a sufficient depth and in such a manner that when completed the same will not interfere at any time thereafter with the current of the stream and will maintain the ford during the laying of the conduit and thereafter in all time the second party shall take means to pass the traffic if the ford is rendered impassable during the operation of laying the conduit and in the event of any difference arising between the parties in reference to the carrying out of this article the same shall be referred to an engineer to be appointed as aforesaid.

Fifth. The first party shall be at liberty at any time and from time to time after the passing of the Act 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 conduit for the purposes 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 to the clear water basin being Work No. 1 described in the Bill and the second party shall form such connexions and shall permit the first party by means thereof to take a supply of water for their district not exceeding in the aggregate two hundred thousand gallons per day and the first party shall repay to the second party the cost of forming such connexions including 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 the quantities of water so taken to be ascertained by meters and the price to be charged for the same to be fixed failing agreement by the sheriff.

Sixth. This agreement shall be subject to the approval of Parliament and shall be scheduled to and confirmed by the Act.

In witness whereof &c.

A.D. 1892.

THE THIRD SCHEDULE.

MEMORANDUM OF AGREEMENT between GEORGE STODART 80 West Nile Street Glasgow and JOHN GEORGE CHANCELLOR Shield Hill Biggar Trustees under the Trust Disposition and Settlement of the deceased Adam Sim Esquire of Culter Mains ROBERT PATERSON of Birthwood Biggar and ROBERT GRANBERY BAILLIE of Culter Allers Biggar herein-after called the first parties of the first part and the AIRDRIE AND COATBRIDGE WATER COMPANY incorporated by Act of Parliament herein-after called the second parties of the second part.

WHEREAS the trustees above-named are proprietors of the estates of Culter and Culter Mains the said Robert Paterson is the proprietor of the estate of Birthwood and the said Robert Granbery Baillie is the proprietor of the estate of Culter Allers all in the county of Lanark and the second parties are at present promoting a Bill in Parliament for an Act to authorise them to make two reservoirs in the parish of Lamington and Wandel with other works and to lay a conduit from the said reservoirs upon or through part of the said estates and in certain roads traversing the same against which Bill the first parties have lodged a petition in Parliament And whereas it has been agreed that the said opposition should be withdrawn on the conditions under-mentioned Therefore these presents witness that the parties hereto have agreed and they hereby agree as follows :—

First. The said conduit shall be carried under the streams marked respectively Nos. 4 and 13 on the plans deposited with reference to the said Bill in the parish of Culter unless otherwise arranged with the respective proprietors of the said streams where intended to be crossed and in all other cases where the said conduit is intended to pass through lands or property belonging to any of the first parties it shall be carried below or above the bed of streams and drains therein at such levels as will not interfere with the flow thereof.

Second. The second parties shall not appropriate the water of any streams below the embankments of the reservoir being Work No. 5 described in the Bill until the reservoir being Work No. 6 in the Bill is constructed nor shall the second parties appropriate any of the waters flowing into the said reservoir being Work No. 5 until the second parties shall be ready to open the said reservoir and to supply the compensation water of 486,000 gallons per day specified in clause 19 of the Bill nor shall they appropriate any of the water of the Big Sma' Gill Burn until they shall be ready to open the said reservoir being Work No. 6 and to supply the further quantity of compensation water specified in said clause 19 clauses 7 and 19 of the Bill to be altered in conformity with this arrangement.

Third. At least 21 days before the second parties commence any works connected with the said reservoirs or either of them the second parties shall give to the first parties notice in writing accompanied with plans sections and specifications and also drawings if required by the first parties showing the manner in which such works are to be executed which plans sections and specifications shall be subject to the approval of the first parties previously to the said works being commenced and such works shall be carried out in conformity with the plans

sections and specifications as approved of or settled. Provided always that if the first parties do not within twenty-one days after service of such notice on them intimate to the second parties their approval or disapproval of the said plans sections and specifications the second parties may thereupon proceed to execute the said works in conformity therewith. If the first parties or the second parties or their respective engineers shall differ upon or with reference to any such plans sections or specifications or as to the mode of carrying out the said works which the first parties shall be entitled from time to time at reasonable intervals to inspect by their engineer or otherwise every such difference shall on the application either of the first parties or of the second parties be referred to the determination of James Morris Gale civil engineer Glasgow whom failing an engineer to be appointed by the sheriff of Lanarkshire and the costs of and incidental to the reference shall be paid by the second parties unless the arbitrator shall decide that the contention of the first parties is unreasonable in which case such parties shall pay their own expenses. Provided that nothing herein contained shall relieve the second parties from any legal liability for damage arising from the construction or use of the said reservoirs.

Fourth. If the second parties shall carry the said conduit under the River Clyde at Sandy's Ford they shall lay the same at a point in the river below the ford at a sufficient depth and in such a manner that when completed the same will not interfere at any time thereafter with the current of the stream and will maintain the ford thereafter in all time coming. In the event of any difference arising between the parties as to the carrying out of this article the same shall be referred to the said James Morris Gale whom failing as aforesaid.

Fifth. The said conduit so far as situate between the Clyde and the southwestern or further boundary of the estate of Birthwood shall be laid within a period of two consecutive years from the time when the laying of the same is commenced.

Sixth. No huts for workmen shall be erected on any of the estates belonging to the first parties and the second parties shall take their contractors bound to prohibit their workmen engaged in the construction of the works from keeping dogs and also bound to dismiss any such workman on the request of the first parties if he does so or if he is complained of for poaching fishing or trespassing in the private properties of any of the first parties.

Seventh. The second parties shall pay the reasonable fees and expenses of the engineer to be appointed by the first parties to advise them with reference to the matters provided for in this agreement.

Eighth. The second parties shall erect and construct and for ever maintain below the embankments of each of the said two reservoirs a proper and sufficient measuring gauge or gauges at a point or points to be approved by the first parties or in the event of difference by an engineer to be appointed by the sheriff of the county of Lanark over or through which the compensation water shall flow or be discharged and such gauge or gauges shall be open to the inspection and examination of the first parties and their respective agents and the gauge or gauges below the embankment being Work No. 5 shall be maintained until the reservoir Work No. 6 is opened and thereafter the gauge or gauges below that reservoir shall be maintained in all time coming.

Ninth. The second parties shall also employ and keep a fit and proper person or fit and proper persons at all times in charge of the measuring gauge or gauges so constructed and shall permit the first parties and their respective agents at

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Tenth. Whenever such measuring gauge or gauges are in any respect out of repair inaccurate or insufficient and the second parties shall fail to repair and make good the same within fourteen days after notice in writing of such disrepair or insufficiency has been given to the second parties by the first parties or their respective agents then the first parties may from time to time repair or make good such gauge or gauges or provide other proper and sufficient gauges in lieu thereof and do all such things as may be proper and sufficient for these purposes and the amount of the expenses from time to time incurred in that behalf by the first parties shall be paid to them on demand by the second parties together with a penalty not exceeding ten pounds for every day on which such gauge or gauges shall remain in a state of disrepair or insufficiency after the lapse of the period before mentioned which expenses and penalty may be recovered in any court of competent jurisdiction.

Eleventh. In the event of any difference arising between the parties hereto in regard to this agreement the same shall be referred to John Blair Balfour Q.C. M.P. whom failing Andrew Jameson Esquire Advocate Edinburgh sheriff of Perthshire whom failing an arbiter to be appointed by the sheriff of the county of Lanark whose award shall be final.

Twelfth. This agreement shall be subject to the approval of Parliament and shall be scheduled to and confirmed by the Bill.

In witness whereof &c.

THE FOURTH SCHEDULE.

MINUTE OF AGREEMENT between the AIRDRIE AND COATBRIDGE WATER COMPANY incorporated by Act of Parliament (herein-after called "the Company") of the one part and the DISTRICT COMMITTEE OF THE MIDDLE WARD OF THE COUNTY OF LANARK (herein-after called "the District Committee") of the other part.

WHEREAS the Company are promoting a Bill in the present session of Parliament of which the short title is the Airdrie and Coatbridge Water Bill And whereas the District Committee are also promoting a Bill of which the short title is the Lanarkshire (Middle Ward District) Water Bill And whereas the limits of supply of the Company and of the District Committee respectively are at several points conterminous Therefore it has been agreed and the parties hereto do agree as follows :--

First. The Company shall take over and pay for such of the pipes and valves belonging to the District Committee provided for the supply of water to the Calderbank special water supply district as are within the limits of supply of the Company at such price as may be settled by agreement between the District Committee and the Company or failing agreement as may be settled by an arbitrator to be appointed for that purpose by the sheriff of Lanarkshire on the application of either party.

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Amendment Act, 1892.

A D. 1892.

Second. The Company shall continue to supply water to the villages of Carnbroe and Gartness and to Easter Moffat and Barblues on the same terms as they shall for the time being charge within their limits of supply until the District Committee are in a position by means of the works to be authorised by their said Bill to afford such supply from those works or until the fifteenth day of May eighteen hundred and ninety-nine whichever period shall first arrive and any question arising between the Company and the District Committee under the provisions of this article shall be settled by arbitration as aforesaid.

Third. If the District Committee shall at any time after the construction of the works authorised by the Company's said Bill apply to the Company for a supply of water from any of their conduits or pipes indicating the points at which they propose that connexions shall be made with the said conduits or pipes for the purposes of such supply and if the Company have such water to spare the Company shall form such connexions and shall permit the District Committee by means thereof to take a supply of water for their district not exceeding in the aggregate two hundred thousand gallons per day and the District Committee shall repay to the Company the cost of forming such connexions including meters as the same shall be ascertained in case of difference by arbitration as aforesaid the quantities of water so taken to be ascertained by meter and to be paid for by the District Committee at such price or prices as may be agreed upon or failing agreement as may be fixed by the sheriff of Lanarkshire the same being such as shall allow to the Company a reasonable profit having regard to the cost incurred by the Company in enabling them by means of the works by this Act authorised to give such supply Provided that if the District Committee shall be of opinion that a supply of water under this article is being unreasonably withheld the District Committee may appeal to an arbitrator to be appointed by the sheriff of Lanarkshire who if he shall be of the same opinion shall have power to order the Company to give the supply Provided also that if the Company shall acquiesce in any application to them for water under this article and shall at any time thereafter find it advisable to discontinue the supply they may do so on giving to the District Committee not less than one year's notice in writing but if the District Committee shall be of opinion that such notice has been given unreasonably they may appeal to an arbitrator to be appointed by the sheriff of Lanarkshire who if he shall be of the same opinion having regard to the present and prospective requirements of the Company shall have power to recall the notice or to extend the time on the lapse of which the same shall take effect.

Fourth. This agreement shall be subject to the approval of Parliament and shall be scheduled to and confirmed by the Bill promoted by the Company.

In witness whereof &c.

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T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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