ANNO TRICESIMO

VICTORIÆ REGINÆ.

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Cap. xxxvii.

An Act to repeal certain Provisions of "The *Ayr* Water Company's Act, 1865," and for other Purposes. [31st *May* 1867.]

WHEREAS by "The *Ayr* Water Company's Act, 1865," (herein-after termed "the recited Act,") the *Ayr* Water Company (herein-after called "the Company") were incorporated, and the Undertaking of the *Ayr* Water Company as incorporated previous to the passing of the said Act was vested in the Company; and the Company were authorized to construct additional Waterworks for the Purpose of increasing the Supply of Water to the Burgh of *Ayr* and Places adjacent within the Limits of the recited Act: And whereas on the Recital that *James Baird* of *Cambusdoon* and *Mid-Auchendrane*, *Elias Cathcart* of *Auchendrane*, and *James Dunlop* of *Doonside* were Proprietors of Lands, Mills, and Fishings on and in the River *Doon*, into which the Waters proposed to be taken under the Authority of the recited Act now flow, and that it was expedient and had been agreed that the Company should not intercept any Water from flowing into the said River, in addition to what the *Ayr* Water Company as incorporated previous to the passing of the recited Act were entitled to take under the Powers of the Local Act Third and Fourth *Victoria*, Chapter Ninety-two, until Provision

28 & 29 Vict. c. cxii.

be made for securing and maintaining a regular Flow of Water in the said River in manner therein-after mentioned, it was by Section Forty-seven of the recited Act enacted that, notwithstanding the Powers conferred by that Act, it should not be lawful for the Company to impound, store, or take from the *Brockloch* or *Slateford* or *Grange Burn*, or from the *Milton Burn*, or from their respective Feeders, Springs, Tributaries, or Affluents, or from the *Milton Dam* or the Springs or Water flowing into the same, any Water additional to or in excess of the Water which the *Ayr* Water Company were immediately previous to the passing of the recited Act entitled to take under the Powers of the said Local Act Third and Fourth *Victoria*, Chapter Ninety-two, unless and until such Works should have been executed at *Loch Doon* in the County of *Ayr*, with the Consent of and by Agreement in Writing with the Owners of the Lands adjoining the said Loch, as might be necessary for raising the Level of the Water in the said Loch to such Extent as would provide an available Storage of One thousand and eighty Millions of Cubic Feet of Water, or such less Quantity as might be agreed to by the said *James Baird*, *Elias Cathcart*, and *James Dunlop*, or their respective Heirs or Successors, Proprietors of the said Estates of *Cambusdoon* and *Mid-Auchendrane*, *Auchendrane* and *Doonside*, for the Time being, by Writing under their Hands, and unless and until Provision be made in the said Agreement for regulating the Flow of Water from the said Loch into the River *Doon*, to such Extent and in such Manner as should be satisfactory to the said *James Baird*, *Elias Cathcart*, and *James Dunlop*, or their respective Heirs or Successors, Proprietors of the said Estates for the Time being, and the Owners of the Lands adjoining the said Loch: And whereas by Sections Forty-eight and Forty-nine of the recited Act further Provisions were made as to the said Works at *Loch Doon* and the Execution thereof: And whereas the Company applied to the Owners of the Lands adjoining *Loch Doon* for their Consent to the Execution of the Works necessary for raising the Level of the Water in the said Loch to the Extent provided by the recited Act, but the Company have failed to obtain the Consent of the said Owners, and it has thereby become impossible for the Company to execute the said Works: And whereas the Company have agreed to make Compensation to the said *James Baird*, *Elias Cathcart*, and *James Dunlop* for their Claims under the before-mentioned Provisions of the recited Act, and under an Agreement between the *Ayr* Water Company and them, dated the Twenty-first and Twenty-second Days of *March* One thousand eight hundred and sixty-five, with reference to the said Works at *Loch Doon*, and in consideration of the Payment of such Compensation they have agreed to the Repeal of the said Provisions: And whereas an increased Supply of Water to the Burgh of *Ayr* and Places adjacent is urgently required

required for the Health and Comfort of the Inhabitants, and it is expedient and would be for the public Advantage that the Provisions of the recited Act in regard to the said Works at *Loch Doon* should be repealed; but that Object 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 *Ayr* Water Company's Amendment Act, 1867."

Act to commence on Payment or Consignation of Compensation.

2. The Compensation agreed upon as aforesaid shall be paid to the said *James Baird*, *Elias Cathcart*, and *James Dunlop*, or the Survivors or Survivor of them, or in the event of their refusing or for Seven Days after Payment is tendered by the Company delaying to accept thereof and grant a Discharge therefor, such Compensation shall be consigned in the Branch of the Union Bank of *Scotland* at *Ayr*, in the Names of the said *James Baird*, *Elias Cathcart*, and *James Dunlop*, or the Survivors or Survivor of them; and this Act shall commence and take effect on and after the Date of recording in the Sheriff Court Books of the County of *Ayr* the Discharge, duly stamped, for such Compensation to be granted by the said *James Baird*, *Elias Cathcart*, and *James Dunlop*, or the Survivors or Survivor of them, or the Deposit Receipt to be granted by the Agent of the said Bank for the Amount of such Compensation, as the Case may be; and the Sheriff Clerk of the said County shall and he is hereby required to record such Discharge or Deposit Receipt, on the same being presented for Registration, and to deliver such Deposit Receipt when recorded to the said *James Baird*, *Elias Cathcart*, and *James Dunlop*, or the Survivors or Survivor of them.

Certain Sections of recited Act repealed.

3. From and after the Commencement of this Act, Sections Forty-seven, Forty-eight, and Forty-nine of the recited Act shall be repealed, and the Company shall be freed and discharged from all the Provisions, Obligations, Restrictions, and Penalties contained in or imposed by the said Agreement between the *Ayr* Water Company and the said *James Baird*, *Elias Cathcart*, and *James Dunlop*.

Company may exercise Powers conferred by recited Act of taking and supplying Water.

4. From and after the Commencement of this Act, the Company shall be entitled to exercise all the Powers conferred by the recited Act of impounding, storing, and taking Water, in addition to and in excess of the Water which the *Ayr* Water Company were authorized to take under the Powers of the said Local Act Third and Fourth *Victoria*,

Victoria, Chapter Ninety-two, and by means of the Reservoirs, Conduits or Main Pipes, and other Works constructed and laid by the *Ayr* Water Company or the Company, and of the Conduits or Main Pipes and other Works to be constructed and laid under the Authority of the recited Act, to supply Water to the Burgh of *Ayr* and Places adjacent within the Limits of the recited Act.

Expenses of Act.

5. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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