CHAPTER lxvi.

An Act for the rebuilding of the Bridge of Ayr, with approaches thereto, in the county of Ayr; and for other purposes. [28th June 1877.]

A.D. 1877.

WHEREAS an Act was passed in the seventh and eighth years of the reign of Her present Majesty, intituled "An Act for "widening, repairing, and maintaining the Bridge of Ayr, com- "monly called the New Bridge, leading across the river of Ayr at "the royal burgh or town of Ayr, in the county of Ayr; and for "other purposes in relation thereto:" 7 & 8 Vict. c. ci.

And whereas by the said Act certain Trustees were appointed for the purpose of carrying the same into execution, and such Trustees were empowered to levy certain pontages or tolls for the use of the said bridge, and the said bridge and the accesses thereto were vested in the said Trustees, and the said Trustees were authorised to borrow for the purposes of the said Act a certain sum of money on the security of the said pontages or tolls:

And whereas by the said Act it was declared that when the said pontages or tolls should have produced a sum equal to the amount expended for carrying out the purposes of the said Act (which event has happened), the said pontages and tolls should cease, and the said bridge should be declared free; and that upon this being done, the said bridge, with the accesses thereto and the works connected therewith, should be held to be a part of the road from Ayr to Kilmarnock and Irvine, and should thenceforth be vested in the Trustees of the turnpike roads of the county of Ayr:

And whereas the said bridge so widened and maintained under the said Act has hitherto afforded the chief means of communication in the town of Ayr between the two sides of the river of Ayr:

And whereas by "The Ayrshire Roads Act, 1847," certain persons were nominated and appointed Trustees, and various powers were granted to them for making and maintaining certain turnpike roads therein mentioned, in the county of Ayr, and such Trustees were empowered to nominate and appoint certain of their number 10 & 11 Vict. c. ccxiii.

A.D. 1877.

for the special care and management of particular districts or roads:

And whereas the Trustees appointed under the last-mentioned Act, pursuant to that Act, divided the said county of Ayr into certain districts, one of which is the Ayr district, in which district is comprised the portion of the said road from Ayr to Kilmarnock and Irvine whereon the said bridge is situated, and appointed, pursuant to that Act, certain of their number to be Trustees of each of such districts:

And whereas the said bridge has fallen into a state of decay, and it is expedient that the same should be taken down and rebuilt, and that the Trustees appointed by this Act should be authorised to raise money for this and the other purposes of this Act:

And whereas plans and sections showing the lines and levels of the 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 required or which may be taken for the purposes or under the powers of this Act, have been deposited with the principal sheriff clerk of the county of Ayr, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas the purposes of this Act 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 Bridge Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Commissioners Clauses Act, 1847," with the exception of sections 6 to 54, both inclusive, 57, 75, 77, 80, 84, 85, 86, 87, 92, 93, and 94, and the provisions of "The Railways Clauses Consolidation (Scotland) Act, 1845," with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff or to justices, and sections 13, 14, 18, and 19 of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act; and in construing the provisions of the said Acts as incorporated with this Act the expressions "the promoters of the undertaking," the "commissioners," and "the company" shall mean the Trustees acting in the execution of this Act; and the expression "the

railway" shall mean the works by this Act authorised, unless there be something in the subject or context repugnant to such construction.

Interpretation of terms.

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; the word "sheriff" means the sheriff of the county of Ayr, or any of his substitutes; the words "magistrates" and "magistrate" mean the magistrates of the burgh of Ayr for the time being, or any one of them, and shall include the provost; the expression "the burgh" means the burgh of Ayr as extended by "The Ayr Burgh Act, 1873;" the expression "the Trustees" means the Trustees for the time being acting in the execution of this Act; the expression "the bridge" means the new bridge by this Act authorised to be constructed; the expression "the bridges" means the new bridge and the temporary or service bridge by this Act authorised to be constructed; the words "toll" and "tolls" mean and include the tolls or pontages by this Act authorised to be levied; and the word "carriage" means and includes any coach, cart, waggon, or other carriage with two or more wheels, and any sledge without wheels.

Appointment of Trustees.

4. From and after the passing of this Act the road trustees for the district of Ayr shall be and are hereby appointed the Trustees for carrying this Act into execution.

Power to take down and remove present bridge and to erect a new bridge.

5. Subject to the provisions of this Act, the Trustees may take down and remove the present bridge across the river of Ayr, with the piers and abutments thereof, and in place thereof may construct a new bridge across the said river, of such materials, form, and dimensions as the Trustees shall think fit, being not less than forty-seven feet in breadth between the parapets, and the roadway of which shall from end to end have a gradient not steeper than one foot in forty feet, in the line and according to the levels shown on the deposited plans and sections, with all necessary and proper abutments, wings, piers, walls, banks, ways, and other works, and may alter and lower the levels of the approaches to the said new bridge, and may enter upon, take, and use such parts of the bed or channel, or of the banks of the said river, and of the other lands delineated on the said plans and described in the deposited book of reference, as may be required for that purpose.

Power to erect temporary bridge.

6. Before proceeding to take down the present bridge, the Trustees shall construct and erect a temporary or service bridge over the said river, and all necessary works connected therewith, adjacent to and not exceeding eighty yards below or to the west of the pre-

A.D. 1877

sent bridge, for the accommodation of the public during the taking down and rebuilding of the bridge, and executing the other works in connexion therewith, in the line and according to the levels shown on the deposited plans and sections, and may enter upon, take, and use such parts of the bed or channel, and of the banks of the said river, and of the other lands delineated on the said plans and described in the deposited book of reference, as may be required for that purpose; provided that the Trustees shall be bound to remove the said temporary bridge on the bridge being opened for the use of the public.

Powers of deviation.

7. In the construction of the said works the Trustees may deviate laterally from the lines thereof as shown on the deposited plans to any extent within the limits of lateral deviation marked thereon, and the Trustees may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet, either upwards or downwards; provided that no deviation of any work authorised by this Act shall be made from the lines thereof as marked on the deposited plan, even within the limits of deviation shown on such plan, in such manner as to diminish the navigable space of the river of Ayr, without the previous consent of the Board of Trade, or otherwise than in such manner as is expressly authorised by the Board of Trade.

Powers for compulsory purchases limited.

8. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Works below high-water mark not to be executed without the consent of the Board of Trade.

9. It shall not be lawful for the Trustees to construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work, or to construct any bridge across any creek, bay, arm of the sea, or navigable river, where and so far up the same as the tide flows and reflows, without the previous consent of Her Majesty, her heirs and successors, to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the said Board of Trade may approve of, such approval being signified as last aforesaid; and when any such work or bridge shall have been constructed, it shall not be lawful for the Trustees at any time to alter or extend the same, without obtaining, previously to making any such alteration or extension, the like consent or approval; and if any such work or bridge shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said Board of Trade to abate and remove the same, and to restore the site thereof to its

former condition, at the expense and charge of the Trustees, and the amount of such expense shall be a debt due from the Trustees to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Trustees.

Period for completion of works.

10. If the bridges and other works 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 Trustees for making and completing the bridges, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to maintain bridges and toll-houses, and to erect lamps and light bridges.

11. The Trustees shall not permit or allow any dwelling-house or edifice to be built or erected on any part of the bridges, but may erect gates and toll-houses upon or near the same; and they shall maintain, repair, pave, and amend the bridges, and repair and maintain the gates and toll-houses on or connected with the bridges, and from time to time provide and erect such number of lamps, lamp-posts, and lamp irons as may be necessary for lighting in a suitable manner the bridges and approaches thereto, and light or enter into contracts for lighting such lamps.

Power to sweep and cleanse bridges.

12. The Trustees shall cause the bridges, and the carriage road and foot pavements thereto, to the extent of twenty yards beyond the extremities of the bridges, to be regularly swept and cleansed by scavengers appointed for the purpose, and may contract with any person to sweep and cleanse the bridges and approaches thereto, may cause the soil and filth to be regularly swept from the bridges and approaches, and collected and removed to such places as they shall direct, and may sell and dispose of such soil and filth to such person as may be willing to purchase the same; the price to be applied for the purposes of this Act.

Tolls to be taken in respect of the bridges.

13. The Trustees may demand, take, and recover, before any passage shall be permitted over the bridges or either of them, any tolls not exceeding the sums herein-after specified for and in respect of the passage on or over the bridges or either of them; (that is to say,)

For every coach, chariot, berlin, landau, calash, chaise, chair, or hearse, drawn by six horses, mules, or asses, two shillings; drawn by four such animals, one shilling; drawn by three such animals, eightpence; drawn by two such animals, sixpence; and drawn by one such animal, threepence:

For every waggon, wain, cart, lorry, or any other such carriage, drawn by six horses, mules, or asses, two shillings; drawn by five such animals, one shilling and sixpence; drawn by four

A.D. 1877.

such animals, one shilling; drawn by three such animals, eightpence; drawn by two such animals, sixpence; and drawn by one such animal, twopence:

For every horse, mule, or ass, laden or not laden, and not drawing, one penny:

For every velocipede, bicycle, or thing of the like nature (whatever number of wheels it has), one penny:

For every drove of oxen or neat cattle, sixpence per score; and so in proportion for any greater or less number:

For every drove of horses unshod, one shilling per score; and so in proportion for any greater or less number;

For every drove of calves, sheep, lambs, pigs, or goats, threepence per score; and so in proportion for any greater or less number.

Traction by steam or machinery prohibited.

14. No carriage or vehicle propelled or moved by the power of steam or machinery, whether combined or not combined with animal power, shall cross the bridges, except with the consent of the Trustees, and at such times and on payment of such tolls as they may direct and demand.

Trustees to put up table of tolls.

15. Within one month after the erection of toll-gates on the bridges or either of them, the Trustees shall and they are hereby required to put up, or cause to be put up, and afterwards to be continued at every such toll-gate, a table, painted distinctly and legibly in black on a board with a white ground, of all the tolls payable at such toll-gate, and to renew such table or any portion thereof whenever any of the letters or figures thereon shall be worn out, defaced, or obliterated; and it shall not be lawful for the Trustees to demand or take, or cause to be demanded or taken, any tolls for any animal or for any carriage at the said toll-gate, except for and during such time as the board so painted as aforesaid shall remain affixed at such toll-gate.

Persons may be stopped on refusing to pay tolls.

16. If any of the tolls hereby authorised to be taken are not paid, it shall be lawful for any collector appointed to receive the same, by himself or on taking such assistance as he shall think necessary, to stop and prevent the passage of any person refusing to pay such tolls, or of the animal or carriage for or in respect of which such tolls ought to be paid, until full payment thereof be made, or if such animal or carriage shall pass without having made such payment, to seize and poind and distrain any such animals, together with their bridles, saddles, gear, harness, or accoutrements, or any such carriage; and if such tolls, and the reasonable charges of such seizure and poinding, shall not be paid within seven days after such seizure or poinding has been made, the collector or persons seizing and dis-

training shall or may sell the horses, cattle, carriage, or article so seized and distrained, or any part thereof, returning the overplus (if any) and what remain unsold upon demand to the owner thereof, after such tolls and all reasonable charges occasioned by such seizure, poinding, and sale shall be deducted; and all moneys to be collected or levied shall belong and be paid to the Trustees, and shall be applied for the purposes of this Act.

Carriages,&c. may pass twice in one day for one toll if not conveying passengers or goods for hire.

17. Any person passing along either of the bridges on paying the tolls shall on demand be furnished with a note or ticket signifying the payment of such tolls, which note or ticket shall entitle such person to return and repass toll free with the same carriage or animal once before twelve of the clock at night of the same day: Provided nevertheless, that in respect of any carriage conveying passengers or goods for hire, the tolls shall be payable every time of passing and repassing with a new loading.

Penalty for transferring toll ticket.

18. If any person who has paid the tolls, and has been furnished with a note or ticket signifying the payment thereof, shall give or dispose of such note or ticket to any other person in order to evade the tolls, every person so giving or disposing of such note or ticket, and every person receiving or using or attempting to use the same, on being convicted thereof before the magistrate upon the confession of such person, or upon the oath of one or more witnesses, shall be liable to a penalty not exceeding twenty shillings for every such offence, to be recovered with costs of suit in a summary form before the magistrate, at the instance of the procurator fiscal of the burgh.

Penalty for evading tolls.

19. If any person shall, with intent to evade the payment of all or any part of the tolls, take off or cause to be taken off any horse or other animal from any carriage, and shall attach the same to such carriage after the same has passed the bridges, by means whereof the tolls may be evaded or lessened, every such person so offending, on being convicted of such offence before the magistrate, shall be liable to a penalty not exceeding twenty shillings for every such offence, to be recovered with costs of suit in a summary form before the magistrate, at the instance of the procurator fiscal of the burgh.

For settling disputes concerning tolls.

20. If any dispute shall arise about the amount of tolls due, or the expense of keeping or selling any article poinded for non-payment of any tolls, it shall be lawful for the toll collector or the person poinding to retain such articles, or the money arising from the sale thereof (as the case may be), until the amount of the tolls due, and the expenses of keeping and selling such articles as aforesaid, be ascertained by the sheriff or any two or more justices of the peace of the county of Ayr, who, upon complaint made, shall in a

A.D. 1877.

summary manner determine the amount of tolls due, and shall adjudge such expenses to either party as the sheriff or justices shall think proper.

Toll collectors to put up their names on the front of their toll houses.

21. Every toll collector appointed by the Trustees on the bridges shall place on some conspicuous part of the front of the toll-house his christian and surname, painted in black on a board with a white ground, each of the letters of such name to be at least three inches in length and of a breadth in proportion, and such board shall remain at such toll-house during the whole of the time that the person whose name shall be painted thereon shall be on duty thereat, and every toll collector shall place on the front or close by the toll-house the table of tolls herein-before directed to be provided by the Trustees; and if any toll collector shall not place such board or table respectively, and shall not keep the same there during the time such person shall be such toll collector, or shall demand or take a greater or less toll than such toll collector shall be authorised to do, or shall demand or take tolls from any person who shall be exempt from the payment thereof, and who shall claim such exemption, or shall refuse to permit any person to read such board or table, or shall refuse to tell his christian and surname to any person who shall demand the same on the tolls being paid, or shall give a false name, or shall refuse or neglect to give a ticket denoting the payment of the tolls, or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct any passenger from passing on or over the said bridges, or shall offend against the provisions of this Act, such toll collector shall for every such offence forfeit and pay any sum not exceeding five pounds.

Exemption from tolls.

22. No toll shall be demanded or taken on the bridge for any horses or carriages attending Her Majesty or any of the royal family, or returning from such attendance.

Further exemptions.

23. No toll shall be demanded or taken at any toll-house from any person for any horse or other beast of draught or burden or carriage of whatever description while employed in carrying mails of letters, telegrams, or expresses under the authority of Her Majesty's Postmaster General, either when employed in conveying, carrying, fetching, or guarding such mails, telegrams, or expresses, or in returning from conveying, carrying, or guarding the same; nor shall any toll be demanded or taken for the horses of any officers or soldiers on their march or on duty, or for any horse or other beast in any carriage employed in carrying or conveying or returning empty, having been employed only in carrying or conveying the arms or baggage of any such officers or soldiers, or employed in carrying or conveying or returning empty from carrying or conveying any sick,

wounded, or disabled officers or soldiers, or for any carriage, or for any horse or other beast of draught drawing the same, employed in conveying any ordnance or barrack or commissariat or other public stores of or belonging to Her Majesty, or for the use of Her Majesty's forces, or returning empty from having been so employed, or for any carriage conveying volunteer infantry, or for any horse furnished by or for any person belonging to any corps of yeomanry or volunteer cavalry or infantry, and ridden by him, and going to or returning from any place appointed for and on the days for exercise, inspection, or review, or on other public duty, provided such person shall be dressed in the uniform of his corps, and shall have his arms, furniture, and accoutrements, according to the regulations of such corps at the time of claiming such exemption, or for any horse or beast of draught drawing any carriage employed only in carrying or conveying criminals or vagrants sent by warrants or legal passes, or returning empty after having been so employed.

Tolls may be leased.

24. It shall be lawful for the Trustees to lease the tolls to any person for any term not exceeding three years, at such rents and on such terms and conditions as may be mutually agreed upon, and the lessees of the said tolls, and the toll-collectors appointed by them, shall have the same powers and privileges of collecting or levying the same, and granting pass or return tickets, as are by this Act conferred on the Trustees and the toll collectors appointed by them; and the rents received from such lessees shall be applied by the Trustees in the same manner as is herein provided with respect to the application of the tolls.

Application of tolls and borrowed money.

25. The money arising from the tolls, and all moneys borrowed or received under the authority of this Act, shall be applied to the purposes thereof.

Bridges vested in Trustees.

26. The bridges and the approaches thereto, and the tolls which shall be levied and recovered by virtue of this Act, shall be and are hereby declared to be vested in the Trustees for the purposes of this Act until the time when such tolls shall cease as hereinafter provided.

Power to borrow as hereinstated.

27. The Trustees from time to time, under the authority of this Act, may borrow at interest all such sums as they think requisite for the purposes of this Act, not exceeding in the whole twenty-five thousand pounds, on the security of the tolls by this Act authorised, and may mortgage the same accordingly; and if after having borrowed the sums of money by this Act authorised, or any part thereof, the Trustees shall pay off the same, or any part thereof, it shall be lawful for the Trustees again to borrow the amount so paid off, and so from time to time.

A.D. 1877.

Forms of mortgage and transfer.

28. Every mortgage to be granted by the Trustees, and every assignation or transfer of such mortgage, shall be by deed duly stamped, in which the consideration shall be truly stated, and may be respectively in the forms contained in the First and Third Schedules to this Act, or to the like effect.

Mortgages may be accompanied with interest warrants.

29. The Trustees may issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form contained in the Second Schedule to this Act, or to the like effect, signed by the treasurer, for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgage is intended to subsist, and the delivery to the Trustees or their treasurer, or to any person on their behalf, of any such interest warrant, duly stamped as a receipt, shall be a valid and sufficient discharge to the Trustees for the interest in respect of which the same was issued.

Trustees may borrow on credit of a cash account.

30. The Trustees 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 Trustees, according to the usage of bankers in Scotland, to the extent of the sum which the Trustees are by this Act authorised to borrow, or any part thereof, and may make and grant mortgages of the several tolls by this Act authorised, 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 that the whole sum due and owing by the Trustees on such cash account, and for money borrowed by them on mortgage as aforesaid, shall not, when taken together, exceed the aggregate amount by this Act authorised to be borrowed.

Manner in which mortgages and orders on bank account to be signed and executed.

31. Every mortgage to be granted by the Trustees may be in writing, or partly in writing and partly printed, and shall be signed by at least two of the Trustees and the treasurer, and all drafts or orders on the cash account before mentioned shall be signed by any two of the Trustees authorised so to do, and by the treasurer: Provided always, that no trustee or treasurer shall by his subscription of any such mortgage, draft, or order be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or of any sums whatsoever in respect thereof.

Protection of lender from inquiry.

32. No person lending money to the Trustees shall be bound or entitled to inquire as to the observance by the Trustees 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.

Arrears may be enforced by appointment of judicial factor.

33. In the event of any principal money borrowed by the Trustees as aforesaid, or any interest thereon, not being paid within one month after such payment shall have become due, and after demand thereof in writing, it shall be lawful for any mortgagee holding mortgages in arrear to the amount of one thousand pounds, or for several mortgagees holding mortgages in arrear to the amount of one thousand pounds in the aggregate, to render the security by this Act conferred effectual by the appointment of a judicial factor; and the application for such appointment shall be made by summary petition to the Court of Session, or in time of vacation to the Lord Ordinary on the Bills, who are hereby respectively authorised and required, on such application being made, to appoint some person as judicial factor, to the effect and with the powers herein-after mentioned, unless, previously to such application being advised, the amount of such mortgages, with interest and expenses, shall have been paid, or unless the said Court or Lord Ordinary, as the case may be, shall be satisfied that consignation thereof should, under the circumstances, be accepted in lieu of payment, and such consignation be made accordingly, and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor.

34. The judicial factor so appointed, on finding security in common form, shall exercise all the powers conferred by this Act upon the Trustees for and in relation to levying and recovering the tolls by this Act authorised to be levied, and managing and maintaining the bridge and other works and property to be vested in or to be acquired or constructed by the Trustees under the provisions of this Act, and the Trustees shall deliver to him all books and documents necessary for that purpose, and after defraying the expense of such application, management, and maintenance, the said judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment therefrom, and such judicial factory shall continue not only until all arrears of mortgages due at the date of the appointment of such judicial factor, and all interest due thereon, and any interest which shall have become due during his continuance in office, with interest and expenses, including the expenses of the application for such appointment and of carrying the purposes thereof into execution, shall have been paid, but also until any half year's interest which, although not due, may become current during his continuance in office, and a sufficient sum to meet expenses, shall have been paid or consigned in one of the banks in Scotland incorporated by Act of Parliament or royal charter; and upon pay-

A.D. 1877.

ment and consignation as aforesaid of such mortgages, interest, and expenses, it shall be lawful for the Trustees to apply to the Court of Session or Lord Ordinary as aforesaid for the recall of the appointment of the judicial factor, who may recall such appointment accordingly.

Mortgages to be personal estate.

35. All mortgages to be granted by the Trustees under the authority of this Act, and all money to be advanced and lent on the security of the tolls leviable by them, shall be movable or personal estate and transmissible as such, and shall not be of the nature of heritable or real estate.

Discharge of mortgages.

36. Any person entitled to any mortgage granted by the Trustees under the authority of this Act may discharge the same, and his right and interest therein, in favour of the Trustees, and every such discharge may be written, or partly written and partly printed, on the mortgage, and may be according to the form contained in the Fourth Schedule to this Act, or to the like effect, and such discharge, when signed by the person entitled to such mortgage, and duly stamped, shall be valid and effectual to all intents and purposes.

Account to be kept.

37. The treasurer shall keep a separate and distinct account of all moneys received and paid under the powers and provisions of this Act, and all tolls and moneys received by the Trustees or the treasurer under the provisions of this Act shall be carried to the credit of the said account.

Bridge to be free when money borrowed paid off.

38. As soon as the tolls leviable under this Act shall have produced a sum equal to the amount which shall have been expended in removing the present bridge, in rebuilding the bridge, and in completing the approaches thereto, in building the temporary bridge and removing the same, and in payment of any expenses incidental to such purposes respectively, including the interest on the money borrowed under the authority of this Act, and the costs, charges, and expenses of this Act, the said tolls shall cease, the bridge shall be declared free, and the bridge being so declared free at a meeting of the Trustees specially called for the purpose, due notice thereof shall be given in one or more newspapers published in the county of Ayr.

Power to Trustees and magistrates of Ayr to provide for payment of money expended and to declare bridge free.

39. Whereas it may hereafter be found desirable that the bridge should be declared free before the tolls leviable under this Act shall have produced a sum equal to the amount expended as aforesaid, and the bridge when declared free will accommodate the traffic not only of the county of Ayr, but also of the burgh: Therefore, the Trustees and the magistrates may at any time agree that the moneys necessary to pay the amount expended as aforesaid, and any money borrowed for the purposes of this Act and then remaining unpaid,

shall be provided by the Trustees and the magistrates in such proportions as may be agreed upon between them; and in the event of such agreement, the Trustees may, out of such of the funds and revenues under their charge as they may think fit to burden with the same, and the magistrates may, out of any funds or revenues applicable to the making and maintaining of roads or streets within the burgh, provide for and pay the respective proportions agreed to be provided by them respectively of the amount so expended or borrowed and then remaining unpaid; and upon such amount being provided as aforesaid, the Trustees and the magistrates may declare the bridge to be free in the manner herein-before provided, and the tolls by this Act authorised shall thereupon cease to be levied: Provided nevertheless, that nothing in this section contained shall be held to imply any obligation on the part of the Trustees or of the magistrates to contribute to the payment of the amount expended as aforesaid.

When declared free, bridge and approaches to be vested in the road trustees of Ayrshire.

40. As soon as the bridge shall be declared free as aforesaid, the bridge, with the approaches thereto and other works in connexion therewith, shall be held to be a part of the road from Ayr to Kilmarnock and Irvine, and shall thenceforth be and in that event the same are hereby vested in the trustees of the turnpike roads of the county of Ayr, by whom the same shall be managed and maintained thenceforward out of the funds and revenue of the said road, and failing which, out of the funds of any other turnpike road leading into the town of Ayr which the said road trustees may think fit to burden with the same, and shall in all respects be subject to the powers and provisions of the Act or Acts of Parliament then in force in respect to the said turnpike roads in the county of Ayr; provided that if at any time it shall appear to the magistrates that the said bridge and approaches thereto, after being given over to the said road trustees of the county of Ayr as aforesaid, are not properly maintained, repaired, cleansed, and lighted, then such magistrates, or any person authorised by them, may complain by summary application to the sheriff, who, upon hearing the said road trustees complained of, and inspecting the said bridge, shall pronounce such order regarding the same as he shall think proper, which order the said road trustees shall be bound to obey within such time as the sheriff shall appoint; and the judgment of the sheriff shall be final, and not subject to review by any court whatever.

Auditor to be appointed.

41. The sheriff shall, in the month of May one thousand eight hundred and seventy-eight, and in the month of May in every year thereafter, on application made to him by the clerk to the Trustees, appoint an auditor (being a person well skilled in accounts, and not being one of the Trustees or holding office under them) to audit and

A.D. 1877.

docquet the accounts of the Trustees as before mentioned, and in case the office of such auditor shall, before such accounts have been audited by him, become vacant by death or from any other cause, the said sheriff shall from time to time appoint an auditor to supply such vacancy.

Auditor to tax accounts and to report.

42. It shall be the duty of such auditor once in every year to audit the accounts of the Trustees, and for that purpose the Trustees shall deliver to the said auditor an abstract or balance sheet of their accounts at least fourteen days previous to the stated meeting to be held in the month of August in each year, and such auditor may also examine the accounts and account books and vouchers of the Trustees at any time during fourteen days previous to the said meeting, and may either make a special report on the said accounts or simply confirm the same, and such report or confirmation shall be read, together with the report of the Trustees, at the said meeting, and the Trustees shall pay to such auditor for his trouble in making such audit such reasonable allowance as they may fix.

Saving rights of the Crown.

43. Nothing contained in this Act shall authorise the Trustees to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Board of Trade, without the previous consent in writing, of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

44. 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 Trustees out of the money authorised to be borrowed by them, or out of the tolls to be levied by them under the authority of this Act.

SCHEDULES referred to in the foregoing Act. A.D. 1877.

THE FIRST SCHEDULE.

MORTGAGE No. £ .

By virtue of "The Ayr Bridge Act, 1877," we, the Road Trustees for the district of Ayr, in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer to the said Trustees 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 tolls to be levied by the said Trustees 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 tolls, to hold to the said mortgagee and his foresaids until the said principal sum and 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 Trustees 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 the treasurer to the said Trustees, and which minute or minutes are hereby declared and shall be held to be valid and binding, though they may be neither holograph of the said mortgagee or his foresaids, or of the said treasurer, nor tested; and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of [*specify rate*] per centum per annum) the said Trustees shall pay the several sums contained in the [*state number*] interest warrants bearing the number and date hereof, and delivered herewith, and that at the several times mentioned in such warrants upon delivery of the same respectively, and such delivery shall be a sufficient receipt and discharge to the said Trustees for the contents of such warrants, declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the said Trustees 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 Trustees 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 this mortgage, or of any discharge, renunciation, release, assignation, or minute of postponement or renewal thereof. In witness whereof [*testing clause according to the law of Scotland*].

Signed by two of the Trustees and the treasurer.

THE SECOND SCHEDULE.

Form of Interest Warrant.

Mortgage No. .

Dated 18 .

Interest Warrant.

For pounds shillings and pence £

Less income tax

£

Payable on 18 at the

Treasurer.

THE THIRD SCHEDULE.

Form of Transfer of Mortgage.

I, *A.B.*, of , in consideration of the sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assignees, a certain mortgage, Number , granted by the Road Trustees for the district of Ayr, under "The Ayr Bridge Act, 1877," bearing date the day of , in favour of *E.F.*, for securing the sum of and interest [*or if such transfer be by endorsement*, the within security], and all my right, estate, and interest in and to the tolls or other moneys thereby assigned. In witness whereof [*testing clause according to the law of Scotland*].

THE FOURTH SCHEDULE.

Form of Discharge.

Received from the treasurer to the Road Trustees for the district of Ayr, 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 .

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.