CHAPTER cc.

An Act for extending the Municipal and Police Boundaries of the Burgh of Ayr; for dividing the extended Burgh for Municipal and Police purposes into Wards; for regulating the Number and Election and defining the Powers of the Magistrates and Town Councillors of the extended Burgh; for regulating the Common Good of the Burgh; for abolishing the Petty Customs now levied therein; for empowering the Magistrates and Town Council to improve certain Streets, to extend the Market Places and Slaughter-houses, to purchase the Undertakings of the Companies which now supply the Burgh with Gas and Water, and to supply Gas and Water to the extended Burgh; and for other purposes. [28th July 1873.] A.D. 1873.

WHEREAS "The General Police and Improvement (Scotland) Act, 1862," has been adopted in the burgh of Ayr, and the provisions of that Act are now in force within the burgh: 25 & 26 Vict. c. 101. (*Public.*)

And whereas it is expedient that the municipal boundaries of the burgh should be enlarged and made co-extensive with the parliamentary boundaries thereof, and that the extended burgh should for municipal and police purposes be divided into wards:

And whereas it is expedient that the number of the magistrates and town councillors of the extended burgh, herein-after called "the Corporation," should be fixed and their powers defined, and that provision should be made for their qualification and election, and for the qualification of electors for municipal purposes within the extended burgh:

And whereas it is expedient that provision should be made for regulating the common good of the burgh and the purposes to which the same shall be applied, and that the petty customs hitherto levied in the burgh should be abolished:

And whereas it is expedient that the Corporation should be empowered to improve certain streets, and to regulate and extend

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the markets, market places, and slaughter-houses in the extended burgh, and that further provision should be made as to the sale within the extended burgh of cattle and other animals, and of butter and other commodities:

And whereas it is expedient that the Corporation should be empowered to acquire by agreement the undertakings of the Ayr Gas Company, and the Ayr and Newton Consumers Gas Company (which companies are herein-after called "the gas companies"), and to supply gas:

And whereas it has been agreed and it is expedient that the undertaking of the Ayr Water Company (herein-after called "the water company"), who were incorporated under and now supply water to the burgh and places adjacent by virtue of the powers contained in "The Ayr Water Company's Act, 1865," and "The Ayr Water Company's Amendment Act, 1867," should be acquired by and transferred to the Corporation, and that the Corporation should supply water to the extended burgh and places adjacent:

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 for the county of Ayr in his office at Ayr, and are herein-after respectively referred to as the deposited plans, sections, and books 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 as "The Ayr Burgh Act, 1873."

Commencement of Act.

2. This Act shall commence and come into operation on and from the second Thursday in October one thousand eight hundred and seventy-three, and be carried into execution by the Corporation.

Provisions of 25 & 26 Vict. c. 101. to be enforceable within extended burgh.

3. The provisions of "The General Police and Improvement (Scotland) Act, 1862," herein-after called "the Police Act," except in so far as inconsistent with or varied by the provisions of this Act, shall, on and from the commencement of this Act, be held to have been adopted in and to apply to the extended burgh, and for that purpose that Act and this Act shall be read together as one Act, and the expression "the commissioners" in that Act be held to mean the Corporation.

Provisions of Acts herein named incorporated.

4. The following Acts and parts of Acts (as far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Act) are incorporated with this Act; viz., "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860;" sections eighteen to twenty-two, inclusive, and section twenty-four of "The Railways Clauses Consolidation (Scotland) Act, 1845;" "The Waterworks Clauses Acts, 1847 and 1863," except with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit; "The Gasworks Clauses Act, 1847," except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit; "The Gasworks Clauses Act, 1871," "The Markets and Fairs Clauses Act, 1847," and the clauses of "The Commissioners Clauses Act, 1847," with respect to the appointment and accountability of the officers of the commissioners, and with respect to the mortgages to be executed by the commissioners, with the exception of clauses 84, 86, and 87.

Interpretation of terms.

5. 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 expressions "the burgh" or "the existing burgh" mean the burgh of Ayr as existing previous to the commencement of this Act:

The expression "the extended burgh" means the burgh of Ayr as extended by this Act:

The expression "the district annexed" means and comprehends so much of the territory of the extended burgh as is outside the municipal limits of the burgh as existing prior to the commencement of this Act:

The expression "the Corporation" means the provost, magistrates, and councillors of the extended burgh:

The expression "the chamberlain" means the chamberlain of the extended burgh:

The expression "the clerk" means the town clerk of the extended burgh:

The expression "the Police Act" means "The General Police and Improvement (Scotland) Act, 1862:"

The expression "the sheriff" means the sheriff of the county of Ayr, and shall include his substitutes:

The expression "lands and heritages" has the same meaning as in the Public Act seventeenth and eighteenth Victoria, chapter

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ninety-one, intituled "An Act for the Valuation of Lands and Heritages in Scotland:"

The words "house" or "houses" (where the same is used in this Act with reference to the incidence of the domestic water rate) shall include any dwelling-house and any premises, any part of which shall be used or occupied as a shop, warehouse, counting-house, chambers, or office of any description, or stable or coach-house, and any gardens attached or belonging thereto respectively, unless in the cases in which it is hereinafter provided that a supply of water may be given by agreement:

In the Acts, or any of them, incorporated with this Act the expressions "the promoters of the undertaking," "the company," "the commissioners," and "the undertakers" respectively mean the Corporation; and the expression "the undertaking" extends to and includes the gasworks and waterworks and works connected therewith transferred to or which shall be acquired by the Corporation under the provisions of this Act; and in the said sections of "The Railways Clauses Consolidation (Scotland) Act, 1845," as incorporated with this Act, the expression "the railway" means the widening and improvement of streets authorised by this Act.

Part I.—Municipal.

Boundaries of extended burgh.

6. The municipal limits and boundaries of the burgh of Ayr shall be co-extensive with and include the entire area comprised within the parliamentary limits and boundaries of the said burgh, as the same are described and specified in Schedule (M.) annexed to an Act passed in the second and third years of the reign of His late Majesty King William the Fourth, chapter sixty-five, intituled "An Act to amend the Representation of the People in Scotland."

Division into wards.

7. The extended burgh shall for the purpose of the election of town councillors, and for municipal and police purposes, be divided into six wards, the designations and boundaries of which shall, until altered as herein-after provided, be those which are set forth and described in the first schedule to this Act.

As to future re-division of burgh into wards.

8. Provided always, that the Corporation may, after the expiration of eight years from the passing of this Act, resolve, by a majority of not less than two thirds of their number, that the extended burgh shall be divided anew into wards for municipal and police purposes; and upon any such resolution being adopted the chief magistrate of the extended burgh, the sheriff depute of the county of Ayr, and a person to be appointed by one of Her Majesty's

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Principal Secretaries of State, or any two of those parties, shall anew divide the extended burgh into wards, each ward being numbered and having a distinctive name or number; and in fixing the number of wards and in determining the boundaries thereof regard shall be had by them to the number of town councillors in the extended burgh, and to the number of municipal electors, and also to the value of the property as appearing on the valuation roll; and the parties aforesaid shall cause the proposed division into wards to be delineated upon a plan which shall be open to the inspection of all persons concerned for the space of fourteen days, and notice shall be given previous to the first of the said fourteen days by advertisement in one or more newspapers published or circulating within the extended burgh or the county of Ayr of the place where the said plan is to be seen; and upon a day after the expiry of the said fourteen days, to be specified in the said advertisement, the parties aforesaid shall hear all concerned and desiring to be heard for their interests, and thereupon the said proposed division shall be finally adjusted by the parties aforesaid, and they shall fix and determine the wards to which the then existing town councillors shall be apportioned, and the order in which they shall retire by rotation; and the parties aforesaid shall report the same to one of Her Majesty's Principal Secretaries of State, and on their report being approved of by him the said division into wards shall be published once at least in the Edinburgh Gazette, and in one of the newspapers published or circulating within the extended burgh or county aforesaid, and the said boundaries of wards having been approved of and published as aforesaid shall take effect, and shall, on and after the first Tuesday in November of the then current year, be the boundaries of the wards in the extended burgh in lieu of the boundaries by this Act prescribed.

Qualification of electors.

9. The right of electing the town council in the extended burgh shall be in and belong to all such persons as have or shall have the qualifications specified and described in the third section of "The Municipal Elections Amendment (Scotland) Act, 1868;" and for the purposes of that section the extended burgh shall be held to be a royal burgh contributing to return a member to Parliament, the municipal boundaries of which have been extended by a Local Act of Parliament beyond the limits of the royalty.

Existing magistrates and councillors to continue till new town council elected.

10. The provost, magistrates, councillors, and office bearers in office at the time of the commencement of this Act shall continue in office, and be the provost, magistrates, councillors, and office bearers of the extended burgh until the completion of the first election and induction into office of the town council under this

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Act, upon which, but not sooner, they shall go out of office, and their whole powers, duties, and functions shall cease and determine: Provided always, that the provost for the time being, or, in his absence, the senior magistrate present, or, if there be no magistrate present, some person to be chosen chairman by the elected town councillors present, shall preside at the first meeting of the town council to be elected under this Act, until the election and induction into office of the provost then to be chosen, but no longer; and the provost, senior magistrate, or chairman so presiding shall have no deliberative vote at such meeting unless he shall have previously been elected a councillor under this Act, but whether he shall or shall not have been so elected, he shall in case of an equality of votes have a casting vote.

Number of councillors and magistrates.

11. The town council of the extended burgh shall consist of eighteen councillors (to be elected as herein-after mentioned); and the number of such councillors to be elected magistrates shall be one provost and four bailies, and one of such councillors shall be elected treasurer; and the majority of the town council shall constitute a quorum.

Election of councillors.

12. The electors of the extended burgh shall, on the first Tuesday in November in the year one thousand eight hundred and seventy-three, being the day appointed for the annual election of councillors, proceed to elect the whole number of councillors hereby appointed to be elected, and such election, and all succeeding annual elections, and all elections of provost, magistrates, and office bearers, shall, except as otherwise herein provided, be conducted and regulated in all respects in the manner directed by the Acts of Parliament regulating the election of magistrates and town councils in Scotland in royal burghs which are divided into wards or districts, and the several provisions and enactments of the said Acts, so far as not altered by or inconsistent with the provisions of this Act, shall be as valid and effectual for carrying this Act into execution as if they were herein specially enacted and made applicable to the extended burgh.

Number of councillors for each ward.

13. At the first election to be made under this Act, the electors of each ward shall choose three councillors, and at each succeeding annual election the councillors to retire and to be elected shall be as prescribed by the Act of the third and fourth years of the reign of His late Majesty King William the Fourth, chapter seventy-six, and the explanatory Act of the fourth and fifth years of the same reign, chapter eighty-seven, mutatis mutandis, and by "The Municipal Elections Amendment (Scotland) Act, 1868," and "The Municipal Elections Amendment (Scotland) Act, 1870," which Acts shall, so

far as not altered by or inconsistent with the provisions of this Act, be held to apply to the extended burgh: Provided always, that any councillor so retiring shall be capable of being immediately re-elected, and that at the election of councillors to take place on the first Tuesday of November one thousand eight hundred and seventy-four, in each ward one councillor shall go out of office, which councillor shall be that one who at the first election in that ward had the smallest number of votes, and that at the election of councillors to take place on the first Tuesday of November one thousand eight hundred and seventy-five, in each ward one councillor shall go out of office, which councillor shall be that one who in that ward had the next smallest number of votes at the first election, and that as between any two councillors who may have been elected in any ward by an equal number of votes any question as to which of such two councillors shall first retire shall be decided by lot: Provided also, that the provost and treasurer shall always, unless resigning or becoming incapable of acting, remain in office for the period of three years from the time of their election to their said respective offices.

Jurisdiction of Corporation.

14. From and after the completion of the first election and induction into office of the town council under this Act, the provost and magistrates and the dean of guild, and the town council respectively, shall have, possess, and exercise over the extended burgh and the inhabitants thereof all the jurisdictions, powers, rights, and authorities which the provost and magistrates, dean of guild, and town council respectively of the existing burgh now have, possess, and exercise over the existing burgh and the inhabitants thereof, whether at common law or by statute, or by royal charter or otherwise, including all powers of imposing, levying, and recovering rates, dues, taxes, and assessments, and otherwise; and the police and other jurisdictions presently possessed and exerciseable in the district annexed by the justices of the peace of the county of Ayr shall be transferred to and vested in the provost and magistrates of the extended burgh; and all persons holding offices under the said justices shall, so far as regards the district annexed, cease to hold such offices.

Existing trusts vested in magistrates and council.

15. All mortifications, endowments, and trusts, however constituted, charitable bequests, or other grants held or administered by the council or the magistrates or office bearers of the burgh, by themselves or in conjunction with any person or persons, body or bodies (but under the liabilities to which the same are legally subject), shall be vested in, held, and administered by the council, or the magistrates, or office bearers of the extended burgh, or so many of their number to be chosen by them for that purpose as

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are appointed by the deeds under which such mortifications, endowments, trusts, bequests, or other grants are constituted, together with the other trustees also therein nominated, for the purposes and with the rights, powers, and authorities, and subject to all the conditions and provisions under and upon which the same were conveyed, granted, or settled by the granters or makers of such mortifications, endowments, trusts, bequests, or other grants: Provided always, that nothing herein contained shall affect the rights or powers conferred on any private individual nominated and appointed by any trust deed or other conveyance whereby any mortification, endowment, trust, bequest, or other grant is constituted; and that the extension by this Act of the limits of the burgh shall not confer on any person within the district annexed other than the magistrates and councillors of the extended burgh any right to be an ex-officio trustee, guardian, governor, or other manager of or under any mortification, endowment, trust, bequest, or other grant of which any description of persons within the burgh were thereby declared to be ex-officio trustees, guardians, governors, or other managers; saving always and reserving to all and every person and persons or class or community of persons all and every right of property or personal privilege or immunity within the burgh, excepting as the same may be affected by the provisions of this Act, which they respectively had or enjoyed before the commencement of this Act.

Vesting the property of the burgh.

16. The common good, including property heritable and movable, and means, revenues, and income of every description, leviable within or belonging to the burgh, or to which the burgh is entitled, or which are held or administered by any person for or on behalf of the community of the burgh, for the public ends and purposes thereof (but under any liabilities to which the same are legally subject), shall be and the same is hereby vested in the Corporation: Provided always, that the common good, and all rents, profits, and interests arising therefrom, shall be held by the Corporation for the exclusive behoof and benefit, as heretofore, of that portion of the extended burgh comprised within the municipal boundaries of the burgh as the same existed prior to the commencement of this Act, and shall be applied solely within such portion of the extended burgh and to the same or similar purposes as heretofore, or to the entire or partial relief of the ratepayers of such portion of the extended burgh from all or any of the rates and assessments leviable from them in respect of property within such portion of the extended burgh.

Portions of extended

17. From and after the commencement of this Act the district annexed shall be and the same is hereby disjoined from the county

of Ayr for all the purposes of this Act, and the whole provisions, powers, and authorities of this Act, whether with regard to the assessment and recovery of rates or otherwise, shall apply to and may be exercised by the Corporation in the same manner and as fully in all respects with regard to the district annexed, and every part thereof, as to all or any of the remaining portions of the extended burgh.

Burgh disjoined from county of Ayr.

18. The lands within the extended burgh shall remain parts and portions of the parishes within which they now lie respectively, quoad omnia, and shall not, in so far as regards the settlement, relief, or management of the poor, the payment of parochial burdens or other parochial arrangements, be affected by any of the provisions of this Act.

Parochial arrangements not to be affected.

19. Nothing in this Act shall affect the teinds payable out of the lands within the extended burgh, or the rights, privileges, and emoluments of the ministers, kirk sessions, schoolmasters, and session clerks of the parishes within the same.

Teinds not to be affected.

20. Nothing in this Act shall alter or affect the holdings or tenure of any lands or heritages within the extended burgh, or the records wherein the rights thereof, or any deed or writing affecting the same, are by law required to be registered.

Tenure and records not to be affected.

21. No part of the district annexed nor any persons therein shall be subject to any thirlage existing within the burgh, to which such district or persons were not subject previous to the commencement of this Act.

Thirlage not to be extended.

22. Nothing in this Act shall alter, diminish, or affect the existing authority and jurisdiction of the sheriff of the county of Ayr.

Jurisdiction of sheriff not to be affected.

23. Nothing in this Act contained shall affect or be construed to affect any rights of property or commonty or servitude, or any rights, privileges, or immunities possessed or enjoyed by burgesses, freemen, corporations, crafts, proprietors, or tenants within the burgh, or other vested rights; but all such rights, privileges, and immunities shall remain and be exercised and enjoyed by burgesses, freemen, corporations, crafts, proprietors, or tenants and others respectively, in the same manner and to the like extent as if this Act had not been passed.

Rights of property, &c. and privileges of burgesses preserved.

24. All bonds, bills, assignations, leases, grants, conveyances, or other deeds, obligations, or securities made or granted to or by the magistrates and town council of the burgh shall respectively be as good, valid, and effectual to all intents and purposes as against or for the benefit of that part of the extended burgh which previously

Deeds granted and debts contracted confirmed and secured.

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to the commencement of this Act formed the existing burgh, and all debts contracted to or by, and all lawful contracts entered into by or with, the magistrates and town council of the burgh shall remain as valid and binding in favour of or against that part of the extended burgh as if this Act had not been passed, and shall be enforceable by or against the Corporation in the same manner and to the same extent as they might have been enforced by or against the magistrates and town council of the burgh if this Act had not been passed.

Arrears of former rates may be collected and debts and penalties recovered.

25. Every rate and assessment which shall have been authorised to be collected and levied previously to the commencement of this Act, together with all arrears of the same, shall continue to be due and payable, and may be collected and levied by the Corporation, and by the same ways and means and under the same restrictions and regulations as if this Act had not been passed, and shall be received and applied by the Corporation to and for the purposes for which the same were authorised to be levied; and all debts due to the magistrates and town council of the burgh by any person prior to the commencement of this Act may be demanded and recovered from such person and received and applied by the Corporation for behoof of the burgh.

Corporation may appoint committees for execution of Act.

26. For the purpose of carrying this Act into execution the Corporation from time to time may appoint out of their own body such and so many committees, consisting of such number of persons as they think fit, for any of the purposes of this Act which in the discretion of the Corporation would be better regulated and managed by means of such committees, and may delegate to such committees the exercise of any of the powers of the Corporation under this Act: Provided that the acts of every such committee shall, in case the Corporation so order, but not otherwise, be submitted to the Corporation for their approval, and also that no expenditure or payment or contract to expend or pay any sum made by any such committee shall be lawful or valid when the sum shall exceed twenty-five pounds, unless the committee shall have been authorised by the Corporation to make such expenditure, payment, or contract, or unless such expenditure, payment, or contract shall after the same has been made be approved of by the Corporation.

Numbers, quorum, and constitution of commit-

27. With regard to the appointment of all or any of such committees as aforesaid the Corporation shall have power to name the convener, and to fix the number of each committee who shall form a quorum; and the convener who shall preside at any such committee, or, in his absence, the preses to be elected by the committee for the time, shall be entitled to a casting vote in case of equality,

and the committee so to be formed shall, if so directed as aforesaid, report their proceedings at each ordinary meeting of the Corporation.

Regulations of committees.

28. The Corporation may from time to time make such regulations as they think fit for the guidance of any committee appointed by them.

Appointment of sub-committees.

29. Every committee appointed by the Corporation may from time to time appoint a sub-committee of their number, and name the convener thereof, with such of the powers of the committee appointing the same, and under such instructions, directions, and limitations, as to such committee shall appear expedient, and the majority of the members of each sub-committee shall form a quorum thereof.

Officers to continue in office until displaced.

30. Notwithstanding the transfer by virtue of this Act of the powers of the magistrates and town council of the burgh to the Corporation, the several persons holding office under, or who may at the commencement of this Act be employed by, the magistrates and town council of the burgh shall respectively hold and exercise over the extended burgh their offices under the Corporation by the same tenure as they respectively held and exercised the same under the magistrates and town council of the burgh, until they shall respectively be lawfully displaced by the Corporation.

Statute labour conversion money to continue as at present.

31. Notwithstanding the extension of the limits of the burgh by this Act authorised, nothing in this Act shall be deemed to alter or extend the provisions contained in any Act with respect to the liability for, or the collection and recovery of, statute labour conversion money, or any matters and things incidental thereto or consequent thereon, but such provisions shall continue and have effect in all respects as if this Act had not been passed.

Petty customs abolished.

32. From and after the eleventh day of November one thousand eight hundred and seventy-three it shall not be lawful for the Corporation, as coming in place of the magistrates and town council of the burgh, to demand, collect, levy, or recover any of the dues known as petty customs which have hitherto been levied within the burgh, and all such dues shall from and after that date cease and determine.

Magistrates to grant licensing certificates.

33. All applications for certificates under the Public General Acts passed in the ninth year of the reign of King George the Fourth, chapter fifty-eight, and in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter sixty-seven, and in the twenty-fifth and twenty-sixth years of the said last-mentioned reign, chapter thirty-five, in reference to premises within the extended burgh, shall be made and disposed of by the magistrates

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to be elected under this Act, who shall exercise within the extended burgh all the powers conferred upon magistrates of burghs by those Acts or any of them, and all appeals from their judgments shall be made to and disposed of by the quarter sessions of the county of Ayr.

Weights and measures.

34. The provisions of the several Public General Acts relative to weights and measures shall within the extended burgh be enforced exclusively by the Corporation and magistrates to be elected under this Act, and by the inspector or inspectors appointed or to be appointed by them in terms of those Acts and this Act.

Powers to continue police court, &c.

35. The Corporation may for the purposes of the extended burgh continue and maintain the police court and all offices and stations within the extended burgh, and may from time to time enlarge the same, and provide and maintain additional courts, stations, watch-houses, lock-up houses, and other places necessary for police purposes, and furnish and fit up the same.

Part II.—Widening and Improvement of Streets.

Power to widen and improve certain streets and to take lands.

36. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the widening and improvement of Kyle Street herein-after described, with all proper carriageways, footways, and other works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose; and the Corporation may also, for the purpose of widening and improving High Street, enter upon, take, and use the land and houses or tenement situate on the south and west sides of High Street, nearly opposite Old Bridge Street, being numbers fifty-one, fifty-three, and fifty-five in High Street, also delineated on the said plans and described in the deposited books of reference. The widening and improvement of Kyle Street herein-before referred to and authorised by this Act is—

A widening and improvement of Kyle Street, commencing at the junction of that street with Smith's Road, and terminating at its junction with High Street;

which widening and improvement of streets and works and conveniences connected therewith, and lands to be taken for the purposes aforesaid, and for the erection of houses and buildings as by this Act authorised, are or will be situated within the parish of Ayr, the royal burgh of Ayr, and county of Ayr.

Omission or misstatement in

37. If there be any omission, misstatement, or wrong description of any lands or the buildings thereon, or of the owners, lessees, or

occupiers of any lands or buildings shown on the deposited plans or specified in the deposited books of reference, the Corporation, after giving ten days notice to the owners affected by such proposed correction, may apply to the sheriff for the correction thereof; and if it appears to the sheriff that such omission, misstatement, or wrong description arose from accident or mistake he shall certify the same accordingly, and shall in such certificate state the particulars of the omission, and in what respect any such matter is misstated or wrongly described; and the decision of the sheriff in such matter shall be final.

plans, &c. may be corrected.

38. The certificate of the sheriff shall be deposited with the sheriff clerk of the county of Ayr, at Ayr, and a duplicate thereof with the schoolmaster, or if there be no schoolmaster with the session clerk of the parish of Ayr, and the certificate and duplicate respectively shall be kept by the sheriff clerk, schoolmaster, or session clerk respectively with the other documents to which it relates, and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate; and the Corporation may purchase, take, and use for the purposes of this Act any lands or buildings in accordance with such certificate, as if such omission, misstatement, or wrong description had not been made.

Certificates to be deposited.

39. The powers of the Corporation for the compulsory purchase of lands and houses for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Period for compulsory purchase of lands.

40. For the purposes of and during the execution of the said widening and improvement of streets the Corporation from time to time may divert, alter, or stop up temporarily any roads, streets, lanes, paths, passages, sewers, drains, watercourses, telegraphic apparatus, and gas and water pipes in any of the lands shown on the deposited plans and specified in the deposited books of reference, and which they from time to time find it expedient for any of those purposes so to interfere with.

Power to cross roads, &c. temporarily.

41. In executing the said widening and improvement of streets the Corporation may deviate from the respective lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon: Provided that no such deviation shall extend into the lands of any person whose name is not mentioned in the deposited books of reference without his previous consent, unless his name is omitted by mistake, and the fact that the omission proceeded from mistake be certified as by this Act is provided in cases of unintentional errors in the book of reference.

Lateral deviations.

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Vertical deviations.

42. In executing the said widening and improvement of streets the Corporation may deviate from the levels thereof as referred to the datum line shown on the deposited sections, but not to any extent exceeding two feet.

Power to make minor works.

43. Subject to the provisions of this Act, in accordance with the deposited plans, and within the limits shown on the deposited plans as property proposed to be acquired by the Corporation, it shall be lawful for the Corporation in connexion with the said widening and improvement of streets, and for the purposes thereof, to make junctions and communications with any existing streets which may be intersected or interfered with by the same or be contiguous thereto, and for the purpose of such junctions or communications the Corporation may alter the lines or levels of existing streets, and may remove, stop up, or appropriate all or any part of any streets, lanes, paths, passages, sewers, drains, watercourses, telegraphic apparatus, and gas or water pipes, or other property within the limits of lateral deviation defined on the deposited plans: Provided always, that they shall first provide a proper substitute before interrupting the flow of water or sewage in any watercourse, drain, or sewer, or removing any telegraphic apparatus or interfering with any gas or water pipe.

Corporation to form sewers, drains, &c. and to maintain streets.

44. The Corporation may cause such parts of the widened and improved streets to be laid out for carriageways and such parts thereof for foot passengers as they think fit, and may construct, erect, and provide such vaults, cellars, arches, sewers, drains, and other works and conveniences as they may think proper; and on such widened and improved streets being completed, the same, as far as not so already, shall thereupon become and be deemed to be of the number of public streets falling to be kept up and maintained in accordance with the provisions of any Act regulating the police matters of the burgh or the extended burgh, and shall be maintained along with the foot pavements and sewers in accordance with the terms of and out of the rates levied under the provisions of this Act.

Power to take down buildings and lay out lands anew.

45. The Corporation may take down the whole or any part of the buildings situated on any part of the lands to be acquired by them as aforesaid under the authority of this Act, and sell and dispose of the materials thereof, and may lay out the said lands anew, and in such way and manner as they may deem best, and may sell or dispose of the ground or buildings, or any part or portion thereof, or lease or feu the same, on such terms and subject to such conditions as they may determine; or the Corporation may upon such lands as aforesaid erect buildings and houses in the line or lines

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of the said widened and improved streets or adjoining thereto, and the Corporation may let or lease the said buildings and houses when erected, or may sell and dispose thereof, at or for such rents or considerations and upon such terms as they think fit; and generally the Corporation may deal with the lands, houses, and heritages acquired by them as aforesaid under this Act as proprietors thereof, subject only to the conditions and provisions of this Act.

Form in which the Corporation may take and grant conveyances.

46. The Corporation may take the titles to property acquired by them under this Act, in the form and manner provided by "The Titles to Land Consolidation (Scotland) Act, 1868," in the name of "the Corporation acting under the Ayr Burgh Act, 1873," and may grant conveyances of property and bonds and other deeds and instruments under the same name and in the same manner, and all such conveyances, bonds, deeds, and instruments granted by the Corporation shall be deemed to be sufficiently executed if signed by a quorum of a committee of the Corporation empowered to that effect, and witnessed according to the law of Scotland.

Power to alter steps, doors, &c.

47. If, in consequence of the execution by the Corporation of any of the works by this Act authorised, the levels of any street in the burgh shall be raised or otherwise changed, or if any alterations of any steps, doors, or entrances into any house or building, or of any pavement, sewer, drain, or culvert adjoining or belonging to any property therein, shall thereby be rendered necessary, such alteration shall be made by and at the expense of that part of the extended burgh which previously to the passing of this Act formed the existing burgh, and that part of the extended burgh shall also make compensation to the owners of any such house or building for any damage done thereto by any such works or alterations.

Purchase of lands by agreement.

48. In addition to the lands and houses which the Corporation are by this Act authorised to take compulsorily, they may from time to time, but only by agreement and in accordance with the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," incorporated with this Act, or one of them, purchase and acquire for the purposes of the said widening and improvement of streets and buildings in connexion therewith as aforesaid, any lands and houses situated in the line of or near to or adjoining the said widening and improvement of streets in the burgh and parish of Ayr which the Corporation think expedient.

Provision as to labouring classes.

49. The Corporation shall, not less than eight weeks before they take fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, hand-

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bills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Corporation shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that the Corporation have so made known their intention.

Rights of superiors to continue.

50. Nothing in this Act contained shall prejudice or affect the rights of the superiors of any lands to be taken by the Corporation under the powers of this Act, but such rights shall remain entire to such superiors, and shall attach to the lands to be so taken in the same manner as if this Act had not passed, without prejudice nevertheless to any readjustment of such rights which may be made with consent of all parties interested between the Corporation or any parties acquiring rights from or under the Corporation and such superiors.

Part III.—Markets and Slaughter-houses.

Corporation may purchase lands for market places.

51. The Corporation may from time to time by agreement, but not otherwise, purchase and acquire such lands, houses, and other property within the extended burgh as may be necessary for the purpose of extending or improving the market places and slaughter-houses already existing within the burgh, or for erecting and constructing additional market places and slaughter-houses within the extended burgh: Provided always, that as respects any extension of the markets and slaughter-houses within the existing burgh the cost of acquiring lands for those purposes, and of extending and improving such market places and slaughter-houses, shall be defrayed out of the common good, and the markets and slaughter-houses so extended and improved, and the stallages, dues, rates, and rents arising therefrom, shall form part of the said common good.

Stallages, dues, and rates in respect of markets and slaughter-houses.

52. The Corporation may from time to time demand and take in respect of the market places and slaughter-houses, and of fairs, such stallages, dues, and rates as they shall from time to time appoint, not exceeding as respects the animals and articles specified in the second schedule to this Act the several stallages, dues, and rates specified in that schedule, and not exceeding as respects any other animals or articles such dues and rates as may from time to time be fixed by the Corporation with the concurrence of the sheriff; and the Corporation may from time to time let the market places and slaughter-houses, and the marts, stalls, and other conveniences therein, or any part or parts thereof, and the stallages, dues, rates, and rents exigible therefor, or any of them, or any part thereof, for any period not exceeding five years; and all such stallages, dues, rates, and rents shall, so far as levied or received in respect

of markets, slaughter-houses, or fairs within the burgh, form part of the common good. A.D. 1873.

Penalty on sales elsewhere than in markets.

53. Every person who shall, without the license and consent of the Corporation, sell or expose for sale in any place within the extended burgh, except in the market places belonging to the Corporation, any horse, ass, mule, cattle, sheep, lambs, or pigs, in respect of which dues or rates are authorised to be taken by the Corporation, shall for every such offence forfeit a sum not exceeding forty shillings: Provided always, that nothing herein contained shall prevent the owner of any horse, or any licensed horse-dealer on behalf of such owner, or the owner of any other animal, from selling or exposing the same for sale on his own premises privately or otherwise than by auction, or from showing or trying any horse preliminary to any such sale or intended sale thereof.

Part IV.—Gas and Water Purchase.

Power to acquire undertakings of gas companies.

54. The Corporation may acquire by agreement, and hold, exercise, and enjoy, the respective undertakings of the gas companies, or either of those undertakings, including the lands, works, heritages, rights, property, effects, plant, stock of coal and other stores, mains and pipes laid in streets and roads, meters, stock of residual products, and gas belonging to the said companies, or either of them, at the time when the Corporation obtain possession of their said respective undertakings; and the consideration to be paid by the Corporation to the said companies as the price of their respective undertakings may be either a capital sum of money or annuities, or partly a capital sum of money and partly annuities, of such amount as may be agreed upon between the Corporation and the said companies respectively; but the Corporation shall not pay to either of the said companies any such consideration, either in the shape of a capital sum or in annuities, until the company selling their undertaking shall have executed and delivered to the Corporation a valid conveyance thereof, freed as at the date at which the Corporation shall enter into possession of such undertaking from all debts and burdens excepting feu duties, if any; and the date (herein-after as respects such undertaking and the company from whom the same shall be acquired called the "date of entry") at which the Corporation shall enter into possession of such undertaking shall be the fifteenth day of May or the eleventh day of November (whichever of these dates shall first occur) next after such valid conveyance shall have been executed and delivered: Provided always, that it shall not be lawful for the Corporation to acquire the undertakings of the gas companies, or either of them, unless the acquisition thereof shall have been previously approved

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of by a majority of the householders of the extended burgh liable to pay rates under the provisions of the Police Act, present at a meeting convened by the provost or chief magistrate of the extended burgh, by intimation thereof made by posting hand-bills within the extended burgh fourteen days preceding the day of meeting, and by an advertisement inserted twice in a newspaper published or circulating in the extended burgh at least three days and not more than fourteen days before the day appointed for such meeting, nor unless the resolution of such meeting approving of such acquisition shall have been approved by at least two thirds of the whole town council of the extended burgh, and such approval shall have been recorded in the minute book of the said town council.

Undertaking of water company vested in Corporation.

55. The undertaking of the water company, including the whole lands, works, heritages, property, mains, pipes, plant, stock in hand, and effects of every description, including outstanding accounts, balances with bankers, and other balances, moneys and debts vested in or belonging or owing to the water company, or in or to any person on their behalf, or to or in which they are entitled or interested (except revenue balances), is hereby transferred to and vested in the Corporation as at the twenty-second day of November one thousand eight hundred and seventy-three (which date is meant by the expresssion "date of entry" as herein-after used with reference to the undertaking of the water company), subject to the payment of the debts, liabilities, and obligations of the water company, and of the annuities to be paid to the shareholders of the water company as herein-after provided, and the said annuities shall be and are hereby constituted real burdens and liens on the said lands, works, and heritages, and this Act shall as respects the said lands, works, and heritages be equivalent to a general conveyance thereof by the water company according to the law of Scotland; and, in order to the completion of a feudal title to the said lands, works, and heritages in the Corporation, it shall be lawful for the Corporation to expede a notarial instrument or instruments which shall specially refer to this Act, and to record such notarial instrument or instruments in the manner and to the effect prescribed by "The Titles to Land Consolidation (Scotland) Act, 1868," with reference to lands conveyed by general disposition or conveyance; and such notarial instrument or instruments shall contain provisions constituting the annuities to be paid for the undertaking of the water company as herein-after provided real burdens upon the lands, works, and heritages aforesaid: Provided always, that within six months after the date of entry the Corporation shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printers, and duly

stamped with an ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the said undertaking for the consideration by this Act provided; and if the Corporation shall not within the said period of six months produce to the Commissioners of Inland Revenue such copy of this Act duly stamped as aforesaid, the said ad valorem stamp duty shall be recoverable from the Corporation, with full costs of suit and all costs and charges attending the same. A.D. 1873.

Provisions as to water company's undertaking after transfer.

56. From and after the date of entry the following provisions shall take effect in reference to the undertaking of the water company:

Deeds and securities granted in favour of water company to remain in force.

(1.) All bonds, securities, conveyances, contracts, agreements, and obligations granted, made, or entered into in favour of or with the water company shall remain in full force and effect and shall be available to the Corporation in the same manner as the same were or might have been available to the water company before the date of entry in all courts of law or equity until the same shall be fully paid, satisfied, performed, and discharged:

Debts and liabilities of water company to be discharged by the Corporation.

(2.) All mortgages, bonds, securities for money, conveyances, contracts, agreements, and obligations granted, made, or entered into by the water company under or by virtue of the Acts relating to that company in favour of or with any person or persons whomsoever, and all liabilities arising out of the same or out of the Acts relating to the water company, and all other debts and liabilities incurred or owing by that company, shall be payable by and shall be enforceable against and recoverable from the Corporation, and shall be chargeable and charged upon the lands, heritages, property, and works acquired by the Corporation from the water company by this Act, and the rates, charges, and revenues to be levied and received by them for the supply of water under the provisions of this Act, and shall remain in full force and effect and be and continue valid in law and available in all courts of law and equity until the same be fully satisfied, paid, performed, and discharged:

Corporation to pay annual burdens affecting undertakings.

(3.) All annual or other periodical payments or burdens that may from and after the date of entry be payable for or leviable from the lands, heritages, works, and property transferred to and vested in the Corporation by this Act shall be paid by the Corporation:

Actions not to abate.

(4.) No action, suit, prosecution, or other proceeding whatsoever, commenced either by or against the water company previous to the date of entry, shall abate or be discontinued or be pre-

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judicially affected thereby, but all such actions, suits, prosecutions, and other proceedings shall continue and take effect either in favour of or against the Corporation in such and the like manner as the same would have continued and taken effect in relation to the water company if the transfer by this Act authorised had not been made, and all penalties by reason of any offence against the provisions of the Acts relating to the water company previous to such transfer may be sued for, and all offences which may have been committed before such transfer against the provisions of such Acts or any of them may be prosecuted, in such or the like manner to all intents and purposes as the same might have been sued for and prosecuted respectively if such transfer had not been made, the Corporation being in reference to the matters in this enactment mentioned in all respects substituted for and in the place of the water company :

Proceedings under water company's Acts.

(5.) From and after the date of entry everything before that time done or suffered under the Acts relating to the water company shall be as valid as if the transfer by this Act authorised had not been made, and such transfer shall accordingly be subject and without prejudice to anything so done or suffered, and to all rights, liabilities, claims, and demands which if the said transfer had not been made would be incident to or consequent on any and every thing done or suffered under the said Acts, or any of them, and with respect to all such rights, liabilities, claims, and demands the Corporation shall to all intents and purposes represent the company : Provided that the generality of the provisions in this enactment shall not be confined or restricted by any special provision contained in this Act.

As to water company's contingent fund and expenses of company in relation to this Act, &c.

57. The water company shall pay to the Corporation the amount of the water company's contingent or reserved fund, less any payments the directors of the said company may make out of the same in relation to the expenses of an agreement between the water company and the magistrates and town council of the burgh, dated the seventeenth day of May one thousand eight hundred and seventy-three, or the passing of this Act, or other special payments which the said directors may authorise. All expenses relating to the transfer or conveyance of the undertaking of the water company to the Corporation shall be borne by the Corporation.

Water company entitled to revenue accrued prior

58. The water company shall pay all outstanding debts against revenue up to the date of entry, and shall have right to all revenue balances and arrears and rates and charges, whether in bank or

outstanding, due and current up to the date of entry in respect of supplies of water; and the Corporation shall, notwithstanding anything herein-after contained, account to the water company for any such water rents and other revenues as may come into the hands of the Corporation: Provided always, that the water company shall pay, or if paid by the Corporation repay to the Corporation, the proportion of all poor rates, police and county assessments, property tax, and other annual burdens due for the period prior to the date of entry.

to date of transfer.

59. All water rents and other moneys due to the water company, and remaining unpaid at the date of entry, shall be payable to the Corporation, and may after that date be recovered by the Corporation from the persons by whom the same were at that date due to the water company.

Arrears of water rents, &c. to be paid to the Corporation.

60. On and from the date of entry the water company shall be dissolved, except for the payment of their debts and winding up their affairs and distributing their assets among their shareholders respectively; and the Corporation, in relation to the undertaking of the water company, shall, in addition to the other powers conferred upon them by this Act, possess and may exercise and enjoy all the rights and privileges conferred on the water company by "The Ayr Water Company's Act, 1865," and "The Ayr Water Company's Amendment Act, 1867," (herein-after called "the Water Acts,") and in construing those Acts for the purposes of this Act the expression "the company" shall accordingly be understood to mean the Corporation: Provided always, that sections forty-two to forty-six, inclusive, of the first-mentioned of those Acts shall be and continue binding against the Corporation as coming in place of the water company.

Dissolution of water company and transfer of their rights to Corporation.

61. The Corporation shall pay to the several holders of shares in the capital of the water company the following annuities in perpetuity, subject to the condition for the redemption thereof herein-after contained; (that is to say,) annuities amounting in the aggregate to one thousand nine hundred and twenty-five pounds, being five and a half per centum upon the capital of the water company of thirty-five thousand pounds, and each person entitled at the date of entry to any share or shares of the capital of the water company shall be entitled to a proportion of the said aggregate amount of annuities corresponding to the proportion which the share or shares of the water company then belonging to such person shall bear to the whole of the said capital of the water company.

Annuities to be paid to shareholders of water company.

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Provisions as to annuities.

62. In each case in which the consideration to be paid by the Corporation for the undertaking of any of the said companies, or any part of such consideration, is or shall be annuities to be paid to the shareholders of the company, the following rules shall apply to such annuities:

(1.) The annuities shall be called "Ayr Corporation Annuities," but a separate class of such annuities shall be made in respect of the annuities to be paid to the shareholders of each company whose undertaking is or shall be transferred to the Corporation by or in pursuance of the provisions of this Act:

Annuities to vest in shareholders of company.

(2.) The annuities shall vest in and belong to the several persons who at the date of entry are shareholders of the company in respect of whose undertaking the annuities are to be paid, and shall, subject to any priorities among such shareholders, rank pari passu with each other:

Date of payment of annuities.

(3.) The annuities shall be computed from the date of entry, and shall be payable half-yearly in equal moieties on the second Tuesday of June and the second Tuesday of December in each year, at such place or places within the extended burgh as the Corporation shall appoint, or, failing such appointment, at the office at Ayr of the chamberlain; and the first payment shall be made on the second Tuesday of June or the second Tuesday of December, whichever of these dates first occurs next after the expiration of six months from the date of entry, for the half year then ending, and thereafter half-yearly on the days of payment above mentioned in each year; and the Corporation may issue to the annuitants warrants for the payment of the said annuities at such reasonable time before they become due as to the Corporation may seem proper, and the delivery to the Corporation, or to any person on their behalf, of any such annuity warrant, duly signed by the annuitant, and stamped (where necessary) as a receipt, shall be a valid and sufficient discharge to the Corporation for the amount of annuity in respect of which such warrant was issued:

Annuities to represent shares in company.

(4.) The annuities shall in all respects be substituted for and represent the shares or parts of shares in the capital of the company in respect of which such annuities shall be granted; and the several persons in whom any annuities become vested under this Act shall be possessed thereof respectively upon the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon and to which their respective shares or parts of shares in the capital of such company are, on the date at which the said annuities become so vested as aforesaid, held and subject; and the annuities shall be conveyed or

affected by any deed, will, or other instrument disposing of or affecting such shares: A.D. 1873.

Annuity certificates to be granted.

(5.) The Corporation shall, at their own expense, grant and issue to every shareholder of the company in respect of which annuities shall be granted, or to his executors, administrators, or assignees, on delivery to the Corporation of the transfer of, or on production of other evidence of, the share or interest held by him in the capital of such company, annuity certificates, in the form of the third schedule to this Act, or to the like effect, for the amount of the annuities to which such shareholder is entitled under the provisions of this Act, which certificates shall be under the common seal of the Corporation, and be signed by two members of the Corporation and the chamberlain:

Provision in case of loss of title to shares.

(6.) If any transfer of or title to a share or part of a share in the capital of any company in respect of which annuities shall be granted be lost or destroyed, then, on proof thereof, the Corporation shall issue to the person entitled to the transfer or other title so lost or destroyed a certificate for the annuity substituted for that share or part of a share, and in case the Corporation shall not be satisfied with the proof offered by such person he may appeal to the sheriff, who shall decide summarily as to the proof requisite in the circumstances of each case:

Number of annuities for which certificates to be issued.

(7.) The certificates issued by the Corporation to any person entitled thereto shall be so many, and each of them for such amount of annuities, but not exceeding in the aggregate the whole amount of his annuities, as he by notice in writing to the Corporation shall require; provided that if or so far as any person does not require any particular number of certificates to be issued to him, the Corporation shall issue to such person one or more certificates as they think fit:

Register of annuities.

(8.) The Corporation shall keep a book to be called "The Register of Ayr Corporation Annuities," and in such book shall keep a separate register for each separate class of annuities, and shall enter therein from time to time, in alphabetical order, the names and designations of the several annuitants respectively entitled to the annuities, and the respective amounts of their annuities:

Certificates to be renewed if lost, &c.

(9.) If any certificate be lost, worn out, or damaged, a new certificate shall be granted and issued by the Corporation on production to the clerk of evidence of the right of the annuitant requiring such new certificate; and if in any case the Corporation shall not be satisfied with the evidence offered by the annuitant he may appeal to the sheriff, who shall decide

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summarily what evidence is requisite, and such decision shall be final; and for every such new certificate the clerk may demand any sum not exceeding two shillings and sixpence:

Certificates for altered numbers of annuities.

(10.) If at any time an annuitant be desirous of having several certificates instead of one, or one certificate instead of several, for his annuities or any of them, then on any such certificate or certificates being produced to the Corporation they may order the same to be cancelled, and shall thereupon issue to him, as he requires, one or more certificate or certificates for his annuities, the certificate or certificates for which is or are so cancelled; and in every such case a proper entry of the substituted certificate or certificates shall be made by the clerk in the said register of annuities, and for every such substituted certificate the clerk may demand any sum not exceeding two shillings and sixpence: Provided, that in every such case the amount or the aggregate amount of the annuities for which the substituted certificate or certificates is or are issued shall be the same as the amount or the aggregate amount of the annuities the certificate or certificates for which is or are so cancelled:

Certificates to be evidence.

(11.) The certificates shall be admitted in all courts as primâ facie evidence of the title of the holder thereof to the annuities therein specified, but the want of such certificate shall not prevent any annuitant from disposing of his annuity:

Annuitants address book to be kept.

(12.) The Corporation shall also keep a book called the "Ayr Corporation Annuitants Address Book," and shall enter therein from time to time, in alphabetical order, the names and the places of business of the annuitants being companies or corporations, and the names, designations, and places of abode of the other annuitants, so far as the same are known to the Corporation; and every annuitant, or if such annuitant be a company or corporation, their clerk or agent, may at all convenient times inspect such book gratis, and may require a copy thereof, or of any part thereof; and for every one hundred words or any smaller number of words so required to be copied the clerk may demand any sum not exceeding sixpence:

Annuities to be personal estate.

(13.) The annuities shall be movable or personal estate:

Annuities may be transferred.

(14.) Every transfer of an annuity or part of an annuity shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be in the form of the fourth schedule to this Act, or to the like effect:

Transfers of annuities to be registered.

(15.) Every deed of transfer when duly executed shall be delivered to the Corporation and be kept by them, and they shall

keep a book to be called the "Register of Transfers of Ayr Corporation Annuities," and shall enter every such transfer therein, and shall indorse such entry on the transfer (such indorsement to be signed by the clerk), and shall on demand deliver a new certificate to the transferee, and for every such entry of a transfer with such indorsement and certificate the clerk may demand any sum not exceeding two shillings and sixpence; and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate transferred instead of a new certificate being granted, and such indorsement being signed by the clerk shall be considered in every respect the same as a new certificate, and for every such indorsement the clerk may demand any sum not exceeding two shillings and sixpence, and until such transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the annuities transferred:

Closing of transfer books.

(16.) The Corporation may close the register of transfers of annuities for any period not exceeding fourteen days before the second Tuesday of June and the second Tuesday of December in each year, and any transfer made during the time when such register is closed shall, as between the Corporation and the transferee, but not otherwise, be held as made after that time:

Transmission of annuities by other means than transfer to be authenticated by a declaration.

(17.) If the right to an annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant, or in consequence of the marriage of a female annuitant, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as herein provided, and until the transmission be so authenticated no person claiming by virtue thereof shall be entitled to receive any part of the annuity transmitted:

Contents of declaration in all cases.

(18.) Every such declaration shall state the manner in which and the party to whom the annuity is transmitted, and shall be made and signed by some credible person before a justice of the peace of any county or city, or any sheriff or his substitute, and such declaration shall be left with the clerk, and shall be entered in the register of transfers of Ayr corporation annuities; and for every such entry the clerk may demand any sum not exceeding one shilling:

Contents of declaration in cases of transmission by marriage or will.

(19.) If the transmission be by virtue of the marriage of a female annuitant the declaration shall contain a copy of the register of such marriage or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with

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the holder of the annuity; and if the transmission be by virtue of any will or testamentary instrument, or by intestacy, the confirmation or testament testamentar, or testament dative, or the probate or letters of administration, or an official copy or extract thereof, shall with the declaration be produced to the clerk:

Corporation not bound to regard trusts.

(20.) The Corporation shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any annuity may be subject; and the receipt of the person in whose name any annuity stands in the register of annuities shall from time to time be a sufficient discharge to the Corporation for any money payable in respect of such annuity, notwithstanding any trust to which the same may then be subject, and whether or not the Corporation have had notice of such trust, and the Corporation shall not be bound to see to the application of the money paid upon such receipt:

Annuities recoverable by suit.

(21.) If any annuity, being payable, be not paid on demand thereof in writing made by the annuitant or his agent to the Corporation, the annuitant may sue for and recover the same from the Corporation in any court of competent jurisdiction:

Annuitants to be creditors of Corporation and to hold mortgages of property and rates.

(22.) The annuitants shall be creditors of the Corporation for payment of the annuities respectively herein-before provided to be paid to them, and shall be deemed to hold by virtue of this Act, in security of such payment, a mortgage of the whole lands, property, and works transferred or which shall be transferred to the Corporation by or in pursuance of the provisions of this Act from the company for whose shares such annuities shall have been substituted, and of the rents, charges, and revenues to be levied and received by the Corporation from such lands, property, and works, and from the supply of water or from the sale of gas and residual products (as the case may be), which mortgage shall rank pari passu with the other waterworks mortgages or gasworks mortgages (as the case may be) to be made and granted under the provisions of this Act, and shall confer the like powers and privileges:

Annuitants may require the Corporation to redeem their annuities.

(23.) Any annuitant may, by giving at least twelve months notice in writing to the Corporation previously to the fifteenth day of May or the eleventh day of November in any year, require the Corporation to redeem, on such fifteenth day of May or eleventh day of November, as the case may be, all or any of the annuities belonging to him, by paying to such annuitant twenty years purchase of the annuity or annuities which he desires so to be redeemed, which notice may be in the form set out in the fifth schedule to this Act, and shall be given by

leaving the same at the office of the chamberlain, and the Corporation shall redeem such annuity or annuities accordingly; and if the Corporation shall not, on the day on which by such notice they are required to redeem any annuity or annuities, make payment to such annuitant of the redemption money for such annuity or annuities, with interest thereon until payment at the rate of five per centum per annum from the last previous half-yearly term of payment of such annuity or annuities, the annuitant may sue for and recover the same from the Corporation in any court of competent jurisdiction; and the expense of granting any discharge which the Corporation may require from any annuitant for the payment of any redemption money shall be borne by the Corporation: A.D. 1873.

Corporation may redeem annuities under certain conditions.

(24.) The Corporation may from time to time, on the fifteenth day of May or the eleventh day of November in any year, redeem, without the consent of the annuitants, the whole or any portion of the annuities, or of any separate class of the annuities, subject to the following provisions:

The Corporation shall give not less than twelve months notice of the day on which and the extent to which they intend to redeem the annuities; such notice shall be given by an advertisement inserted at least once in each week for two consecutive weeks in a newspaper published in Ayr, or in two newspapers published in Glasgow, and by circular sent through the post office, addressed to each person who is at the time an annuitant, and whose annuity is to be wholly or partially redeemed, at his address as entered in the Ayr Corporation annuitants address book:

The Corporation shall not at any one time apply to such redemption of annuities any sum less than one thousand pounds in the aggregate:

In redeeming any portion of the annuities or of any separate class of the annuities the Corporation shall redeem the same proportional part of every annuity, or portion thereof at the time remaining unredeemed: Provided always, that any annuitant the whole of whose annuity shall not exceed five pounds shall be entitled to require the Corporation to redeem the whole instead of a proportional part thereof:

The whole or any proportional part of each annuity so to be redeemed shall be redeemed by payment or consignation in manner herein-after mentioned of a sum equal to twenty-four years purchase of the whole or such proportional part of such annuity (as the case may be) in addition to any termly payment of annuity then due:

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After the redemption of any part of an annuity the annuitant shall be entitled only to payment of so much of that annuity as at the time remains unredeemed, but he shall have as respects the portion of such annuity remaining unredeemed the like rights, powers, and privileges for securing, enforcing, and recovering payment of such portion as he would by this Act have had in respect to such annuity if no portion thereof had been redeemed:

The Corporation shall, at least seven days before the day of redemption of the whole or any portion of the annuities, send notice in writing through the post office to each person then being an annuitant whose annuity is to be wholly or partially redeemed, at his address as entered in the said annuitants address book, of the place and time of payment of the redemption money; and if any annuitant fail or refuse to accept such redemption money at the said place and time the Corporation may consign the same, together with any termly payment of annuity then due, in any of the chartered banks or banks established by Act of Parliament in Scotland, in the name and for behoof of such annuitant; and on the acceptance or consignation of such redemption money all liability on the part of the Corporation for payment thereof shall cease:

Corporation may re-issue redeemed annuities.

(25.) When any annuity or part of an annuity has been redeemed by the Corporation on the requisition of the annuitant, otherwise than from any sinking fund, the Corporation may, if they think fit, re-issue the annuity or part of an annuity so redeemed to any person or persons willing to accept the same on payment to the Corporation of a sum not less than twenty years purchase of the amount of such annuity or part of an annuity; and upon such re-issue the person or persons accepting such annuity shall be held to be an annuitant and to have all the rights, powers, and privileges which the person from whom the annuity or part of an annuity was so redeemed possessed in respect thereof previously to the redemption of such annuity:

Power to redeem annuities by agreement.

(26.) The Corporation may from time to time, by agreement with any annuitant, redeem all or any of his annuities at any rate not exceeding twenty-four years purchase thereof:

Annuitant to deliver up certificate of annuity redeemed.

(27.) On redemption of any annuity or part of an annuity the annuitant shall deliver up to the Corporation the certificate of such annuity or part of an annuity, and shall give to the Corporation a discharge for the redemption money; and upon any annuity or part of an annuity being redeemed an entry of the redemption thereof shall be made in the register of Ayr Corporation annuities, and the annuity or part of an annuity so

redeemed shall, unless it shall be re-issued as herein-before provided, be extinguished. A.D. 1873.

Provision as to payment of consideration in a capital sum.

63. If the consideration to be paid by the Corporation for the undertaking of either of the gas companies, or any part of such consideration, shall be a capital sum of money, the Corporation may pay such capital sum to the directors for the time being of such company, and a receipt granted by such directors, or by any three of them, shall be an effectual discharge for such payment to the Corporation, and the Corporation shall have no concern with the application of the sum so paid by them.

Part V.—Gas Supply.

Powers as to construction and maintenance of gas-works, &c.

64. Upon and from the date or dates at which the Corporation shall acquire the undertakings of the gas companies, or either of them, which date or dates are herein-after called "the gas transfer," the Corporation may maintain, alter, improve, enlarge, extend, and renew the existing gasworks of such companies or company, but only upon the lands on which the same are erected, or any part thereof, and which are described in the sixth schedule to this Act, or may discontinue the same, and may erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew, or discontinue, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stopcocks, machinery, and other works and apparatus and conveniences, and may do all such acts as they may think proper for making and storing gas, and for supplying gas within the gas limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, let, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal oil, and all materials or products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit: Provided always, that "The Gasworks Clauses Act, 1871," shall, after the gas transfer, apply to the undertakings of the gas companies, or either of them, acquired by the Corporation as if the same were hereby authorised.

Power to purchase lands by agreement.

65. Upon and from the gas transfer the Corporation may, for the purposes of their gas undertaking, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the sixth schedule to this Act, any lands and heritages, not exceeding in the whole five acres, which the Corporation may from time to time require for their gas undertaking; but no lands shall be used by the Corporation for the purpose of manufacturing gas or

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residual products except the lands described in the sixth schedule to this Act, and as herein-before limited.

Power to hold licenses under letters patent.

66. The Corporation may take, hold, and use any license or authority (not being exclusive) under any letters patent for the use of any invention relative to the manufacture or distribution of gas or the utilization of residual products.

Power to lay pipes against buildings.

67. The Corporation, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, or alter any such pipe, branch, or apparatus.

Limiting price of gas.

68. The price to be charged by the Corporation for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed seven shillings for one thousand cubic feet.

Interest to be paid on money deposited in security of meter rents.

69. Where any owner or occupier is required by the Corporation to give to them security for the payment of the price or rent of a meter, the Corporation shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Pressure of gas.

70. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any road authority, and the provisions of "The Gasworks Clauses Act, 1871," with reference to the testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure.

Quality of gas.

71. All the gas supplied by the Corporation shall be at least of such quality as to produce from a union jet burner capable of consuming five cubic feet of gas per hour, under a pressure equal to a column of water five tenths of an inch in height, a light equal in intensity to the light produced by twenty sperm candles of six to the pound, burning one hundred and twenty grains per hour.

Corporation to maintain apparatus to test illuminating power of gas.

72. The Corporation shall, within six months after the gas transfer, provide in some convenient part of their works an experimental meter, furnished with a union jet burner capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas, and so situate and arranged as to test all the gas supplied by the Corporation, and shall at all times thereafter keep and maintain such experimental meter and apparatus in good repair and working order.

Gas limits of Act.

73. The limits of this Act for the supply of gas by the Corporation are the extended burgh and places adjacent in the parish of Ayr, the parish of Alloway, the united parishes of Ayr and Alloway, the parishes of Newton, Saint Quivox, Prestwick, and Monkton, and the united parishes of Monkton, Prestwick, and Crosbie, all in the county of Ayr.

Corporation to supply gas to public buildings and lamps.

74. The Corporation may supply public buildings and all or any of the present public lamps within the gas limits of this Act, and such other public lamps as shall hereafter be provided and fixed in any line of street or road within those limits in which any main of the Corporation is laid, with so much gas as they think proper, or as the lighting authority may from time to time require, at such sum or rate, not exceeding the rate charged to any other consumer, as the Corporation think fit, or as may from time to time be agreed upon between the Corporation and the lighting authority; and the Corporation may also enter into contracts with the lighting authority to light such public lamps at such sum as may be agreed upon, and the giving of such supply for such public buildings and lamps at a lower price than the price charged to any other consumer shall not entitle any other consumer to require the Corporation to supply him at the price so charged for the supply of such public buildings or lamps.

Part VI.—Water Supply.

Power for Corporation to maintain existing waterworks.

75. Upon and from the date at which the undertaking of the Ayr Water Company is by this Act transferred to the Corporation, herein-after called "the water transfer," the Corporation may from time to time maintain, manage, regulate, work, and use the waterworks comprised in the undertaking of the water company (herein-after referred to as "the existing waterworks"), and may from time to time renew, enlarge, extend, and add to the main pipes, works, apparatus, and conveniences of the existing waterworks for distributive purposes when and as they find it necessary or expedient so to do.

Water limits.

76. The limits of this Act for the purpose of water supply (herein-after called "the water limits") shall comprise and include

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the extended burgh and the area shown within a line coloured pink upon a map signed, as relative hereto, by John Bonham Carter, Esquire, (the chairman of the committee of the House of Commons to whom the Bill for this Act was referred,) and deposited in the Private Bill Office; and the clerk shall keep a copy of the said map showing the said limits at his office in Ayr, and any person desiring to inspect such copy shall, upon payment to the clerk of a fee of one shilling, be entitled so to do.

Domestic supply within water limits.

77. Upon and from the water transfer the Corporation shall from time to time, as they think fit, cause pipes to be laid and water to be brought throughout all the streets within the extended burgh, and shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situate within the extended burgh, furnish to such person within such dwelling-house, by means of communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained at the cost of such person, a sufficient supply of water for domestic purposes.

Owner to provide and maintain service pipes, &c.

78. Upon and from the water transfer for the purpose of providing for the better distribution of the water supply among the inhabitants within the extended burgh, the Corporation may require the owner of any dwelling-house or tenement of dwelling-houses in any street within the extended burgh in which the pipes of the Corporation are laid (and which shall not in the judgment of the Corporation be sufficiently supplied with water) to take a supply of water for such house or tenement by connecting a service pipe with the main pipe of the Corporation in any street or road, and to provide, lay, and maintain in good and sufficient repair such service pipes, stand-pipes, or taps, cisterns, and other means and apparatus, and in such positions as may be necessary for that purpose; and in the event of refusal or delay on the part of such owner to comply with such requisition it shall be lawful for the Corporation to enter such house or tenement and premises connected therewith, and to provide, lay, and maintain such service pipes, stand-pipes, or taps, cisterns, and other means and apparatus, and in such positions as shall appear to them to be necessary for the purpose aforesaid, and to recover the expense thereof from such owner in the same manner as rates or penalties are recoverable under this Act: Provided also, that in case of any question or difference arising between the Corporation and such owner with respect to the number or position of service pipes, stand-pipes, or taps, cisterns, or other means and apparatus necessary for the purpose aforesaid, the same shall be determined and fixed by the

sheriff on summary application by either of the parties, and the decision of the sheriff shall be final. A.D. 1873.

Water need not be supplied above a certain elevation.

79. The Corporation shall not be bound at any time to keep the water constantly laid on, nor to supply the water at a height exceeding forty feet above the level of the street at the Malt Cross of Ayr.

Corporation may supply water for other than domestic purposes.

80. Upon and from the water transfer the Corporation may, if they see fit, after providing a sufficient supply of water for domestic purposes within the water limits, furnish to any person within the water limits a supply of water by measure or otherwise for steam engines or railway purposes, or for warming or ventilating any dwelling-house or other premises, or for working any machine or apparatus, or for cattle, or for horses or washing carriages, where such horses or carriages are kept for sale or hire, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for shops, workshops, inns, hotels, or taverns, or for any manufacture or manufacturing purpose, or for any other purpose not domestic; and such supplies respectively may, where no special rate is provided by this Act, be furnished at such rates and upon such terms and conditions as shall be agreed upon between the Corporation and the person desiring the same: Provided always, that as far as possible the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply.

Cisterns to be constructed to prevent waste and impurity.

81. Every cistern or other receptacle for water, and every closet, soilpan, and private bath, which shall be supplied with water by the Corporation, shall be so constructed and used as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air or other noisome or impure matter into the pipes or mains of the Corporation, or into any pipes connected or communicating therewith; and the Corporation shall not be bound to supply water into any pipe, cistern, or other receptacle for any watercloset, soilpan, or private bath which shall not be so constructed and used.

Provision as to common pipes.

82. Where there shall be in any building or part of a building within the water limits a common pipe, the supply through and from which pipe shall be used by or shall be accessible to the various occupants of such building or part of a building as aforesaid, nothing in this Act contained shall render it obligatory upon the Corporation to give or continue a supply of water through or from such common pipe, unless the several water rates and charges which may be payable under the provisions of this Act to the Corporation in respect of the supply of water through such common

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pipe to such building and every part thereof shall first have been paid to the Corporation by the owner of such building or part of a building as aforesaid.

Repairs or renewal of pipes and other apparatus.

83. If it shall be found that in any house, building, or premises in which water is supplied by the Corporation, waste, misuse, or pollution of water arises from or is caused by any mode or arrangement or using of any pipes, valves, cocks, cisterns, water-closets, or other apparatus, it shall be lawful for the Corporation to require the owner and occupier of such building or premises, within a period to be specified in such requisition, not being less than three days after the date thereof, to repair or alter such valves, pipes, cocks, cisterns, waterclosets, or other apparatus, so as to prevent any such waste, misuse, or pollution: Provided always, that in the case of any such owner who is not resident in the extended burgh such requisition may be made to his factor or agent or other person authorised to receive the rents of the house, building, or premises belonging to him: Provided always, that in the event of the expense of such repair or alteration being paid by the occupier of any such building or premises he shall be entitled to recover such expense from the owner thereof or to deduct the same from his rent.

Byelaws with respect to supply of water.

84. Upon and from the water transfer it shall be lawful for the Corporation to make byelaws for the prevention of waste, misuse, or undue consumption of water within the water limits, and to impose such penalties for breaches of such byelaws, not exceeding forty shillings for each offence, as may be considered expedient, and from time to time, as they shall think fit, to repeal, alter, or re-enact any such byelaws: Provided always, that such byelaws shall not take effect until the same shall have been approved of by the sheriff after due publication, and the sheriff shall, before approving any such byelaws, hear any parties who may before such approval object to the same.

Sect. 14 of 26 & 27 Vict. c. 93. applied to Corporation.

85. Upon and from the water transfer the Corporation shall have and may exercise for the purposes of this Act all such powers as by the fourteenth section of "The Waterworks Clauses Act, 1863," with this Act incorporated, are conferred upon undertakers authorised by the special Act to supply water by measure.

Public fountains or stand-pipes may be put up.

86. Upon and from the water transfer the Corporation may erect and maintain in convenient situations within the water limits such drinking fountains, drinking troughs, or stand-pipes as to them shall seem convenient, and may supply the same with water.

Part VII.—Rates.

Rates vested in the Corporation.

87. The several rates from time to time made or receivable under this Act by the Corporation are by this Act vested in the Corporation, and shall be payable when and as they appoint, and to the collectors and other persons whom they appoint to receive the same.

Domestic water rate.

88. Upon and from the water transfer the Corporation may, for and in respect of the supply of water for domestic purposes (which shall include one or more waterclosets) to any dwelling-house or part of a dwelling-house within the water limits, and which is connected by means of service pipes or other apparatus with the mains of the Corporation, charge and recover from the occupier thereof, or in respect of any dwelling-house the yearly rent or value of which does not exceed four pounds from the owner or the occupier thereof, any rates not exceeding the annual rates herein-after specified; that is to say,

Where the yearly rent or yearly value of such dwelling-house is under five pounds, the annual rate of eight shillings:

Where such yearly rent or value amounts to five pounds and is under ten pounds, the annual rate of fifteen shillings:

Where such yearly rent or value amounts to ten pounds and is under fifteen pounds, the annual rate of one pound five shillings:

Where such yearly rent or value amounts to fifteen pounds and is under twenty pounds, the annual rate of one pound twelve shillings:

Where such yearly rent or value amounts to twenty pounds and is under thirty pounds, the annual rate of two pounds five shillings:

Where such yearly rent or value amounts to thirty pounds and is under forty pounds, the annual rate of three pounds:

Where such yearly rent or value amounts to forty pounds and is under sixty pounds, the annual rate of four pounds:

Where such yearly rent or value amounts to sixty pounds and is under eighty pounds, the annual rate of four pounds ten shillings:

Where such yearly rent or value amounts to eighty pounds and is under one hundred pounds, the annual rate of five pounds ten shillings:

Where such yearly rent or value amounts to one hundred pounds and is under one hundred and twenty pounds, the annual rate of six pounds:

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Where such yearly rent or value amounts to one hundred and twenty pounds or upwards, the annual rate of five per centum on such yearly rent or value.

Water may be supplied to shipping.

89. It shall be lawful for the Corporation to supply water to ships or vessels in the harbour of Ayr, and to maintain the pipes, wells, and fountains laid or erected on the quays of the said harbour for the purpose of furnishing such supply of water, and to lay and erect additional pipes, wells, and fountains in convenient stations along the said quays, at the sight and subject to the approval of the trustees of the harbour of Ayr for the time being, or such persons as they may appoint, and to charge such rates for the water supplied to such ships or vessels as the Corporation shall from time to time think just and reasonable, but in no case exceeding two shillings for each ton of water so supplied, and to make such rules and regulations for the supply of water to such ships or vessels as the Corporation shall think proper, and to impose penalties for the non-observance thereof, not exceeding five pounds for each offence: Provided always, that such rules and regulations shall not take effect until the same shall have been approved of by the sheriff after due publication.

Guarantee rate.

90. The Corporation may and they are hereby required from time to time, in the event of there being a deficiency of funds in their hands for payment in any year of the Ayr Corporation annuities, or of interest on money borrowed by the Corporation under the powers of this Act, or of the moneys required to be set apart as a sinking fund or sinking funds, to assess and levy a rate, to be called "The Ayr Corporation Guarantee Rate," of such amount as shall be necessary to make good such deficiency: Provided always, that the moneys received by the Corporation from the Ayr Corporation guarantee rate shall (so far as necessary) be applied to making good any deficiency of funds in their hands for payment of the Ayr Corporation annuities, and to the payment of interest on borrowed money, and to no other purpose whatsoever, except to the sinking funds under this Act.

Levying and recovery of rates.

91. The Corporation guarantee rate by this Act authorised shall be imposed, levied, and recovered by the Corporation on and from the occupiers of all lands and heritages within the extended burgh according to the valuation roll in force therein for the time being, or where such lands and heritages are let at a rent under four pounds on and from the owners thereof, and in the same manner as the assessment for police purposes may be imposed, levied, and recovered under the Police Act; and all the powers, enactments, and provisions contained in that Act with respect to the levying,

payment, and recovery of the assessment for police purposes thereby authorised to be levied on and from the occupiers or the owners of lands and heritages, and with respect to the exceptions and exemptions from such assessment, shall be and are hereby made applicable to the levying, payment, and recovery of the Ayr Corporation guarantee rate by this Act authorised, and the exceptions and exemptions therefrom, as if such rate had been authorised to be levied by the Corporation under the authority of the Police Act for the police purposes thereof; and for the purposes above mentioned the expression "the commissioners" in that Act shall be held to mean the Corporation.

Streets improvement rate.

92. The Corporation may, if in their opinion the revenue of the common good be insufficient for the purposes herein-after mentioned, once in every year assess and levy in equal proportions on the owners and occupiers of all lands and heritages within that part of the extended burgh which previously to the passing of this Act formed the burgh, according to the valuation roll in force therein for the time being, a rate to be called "The Streets Improvement Rate," not exceeding twopence in the pound of the full annual value of all such property, to defray the expense of purchasing lands for the widening and improvement of streets and the cost of executing the street improvements by this Act authorised; and the enactments and provisions of the Police Act with respect to the levying, payment, and recovery of the assessment for police purposes thereby authorised to be levied on and from the occupiers and owners of lands and heritages, and with respect to the exceptions and exemptions from such assessment, shall be applicable to the levying, payment, and recovery of the streets improvement rate; and for the purposes above mentioned the expression "the commissioners" in that Act shall be held to mean the Corporation.

Assessment of rates.

93. The Corporation may assess any rate by this Act authorised to be levied prospectively in order to raise money to pay charges and expenses to be incurred thereafter, or retrospectively in order to raise money to pay charges and expenses already incurred, and all such rates shall be assessed for the period from the twenty-sixth day of May in each year to the twenty-sixth day of May in the year following, and shall be payable in advance at such place as the Corporation shall appoint on the twenty-sixth day of May, or, in the option of the ratepayers, by equal half-yearly instalments on the twenty-sixth day of May and twenty-second day of November in each year, or as soon thereafter as the same shall be demanded, and the said rates, or any of them, when assessed upon owners may be levied by the Corporation from the occupiers of the property or premises in respect of which the same are payable, and every such

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occupier shall be entitled to deduct any rates so paid by him out of the rent due or becoming due by him to such owner.

Rates may be amended.

94. The Corporation may from time to time amend any rate assessed by virtue of this Act, by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier, or by inserting therein the name of any person who ought to have been rated, or by striking out the name of any person who ought not to have been rated, or by raising or reducing the sum at which any person has been rated, if it appear to the Corporation that such person has been erroneously rated, or by making such other amendments therein as will make such rate conformable to this Act, and no such amendment shall be held to make void the rate: Provided that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in the rate book and no such alteration had been made, and as respects such person the rate shall be considered to have been assessed at the time when he received notice of such alteration, and every person whose rate is altered shall be entitled to seven days notice of such alteration before the rate shall be payable by him, and if not appealed against within said seven days it shall be held to be correct.

Recovery of rates.

95. It shall be lawful for the collector appointed by the Corporation to collect the rates assessed by virtue of this Act, on the expiration of the time specified, in his own name, but on behalf and at the risk and expense of the Corporation, to recover any arrears of any rates by this Act authorised due by any person or by any number of persons, either according to the ordinary procedure before any competent court, or by obtaining from the sheriff or magistrates a summary warrant to recover such arrears, with the addition of ten per centum thereon in lieu of any costs which have been or may require to be incurred, from the person or persons respectively liable in payment of the same, which warrant the sheriff or magistrates shall grant on production of an extract from the rate made up in pursuance of the provisions herein-before contained of the entries therein relating to such person or persons, showing the amounts respectively due by him or them, and a certificate by the collector that he had given to each such person or persons two separate notices requiring him or them to make payment of the amount due by him or them within fourteen days thereafter, and specifying the date at which such summary warrant will be applied for, and that the second of such notices was given after an interval of at least seven days from the first notice, and that the said amount had not been paid, and was still truly due; and such warrant shall authorise the collector to cause any mes-

senger-at-arms, sheriff officer, or officer of court to enter into the premises of the person or persons so in arrear, and poind, seize, remove to a place of safety, or otherwise secure any goods and effects therein belonging to or in the lawful possession of such person or persons, or so much thereof as will fully satisfy the arrears due by him or them respectively, with the addition of ten per centum thereon in lieu of costs, and shall also authorise the collector, after the lapse of four days, in the event of nonpayment of the said arrears and costs, to cause any messenger-at-arms, officer of court, sheriff officer, or licensed auctioneer to sell and dispose of the said goods and effects, and shall further authorise the collector, on receiving payment of the price of the said goods and effects, to apply the same in payment of the said arrears and addition of ten per centum thereon respectively due by such person or persons, and also in payment of the expenses attending the sale: Provided always, that if any person who has been required to make such payment shall, before the day on which such warrant is to be applied for, give notice to the collector that he objects to the amount which he is required to pay, the collector shall not be entitled to include such person in the summary warrant so to be applied for, but may proceed against him by summons in ordinary form for the recovery of the said arrears with all costs of recovering the same.

Regulating sales of effects for payment of assessment.

96. Every sale which shall take place in pursuance of the provisions herein-before contained shall be conducted by public auction, and on such notice and at such place as the sheriff or magistrate who shall grant the warrant may direct, or, failing such directions, as the collector may fix.

Collector to account for surplus proceeds of such sales.

97. The collector shall account to the owner of any goods and effects which are sold in pursuance of the provisions herein-before contained for any surplus which may remain, after applying the proceeds of sale in payment of the said arrears and addition of ten per centum thereon due by him and expenses of sale, and shall for a period of three months after the date of every sale preserve evidence of the amount of such proceeds.

Providing appeal against any oppressive proceedings of collector.

98. The owner of any goods and effects which shall have been either poinded or sold in pursuance of the provisions herein-before contained, and who shall consider himself aggrieved by any proceeding under such warrant, may present a petition to the sheriff, and the sheriff shall thereupon summarily call before him the party complained of and such petitioner, and without written pleadings shall inquire into and decide any dispute, question, or claim of damage raised by such petition, and in addition to the award of

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damages, if any, may award expenses to either party; but, except to the effect and in the manner herein-before provided, it shall not be competent for any person to make, nor for any court of law to entertain, any complaint with respect to any warrant granted by the sheriff in pursuance of the provisions herein-before contained, either on account of any mistake, informality, irregularity, or misnomer, or on any account or pretence whatever, or with respect to any proceedings of the collector, or of any officer or licensed auctioneer, in the execution of such warrant, and the decision of the sheriff on any such dispute, question, or claim shall be final, and not subject to suspension, reduction, advocation, or appeal, or to any other form of review or stay of execution.

Ratebooks to be evidence.

99. In any proceedings to levy and recover, or consequent on the levying or recovering of, any rate under the provisions of this Act, the books of rates of the Corporation, and all entries made therein in manner by this Act directed, on the production thereof alone, and without any evidence that the notices or other requirements of this Act have been given or complied with, shall be received as primâ facie evidence of such rate and of the amount thereof.

Application of rates.

100. The several rates and charges levied or received by the Corporation under the authority of this Act for gas purposes, water purposes, and streets improvement purposes shall be applied in manner herein-after provided with respect to the several and separate accounts directed to be kept by the Corporation.

Part VIII.—Borrowing Powers.

Power to borrow for waterworks.

101. Upon and from the water transfer the Corporation may from time to time borrow, in addition to any money which they have borrowed or are otherwise authorised to borrow, any sums which may be required for paying off any mortgages granted by the water company, and of redeeming any annuities which may be granted as the consideration in whole or in part to be paid for the undertaking of that company, and may also for the general purposes of their waterworks borrow any sum of money not exceeding ten thousand pounds, and may make and grant mortgages of the Corporation waterworks, and of the several water rates and charges by this Act authorised, in security of the money so borrowed and interest thereon.

Power to borrow for gasworks.

102. Upon and from the gas transfer the Corporation may from time to time borrow, in addition to any money which they have borrowed or are otherwise authorised to borrow, any sums which may be required for the purchase of the undertakings of the gas companies, or either of them, and of redeeming any annuities which

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may be granted as the consideration in whole or in part to be paid therefor, and may also for the general purposes of their gasworks borrow any sum of money not exceeding in the whole five thousand pounds, and may make and grant mortgages of their gasworks, and of the rents, charges, and revenues to arise from the supply of gas and the sale of residual products, in security of the payment of the money so borrowed and interest thereon.

Power to borrow for street improvements.

103. The Corporation may from time to time contribute out of the common good of the burgh such sums as they think fit for the purposes of the widening and improvement of streets, and the purchase of property in Kyle Street and High Street by this Act authorised, and may also for those purposes from time to time borrow, in addition to any money which they have borrowed or are otherwise authorised to borrow, any sums of money not exceeding in the whole ten thousand pounds, and may make and grant mortgages of the lands acquired for such purposes, and of the streets improvement rate, in security of the money so borrowed and interest thereon.

Corporation may re-borrow.

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

Form of mortgage.

105. Every mortgage to be granted by the Corporation shall be by deed duly stamped, in which the consideration shall be duly stated, and may be in the form contained in the seventh schedule to this Act, or to the like effect, with such modifications thereof as render the same applicable to the special purpose for which the money is borrowed; and every mortgage granted by the Corporation under this Act shall, in accordance with the purposes of this Act for which the money thereby secured is borrowed, be distinguished on the face thereof as being either a "waterworks mortgage," or a "gasworks mortgage," or a "streets improvement mortgage."

Mortgages may be accompanied with interest warrants.

106. It shall be lawful for the Corporation to 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 eighth 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 Corporation, or the clerk, or to any person on

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their behalf, of any such interest warrant, duly stamped (where necessary) as a receipt, shall be a valid and sufficient discharge to the Corporation for the interest in respect of which the same was issued.

Corporation may borrow on credit of a cash account.

107. It shall be lawful for the Corporation to 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 Corporation according to the usage of bankers in Scotland, to the extent of the aggregate amount of the several sums which the Corporation are by this Act authorised to borrow, or any part thereof, and to make and grant mortgages in manner aforesaid in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always, that the whole sum due and owing by the Corporation on such cash account, and for money borrowed by them on mortgage as aforesaid, shall not, when taken together, exceed the aggregate amount of the several sums by this Act authorised to be borrowed.

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

108. Every mortgage to be granted by the Corporation may be partly in writing and partly printed, and shall, besides being under the common seal of the Corporation, be signed by at least two members of the town council and the chamberlain, and all drafts or orders on the cash account before mentioned shall be signed by any two members of the town council authorised so to do, and by the chamberlain: Provided always, that no member of the town council nor the chamberlain 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.

Water sinking fund.

109. It shall be lawful for the Corporation, and they are hereby required, annually after the expiration of three years from the water transfer to set apart as a sinking fund from and out of the moneys received by them from or on account of their waterworks, or from rates (other than money borrowed), such an annual sum as shall by accumulation, with compound interest thereon at the rate of four per centum per annum, be sufficient to pay off in seventy years the whole of the money borrowed for the purposes of the waterworks, and to redeem the whole of the annuities granted to shareholders of the water company under the provisions of this Act; and such sinking fund shall be from time to time applicable to the redemption of the waterworks mortgages and money borrowed on cash credit or cash account for such waterworks, and the

redemption of Ayr Corporation annuities, and to no other purposes whatsoever. A.D. 1873.

Gas sinking fund.

110. It shall be lawful for the Corporation, and they are hereby required, annually after the expiration of three years from the gas transfer to set apart as a sinking fund from and out of the moneys received by them from or on account of their gasworks, or from rates (other than money borrowed), such an annual sum as shall by accumulation, with compound interest thereon at the rate of four per centum per annum, be sufficient to pay off in seventy years the whole of the money borrowed for the purposes of the gasworks, and to redeem the whole of the annuities granted to the shareholders of the gas companies, or either of them, under the provisions of this Act; and such sinking fund shall be from time to time applicable to the redemption of the gasworks mortgages and money borrowed on cash credit or cash account for such gasworks, and the redemption of Ayr Corporation annuities, and to no other purposes whatsoever.

Streets improvement sinking fund.

111. It shall be lawful for the Corporation, and they are hereby required, annually after the expiration of three years from the time at which they shall borrow any money for the purposes of the widening and improvement of streets by this Act authorised to set apart as a sinking fund from and out of the revenue of the common good, or out of the streets improvement rate, such an annual sum as by accumulation, with compound interest thereon at the rate of four per centum per annum, shall be sufficient to pay off in seventy years the whole of the money so borrowed; and such sinking fund shall be from time to time applicable to the repayment of the moneys so borrowed and to no other purposes whatsoever.

Protection of lender from inquiry.

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

Application of money raised and borrowed.

113. Subject to the provisions of this Act, the several sums raised and borrowed by the Corporation on mortgage under the authority of this Act shall be applied as follows; (that is to say,) the moneys to be borrowed or raised on the security of the Corporation waterworks, and of the several water rates and charges by this Act authorised, or any of them, or so much thereof as shall be required, shall be applied for paying off mortgages granted by the water company, and towards any extensions and enlargements of the distributive works of the Corporation, or any part thereof, and in

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the redemption of Ayr Corporation annuities granted to shareholders in the water company, and in the payment of mortgages granted to raise money to pay off other waterworks mortgages and of any cash credit or cash account granted for or incurred in respect of such waterworks; the moneys to be borrowed or raised on security of the gasworks and of the gas rates and charges and revenues by this Act authorised, or any of them, shall be applied for carrying into effect the agreements with the gas companies, or either of them, by this Act authorised, and towards any extensions and enlargements of the gasworks and distributive works connected therewith for the time being belonging to the Corporation, and in the redemption of Ayr Corporation annuities granted to shareholders in the gas companies, or either of them, and in the payment of mortgages granted to raise money to pay off other gasworks mortgages and of any cash credit or cash account granted for or incurred in respect of such gasworks; the moneys to be raised or borrowed on the security of lands acquired or to be acquired for the widening and improvement of streets, and of the streets improvement rates by this Act authorised, shall be applied for carrying into effect the widening and improvement of streets by this Act authorised, and for paying for the property purchased in Kyle Street and in High Street, and for the payment of mortgages and of any cash credit or cash account granted for or incurred in respect of those improvements and property: Provided that the Corporation shall not apply any money borrowed under this Act to the management or maintenance of the works acquired by them.

Saving for existing mortgages of Corporation.

114. Nothing in this Act contained shall prejudicially affect any mortgage or obligation heretofore granted by the Corporation on the credit of any rate, fund, income, or property which the Corporation before the commencement of this Act had power to levy or over which they had control, and now in force; and all mortgages and obligations so granted and now in force shall have in all respects the same priorities, and be secured in full to all intents and purposes upon such rate, fund, income, or property of the Corporation, as if this Act had not been passed.

Power to substitute Corporation mortgages for mortgages of water company.

115. After the water transfer it shall be lawful for the Corporation by agreement, but not otherwise, with the holders of any mortgage granted by the water company before the water transfer to substitute for such mortgage a water mortgage issued by the Corporation under the authority of this Act.

Repeal of powers of borrowing unexercised

116. It shall not be lawful for the Corporation to exercise the borrowing powers conferred on the water company by the Water Acts; and, to the extent to which such powers respectively have

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by water company.

not been exercised before the water transfer, the same shall be and are hereby repealed.

Arrears may be enforced by appointment of judicial factor.

117. In the event of any principal money borrowed on mortgage, or any interest thereon, or the redemption money of any annuity which has been required to be redeemed, or any annuities not being paid within one month after such payment shall have become due, and demand thereof made in writing, any mortgagee holding a mortgage in arrear as to payment of interest to the amount of one hundred pounds, or as to principal to the amount of one thousand pounds, or any annuitant holding an annuity or annuities in arrear to the amount of one hundred pounds, or any annuitant who has required annuities to the amount of one hundred pounds to be redeemed, or several mortgagees holding mortgages in arrear as to payment of interest to the amount of one hundred pounds, or as to principal to the amount of one thousand pounds in the aggregate, or several annuitants holding annuities in arrear to the amount of one hundred pounds in the aggregate, or who have required annuities to the amount of one hundred pounds in the aggregate to be redeemed, may render his or their security effectual by the appointment from time to time 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, which appointment shall be made accordingly, unless previously to such application being advised the amount of such interest, mortgage, or annuity or redemption money, as the case may be, with interest and expenses, shall have been paid or redeemed, as the case may be, 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.

118. The judicial factor so appointed, on finding security in common form, shall exercise all the powers conferred by this Act upon the Corporation for and in relation to assessing, levying, and recovering the several rates, rents, and charges by this Act authorised, and managing and maintaining the undertakings, works, and property to be vested in or to be acquired or constructed by the Corporation under the provisions of this Act, and the Corporation shall deliver to him all rate books and other 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

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received by him to the several parties entitled to payment therefrom; and such judicial factory shall continue not only until all arrears of mortgages and annuities and redemption money due at the date of the appointment of such judicial factor, and all interest due on any of the said sums, and any annuity or 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 annuity or 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 payment and consignation as aforesaid of such mortgages, annuities, interest, redemption money, and expenses, it shall be lawful for the Corporation 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.

119. All mortgages to be granted by the Corporation under the authority of this Act, and all money to be advanced and lent on the security of the rates and charges leviable by them, shall be movable or personal estate.

Discharge of mortgages.

120. Any person entitled to any mortgage granted by the Corporation under the authority of this Act may discharge the same, and his right and interest therein, in favour of the Corporation, 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 ninth 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.

Part IX.—Accounts, Audit, &c.

Separate accounts to be kept as to gasworks, waterworks, &c.

121. The Corporation shall keep separate and distinct accounts of the several matters herein-after mentioned; (that is to say,)

1. A separate and distinct account, to be called "The Waterworks account," of their receipts, credits, payments, and liabilities in relation to the execution of this Act with respect to water, and for or on account of the water rates levied and charges for water supplied under this Act, and those receipts and credits shall form their waterworks fund;
2. A separate and distinct account, to be called "The Gasworks Account," of their receipts, credits, payments, and liabilities in

relation to the execution of this Act with respect to gas, and for and on account of the gas rents and charges for gas supplied under this Act, and those receipts and credits shall form their gasworks fund;

3. A separate and distinct account, to be called "The Streets Improvement Account," of their receipts, credits, payments, and liabilities in relation to the execution of this Act with respect to street improvements, and for or on account of the streets improvement rate, and any moneys arising from the sale, leasing, or otherwise by the Corporation of property connected with or embraced in such street improvements, and those receipts and credits shall form their streets improvement fund;

4. Separate and distinct accounts of the police assessments and all other rates or sources of income of the Corporation, and of all sums of money received and paid by the Corporation in connexion therewith for the purposes of this Act;

and the said several accounts shall be kept, laid open to inspection, and published in the same manner and under the same penalties as the accounts of the municipal revenues of the burgh have hitherto been required to be kept, laid open to inspection, and published.

Application of revenue.

122. The Corporation shall apply all moneys from time to time received by them under the powers of this Act with reference to water purposes, gas purposes, and streets improvement purposes respectively (not being money raised by borrowing, for the application of which provision is herein-before made) in manner and order following, and not otherwise; (that is to say,)

1. As regards moneys received on account of water—

(First), in payment of the expenses of managing and maintaining the Corporation waterworks:

(Secondly), in payment of interest on money borrowed on the security of the undertaking of the water company issued before the water transfer:

(Thirdly), in payment of such Ayr Corporation annuities as shall have been issued to shareholders of the water company, and the interest on money secured on waterworks mortgages:

(Fourthly), in setting apart annually the waterworks sinking fund:

(Fifthly), in carrying the powers and provisions of this Act into execution with reference to water, including any extensions of the Corporation waterworks:

(Sixthly), the surplus, if any, from time to time shall be so applied as to facilitate the reduction of the domestic water rate.

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2. As regards moneys received on account of gas—

(First), in payment of the expenses of managing and maintaining the gasworks of the Corporation:

(Secondly), in payment of such Ayr Corporation annuities as shall have been issued to shareholders of the gas companies, or either of them, and interest on money secured on gasworks mortgages:

(Thirdly), in setting apart annually the gasworks sinking fund:

(Fourthly), in carrying the powers and provisions of this Act into execution with reference to gas, including any extension and improvement of the gasworks:

(Fifthly), the surplus, if any, from time to time shall be applied in reduction of the price of gas within the extended burgh.

3. As regards moneys received on account of streets improvement—

(First), in payment of the interest on mortgages secured by streets improvement mortgages, and of the streets improvement sinking fund:

(Secondly), towards constructing the widening and improvement of streets, and in other respects carrying this Act into execution with respect to streets:

(Thirdly), in paying off the principal moneys secured by streets improvement mortgages:

(Fourthly), in paying off the principal moneys borrowed by and secured upon any streets improvement mortgages of the Corporation:

(Fifthly), the surplus, if any, from time to time shall be carried to the credit of the common good, as regulated by this Act.

Application of sinking funds.

123. All moneys by this Act directed to be carried to any sinking fund, as soon and as far as conveniently can be, shall be applied from time to time in or towards the discharge of any moneys borrowed by the Corporation and the redemption of annuities for the repayment and redemption of which such sinking fund is directed to be formed, and until so applied shall be invested in the name of the Corporation in any securities in which by law trust moneys may from time to time be invested.

Extent of liability of Corporation property, rates, &c. under each head.

124. The water and gas undertakings respectively by this Act transferred to or authorised to be acquired by the Corporation, and the several rates, rents, assessments, and charges authorised to be levied and taken by the Corporation under the authority of this Act, shall be each separately and severally liable only for debts and obligations contracted in reference to each of the respective matters or purposes of this Act to which they respectively and particularly relate, and no further or otherwise.

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Accounts of Corporation to be open to inspection.

125. The books of the Corporation containing the several accounts by this Act authorised and required to be kept separate and distinct shall be balanced once in every year, and shall at all reasonable times be open to the inspection of every creditor on the rates by this Act authorised to be levied, without any fee being demanded for such inspection; and it shall be lawful for any member of the Corporation, or for any of the creditors aforesaid, to take copies of or extracts from such books without paying anything for the same; and if, on request for that purpose, the chamberlain shall fail to permit any member of the Corporation or creditor as aforesaid to inspect such books or to take copies or extracts as aforesaid, such chamberlain shall for any such default forfeit the sum of five pounds.

Auditor to be appointed.

126. The sheriff of Ayrshire shall, on application made to him by the Corporation (which application the Corporation are hereby required to make), appoint an auditor (being a person skilled in accounts and not being a member or officer of the Corporation) to audit the accounts of the Corporation; 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 sheriff shall from time to time appoint an auditor to supply the vacancy.

Auditor to audit accounts and to report.

127. It shall be the duty of such auditor once in every year to audit the accounts of the Corporation, and for that purpose the chamberlain shall deliver to such auditor an abstract or balance sheet of the accounts of the Corporation, and such auditor shall also examine the accounts and the account books and vouchers of the Corporation, and shall either make a special report on the said accounts or simply confirm the same, and such report or confirmation shall be read at the first general meeting of the Corporation thereafter, and the Corporation shall pay to such auditor for his trouble in making such audit such a sum as the sheriff shall on the application of the Corporation appoint.

Annual account to be made up and certified by auditor, &c.

128. The Corporation shall every year cause an annual account in abstract to be prepared, stating the total receipts and expenditure of all moneys levied and received by virtue of this Act for the year ending on the twenty-sixth day of May, or some other convenient day in each year, under the several distinct heads of receipts and expenditure, with a statement of the balance of such account duly audited and certified by the auditor and two or more members of the Corporation, and shall cause such account to be printed and lodged free of charge with the clerk on or before the first day of July then next, or some other convenient day in each year, which account shall be open to public inspection at all reasonable hours on payment of one shilling for every such inspection.

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and with the same right of appeal or review which is thereby prescribed; and all sentences for such fines, penalties, and forfeitures shall be reviewable in no other way than is prescribed by that Act.

Penalties on repetition of offences.

139. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permits and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence.

General saving of rights.

140. Subject to the provisions of this Act contained—

(1.) The Corporation shall be seised and possessed of and entitled to all rights, interests, and property of or to which at the commencement of this Act the magistrates and town council of the existing burgh were seised, possessed, or entitled:

(2.) All acts, matters, and things before the commencement of this Act done under the powers and authorities of any Acts, and which are at the commencement of this Act good, valid, and available, and all conveyances, leases, mortgages, bonds, covenants, deeds, instruments, contracts, agreements, obligations, rights, and remedies at the commencement of this Act existing under the same, shall be and continue as good, valid, and available for all purposes, and for and against all parties, as if this Act had not been passed:

(3.) All actions, suits, prosecutions, or other proceedings by or against the magistrates and town council of the burgh, by reason of any matter or thing done before the commencement of this Act, may be continued, commenced, or prosecuted by or against the Corporation:

(4.) All rates and rents at the commencement of this Act imposed or due or accruing due to the magistrates and town council of the burgh may from and after the commencement of this Act be collected and recovered by the Corporation:

(5.) All books and documents relating to the burgh or to the magistrates and town council of the burgh shall be receivable in evidence as if this Act had not been passed.

Nothing to abridge rights and remedies of Corporation.

141. Nothing in this Act shall take away or abridge any right, power, or authority which the magistrates and town council of the burgh had or might have enjoyed independently of this Act, but every such right, power, and authority shall, subject to the provisions of this Act, belong to and be enjoyed by the Corporation.

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Copies of Act as printed by Queen's printers to be kept for inspection.

142. The Corporation shall cause copies of this Act, as printed by the Queen's printers, to be at all times, after the expiration of three months from the commencement of this Act, kept in the office of the clerk and open to the inspection of any person on payment of a fee not exceeding one shilling, and if at any time the Corporation fail to comply with the requisitions of this section they shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding one pound for every day during which such failure continues.

Expenses of Act.

143. The costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Corporation out of the common good.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

First Ward.

From the point on the shore of the Firth of Clyde at which the same is met by the road which runs thereto from the Holmstone Toll Bar past the Race-course, and between the lands of Blackburn and Seafield; thence along said road to a point which is distant two hundred and sixty yards (measured along the same) to the east of the point at which the same crosses the old Maybole Road; thence in a straight line to the centre of the river Ayr at the Mill Dam Dyke; thence along the centre of the river Ayr to the centre of the viaduct which carries the Glasgow and South-western Railway over the said river; thence along the centre of said viaduct and railway to a point in the centre of Mill Street; thence northwards along the centre of Mill Street to a point opposite the centre of Smith's Road at the junction of Mill Street with Smith's Road; thence along the centre of Smith's Road across Kyle Street to the road leading from the passenger station of said railway company past the Cattle Market; thence along the centre of said last-mentioned road to its junction with the turnpike road leading past Cattle Market Inn to Dalblair Road; thence along the centre of Dalblair Road to its junction with Barns Street Lane; thence along the centre of said lane; thence in a direct line westwards through the gardens belonging to Mrs. Montgomery Hamilton and others, across Alloway Place Road to Wellington Square Lane; thence along the centre of said lane to the Low Green; and thence in a direct line, in continuation of said lane, to the sea.

Second Ward.

From the centre of the said viaduct of said railway company (being the northmost angle of the first ward) along the centre of said river to the Ducat Stream; thence westwards in a straight line to Mill Street Path; thence along the centre of said path to Mill Street; thence along the centre of Mill Street to the centre of High Street at Wallace Tower; thence northwards along the centre of High Street to a point opposite the centre of Carrick Street; thence along the centre of Carrick Street to a point opposite the centre of Fullarton Street; thence along the centre of Fullarton Street to Sandgate Street; thence across Sandgate Street and along Fort Street in a northerly direction to a point opposite the centre of Charlotte Street; thence along the centre of Charlotte Street across Queen's Terrace to the sea in a direct line in continuation of Charlotte Street; and thence southwards in a line with high-water mark to the junction of said line with the boundary line of the first ward.

THIRD WARD.

From the centre of the river Ayr at Ducat Stream (being the northmost angle of the second ward) along the centre of said river to the centre of the New Bridge; thence along the centre of the New Bridge to New Bridge Street; and thence in a line along the centre of New Bridge Street and Sandgate Street to the junction of said line opposite Fullarton Street with the boundary line of the second ward.

FOURTH WARD.

From the centre of the New Bridge (being the northmost angle of the third ward) along the centre of said river, round the South Pier Head, and thence in a direct line southwards towards the boundary of the second ward, till said line joins said boundary at high-water mark.

FIFTH WARD.

So much of the parish of Newton-upon-Ayr as is within the parliamentary burgh of Ayr.

SIXTH WARD.

So much of the parish of Saint Evox as is within the parliamentary burgh of Ayr.

THE SECOND SCHEDULE.

I. CATTLE MARKET.

	s.	*d.*
1. For each horse, pony, ass, mule, bull, bullock, cow, or calf brought into the market there shall be paid—		
1. By the seller, whether the animal is sold or not, a sum not exceeding	0	6
2. By the purchaser - - a sum not exceeding	0	2
2. For sheep, rams, lambs, or goats brought into the market, per score or any less number, there shall be paid—		
1. By the seller, whether the animals are sold or not, a sum not exceeding	0	10
2. By the purchaser - - a sum not exceeding	0	2
3. For each sucking-pig brought into the market there shall be paid—		
1. By the seller, whether the animal is sold or not, a sum not exceeding	0	1
2. By the purchaser - - a sum not exceeding	0	$0\frac{1}{2}$
4. For each other pig brought into the market there shall be paid—		
1. By the seller, whether the animal is sold or not, a sum not exceeding	0	3
2. By the purchaser - - a sum not exceeding	0	$1\frac{1}{2}$

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5. For agricultural implements brought into the market, and whether sold or not, there shall be paid by the seller a sum not exceeding sixpence per pound sterling of the sum at which the same are offered for sale, or of the value thereof.

NOTE.—The above dues (in so far as concerns sellers) to be payable in respect of said animals and commodities for each day the same are in the market, whether it be a market day or not.

II. Butter Market.

	s.	*d.*
1. For every quantity of butter brought into the market not exceeding twelve pounds	0	1
Every additional six pounds (or less quantity) exceeding twelve pounds	0	0½
2. For every quantity of salt butter not exceeding fourteen pounds	0	1
Every additional seven pounds (or less quantity) exceeding fourteen pounds	0	0½
3. For every quantity of cheese not exceeding twenty-four pounds	0	1
Every additional twelve pounds (or less quantity) exceeding twenty-four pounds	0	0½
4. For every quantity of eggs not exceeding twelve dozen	0	1
Every additional six dozen (or less quantity) exceeding twelve dozen	0	0½
5. For every pair of full-grown fowls	0	1
6. For every pair of chickens	0	0½
7. For each goose or turkey	0	1
8. For each head of game	0	1

III. Slaughter-houses.

1. Each head of cattle, a sum not exceeding	0	9
2. Each pig	0	6
3. Each sheep or lamb	0	2
4. Each calf	0	3

IV. Fairs.

Each horse, pony, ass, mule, bull, bullock, cow, or calf exposed for sale at any fair within the extended burgh, a sum not exceeding	0	6

THE THIRD SCHEDULE.

Form of Annuity Certificate.

No.

This is to certify that *A.B.* [*name and designation*] is the holder of pounds of the Ayr Corporation annuities, created by [*insert title of the Act*], and is entitled to receive from the Corporation of Ayr an annuity of pounds, payable in equal moieties half-yearly on the beginning the first payment thereof on the for the half year preceding, and thereafter half-yearly on the said days in each year, which annuity is secured on the

vested in the Corporation by the said Act, and on the rents, charges, and revenue from the supply of and on the Ayr Corporation guarantee rate to be levied and received by them.

Dated this day of one thousand eight hundred and

(Signed by two members of the Corporation and the chamberlain.)

L.S.

THE FOURTH SCHEDULE.

Form of Transfer of Annuity.

I, *A.B.* [*name and designation*], in consideration of the sum of pounds, *or other consideration, as the case may be*, paid to me by *C.D.* [*name and designation*], do hereby transfer to the said *C.D.*, and his executors, administrators, or assignees, the annuity of pounds, No. [*as the case may be*], of the Ayr Corporation annuities, created by [*insert title of Act*], now standing in my name in the books of the Corporation, with the rights and privileges and subject to the conditions and provisions specified in the said Act; and I, the said *C.D.*, hereby agree to hold the said annuity subject to the same conditions and provisions.

In witness whereof [*insert testing clause according to the form of the law of Scotland, or the form of attestation used in England*].

THE FIFTH SCHEDULE.

FORM OF NOTICE BY ANNUITANT THAT HE REQUIRES THE CORPORATION TO REDEEM HIS ANNUITIES.

To the provost, magistrates, and town council of the burgh of Ayr.

Take notice that I, of require you to redeem on [*state date on which redemption is required*] in manner provided by the annuity [*or* annuities] belonging to the following Ayr Corporation

Name of Annuitant.	Register Number.	Number of Annuities.	Total amount of Annuities to be redeemed.

Dated this day of

[*Signature of annuitant or of his authorised agent.*]

THE SIXTH SCHEDULE.

LIMITS OF LAND FOR MANUFACTURE AND STORING OF GAS.

PART I.

The lands of the Ayr Gas Company within the royal burgh of Ayr, bounded on the north-east partly by the militia stores and parade ground belonging or reputed to belong to the county of Ayr, and partly by the bowling green belonging or reputed to belong to the Ayr Citadel Bowling Club, on the south-east by the fort belonging or reputed to belong to John Miller, on the south-west by Gaswork Lane, and on the north-west by Ayr beach.

PART II.

The lands of the Ayr and Newton Consumers Gas Company, in the parish of Newton and county of Ayr, bounded on the north and east by the street called Damside, and on the south and west by property belonging or reputed to belong to the heirs of the late George Good; and also the lands of the said company in Allison Street, in the said parish and county, extending along said street one hundred and sixty feet or thereby, and extending in breadth one hundred and thirty-five feet or thereby, and containing an area of eighty poles or thereby.

THE SEVENTH SCHEDULE.

No. 1.—Form of Mortgage.

Ayr Corporation Waterworks [*or* Gasworks, *or* Streets Improvement, *as the case may be*].

Mortgage No. £

By virtue of "The Ayr Burgh Act, 1873," we, "the Corporation of Ayr," in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the chamberlain to the said Corporation, for the purposes of the said Act, do hereby grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees [*or as the case may be*], such proportion of the several rates and charges applicable to the said waterworks (*or* gasworks, *or* streets improvement, *as the case may be*), to be levied by the said Corporation under the authority of the said Act, as the said sum of [*specify amount*] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and charges, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or shall thereafter, in virtue hereof, remain as a loan to the said Corporation 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 chamberlain to the said Corporation, 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 chamberlain, 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 Corporation 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 Corporation for the contents of such warrants, declaring that the said mortgagee and his foresaid shall not be entitled to make, and that the said Corporation 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 Corporation 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 law of Scotland*].

(Signed by two members of the council and the chamberlain.)

L.S.

THE EIGHTH SCHEDULE.

Form of Interest Warrant.

Ayr Corporation Waterworks [*or* Gasworks, *or* Streets Improvement, *as the case may be*].

Mortgage No. Dated 18

Interest Warrant.

For pounds shillings and pence £

Less income tax -

£

Payable on 18 at the

Chamberlain.

THE NINTH SCHEDULE.

Form of Discharge.

Received from the chamberlain to the Corporation 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. 1873.