ANNO QUINQUAGESIMO SEXTO

# GEORGII III. REGIS.

## *Cap.* xix.

## An Act for erecting a New Gaol and Court Houſe in the Burgh of *Ayr*, in the Shire of *Ayr*.

[30th *April* 1816.]

WHEREAS the preſent Gaol in the Burgh of *Ayr* is inſecure, confined, and damp, and ill adapted for the Purpoſes thereof; and it has become neceſſary to build a new Gaol in a dry and healthy Situation of ſufficient Dimenſions to receive all Criminals committed for Trial before the Circuit Court of Juſticiary at *Ayr*; and all Debtors, Vagrants, and other Delinquents in the Shire of *Ayr*, and Burgh of *Ayr*; and it is alſo requiſite that Court Houſes ſhould be built contiguous to ſuch new Gaol, containing the neceſſary Rooms and Conveniencies for the Circuit Courts of Juſticiary, and for the Purpoſe of trying Civil Caſes by Juries; and for the Sheriff and Burgh Courts, and the Public Meetings of the ſaid Shire, and of the Magiſtrates and Town Council of *Ayr*, and for the other Purpoſes to which County Rooms are uſually appropriated, with a proper Place therein for preſerving the Records of the ſaid Shire: And whereas the Funds of the ſaid Burgh being inadequate to defray the Expence of building ſuch Gaol and Court Houſes, the Heritors of the ſaid Shire at ſeveral General Meetings have agreed to contribute to the Expence of erecting the ſaid Buildings, which will be highly beneficial to the ſaid Shire, as well as to the ſaid Burgh; but the ſame cannot be accompliſhed without the Aid and Authority of Parliament, may it therefore pleaſe Your Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament

Commiſſioners appointed.

ment aſſembled, and by Authority of the ſame, That the Lord Lieutenant of the County of *Ayr*, the Repreſentative in Parliament of the Shire of *Ayr* for the Time being, the Repreſentative in Parliament of the Burghs of *Ayr* and *Irvine* for the Time being, the Sheriff Depute, the Sheriff Subſtitute, and the Conveener of the ſaid Shire for the Time being, and the Provoſt and Dean of Guild of *Ayr* for the Time being, Sir *Hew Dalrymple Hamilton* of *Bargeny* and *North Berwick* Baronet, Sir *James Ferguſon* of *Kilkerran* Baronet, Sir *David Hunter Blair* of *Broomhill* and *Blairquhan* Baronet, *John Hamilton* of *Sundrum*, *Thomas Kennedy* of *Dunure*, *Richard Alexander Oſwald* of *Auchincruive*, *Alexander Oſwald* of *Chanque*, *Hugh Hamilton* of *Pinmore*, *Alexander Boſwell* of *Auchinleck*, *William Kelſo* of *Dankeith*, *John Boyle* of *Shewalton*, *William Cunningham* of *Lainſhaw*, *William Mure* of *Caldwell*, *Thomas Francis Kennedy* Younger of *Dunure*, *John Cunningham* of *Thornton*, *John Balfour* of *Sauchrie*, and *George Mac Miken Torrance* of *Kilſaintninian*, Eſquires, ſhall be, and they are hereby nominated and appointed Commiſſioners for making and erecting a new Building or Buildings proper for confining the Priſoners of the ſaid Shire and Burgh, for holding the different Courts and County and Burgh Meetings, and for preſerving the Records of the ſaid Shire, in ſuch Situation within the Burgh of *Ayr*, and with ſuch Materials as they ſhall think fit, containing proper and ſufficient Yards, Courts, Out Offices, and Conveniencies, with Paſſages and Avenues to and from the ſame, according to a Plan and Eſtimates of the Expence thereof authenticated by a Quorum of the ſaid Commiſſioners, to be depoſited with the Sheriff Clerk of the ſaid Shire, and for making all neceſſary Contracts and Agreements for and concerning the ſame, and for executing all the Powers by this Act committed to them.

Meetings of Commiſſioners.

II. And be it further enacted, That the ſaid Commiſſioners ſhall meet within [the preſent Court Houſe at *Ayr* on the Fourth *Monday* after the paſſing of this Act, between the Hours of Twelve and One, to carry this Act into Execution; of which firſt Meeting the Sheriff Clerk of the ſaid Shire is hereby directed and required to give Notice by Advertiſement once in any Two Newſpapers uſually circulated in the ſaid Shire, at leaſt Ten Days before the Day of ſuch Meeting; and the ſaid Commiſſioners ſhall and may at ſuch Meeting, and their ſeveral ſubſequent Meetings to be holden for the Purpoſe of carrying this Act into Execution, from Time to Time, adjourn to ſuch Time and ſuch Place as to them ſhall ſeem proper, and if it ſhall ſo happen that a Quorum of the ſaid Commiſſioners ſhall not attend any ſuch Meeting, the Commiſſioner or Commiſſioners then preſent, or the Clerk of the ſaid Commiſſioners, ſhall, from Time to Time as often as the ſame ſhall happen, adjourn ſuch Meeting to ſome other Day within Ten Days thereafter: Provided always, that it ſhall be in the Power of the Sheriff Depute or Subſtitute, or Conveener of the ſaid Shire, to call a ſpecial Meeting, giving Ten Days' previous Notice of ſuch Meeting once in any Two Newſpapers uſually circulated in the ſaid Shire.

Vacancies to be filled up.

III. And be it further enacted, That in the Event of the Death of any of the before named Commiſſioners, or in caſe any One or more of them ſhall refuſe or become incapable to act under the Powers and Authorities herein contained, the Commiſſioners of Supply for the ſaid Shire ſhall be and they are hereby authorized and empowered, at their annual General

Meeting in *April*, on the Requeſt in Writing of any Three of the Commiſſioners hereby appointed, to nominate and appoint a Commiſſioner or Commiſſioners in the Room of ſuch of them as ſhall ſo die or refuſe or become incapable to act as aforeſaid; and that the Perſon or Perſons ſo to be nominated and appointed ſhall from thenceforth have the ſame Power and Authority to act in the Execution of this Act as if he and they had been eſpecially named therein: Provided always, that ſuch Perſon or Perſons ſo to be appointed ſhall at the Time be a Commiſſioner or Commiſſioners of Supply for the ſaid Shire, and that the Number of Commiſſioners for the Purpoſes of this Act ſhall at no Time exceed the Number hereby appointed.

No Act of Commiſſioners to be valid unleſs done at their Meetings.

IV. And be it further enacted, That no Act of the ſaid Commiſſioners ſhall be good, valid, or effectual, unleſs the ſame ſhall be done at ſome Meeting to be holden in purſuance of this Act, (except as is hereinafter provided,) and that all the Powers and Authorities hereby granted to the ſaid Commiſſioners, ſhall and may be exerciſed from Time to Time by the major Part of them attending at any Meeting to be holden as aforeſaid; the Number of Commiſſioners preſent at ſuch Meeting not being leſs than Five, which is hereby declared to be a Quorum. Quorum.

Commiſſioners may appoint a Committee.

V. Provided always, and be it enacted, That the ſaid Commiſſioners may, if they think fit, from Time to Time, appoint a Committee of their Number, not conſiſting of leſs than Three, to ſuperintend the Progreſs of the ſaid Buildings, or to carry into Effect any of the Purpoſes of this Act, but that the Proceedings of ſuch Committee ſhall be ſubject to the Controul of the ſaid Commiſſioners at their Meetings to be held in Manner hereinbefore directed.

Commiſſioners to elect a Chairman,

and appoint a Clerk and Treaſurer.

Treaſurer to give Security.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall at every Meeting to be holden under the Authority of this Act elect a Chairman, who ſhall authenticate the Proceedings of ſuch Meeting, to be entered in a Book or Books to be kept for that Purpoſe, and that the ſaid Commiſſioners ſhall, at their firſt or any ſubſequent Meeting, appoint a Clerk and Treaſurer either ſeparately or jointly, with reaſonable Allowances for their Trouble, who ſhall hold and exerciſe his or their Offices during the Pleaſure of the ſaid Commiſſioners, and at all Times obey the Commands of the ſaid Commiſſioners in the Execution of this Act; and that the ſaid Treaſurer ſhall give Security for the due Execution of his Office.

Commiſſioners may ſue and be ſued in the Name of their Clerk.

VII. And be it further enacted, That the ſaid Commiſſioners may ſue and be ſued for any Matter or Thing to be done in Execution of this Act, in the Name of their Clerk for the Time being, and not otherwiſe, and that no Action or Suit to be brought or inſtituted by or againſt him by virtue of this Act, ſhall abate by the Death or Removal of ſuch Clerk, any Law or Practice to the contrary thereof notwithſtanding; but that the Clerk to the ſaid Commiſſioners for the Time being ſhall be deemed to be the Purſuer or Defender in every ſuch Action, and that the ſaid Commiſſioners ſhall not be perſonally anſwerable for what they, or any of them, ſhall do in the Execution of the Powers veſted in them by this Act.

VIII. And

Commiſſioners to aſſeſs the Shire in a Sum not exceeding 27,000l.

VIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed and required, at their firſt or any ſubſequent Meeting, to aſſeſs, or cauſe to be aſſeſſed, upon all Lands and Heritages contained in the Valuation Books of the ſaid Shire, and on the Landward Parts of the united Pariſhes of *Ayr* and *Alloway*, and on the inhabited Houſes in the ſaid Shire, a Sum not exceeding Twenty-ſeven thouſand Pounds Sterling, to be applied to the Purpoſes of this Act, which Aſſeſſment ſhall be levied and recovered by the Collector of the Land Tax of the ſaid Shire, (he receiving a ſuitable Reward for his Trouble out of the ſaid Aſſeſſment, not exceeding the Allowance made him for levying the Land Tax, in ſo far as the ſaid Aſſeſſment ſhall be levied on Lands and Heritages valued in the Valuation Books of ſaid Shire,) in the ſame Manner, by the ſame Means, and at the ſame Time, as the Land Tax is uſually levied and recovered by him; and that the ſaid Collector ſhall account for and pay over the Money ariſing from the ſaid Aſſeſſment to the ſaid Commiſſioners, or their Treaſurer for the Time being, at the ſame Time, in the ſame Manner, and under the ſame Conditions and Penalties as he is or ſhall be obliged to account for and pay the Land Tax to the Receiver General thereof, or Perſon appointed to receive the ſame on behalf of His Majeſty, his Heirs and Succeſſors; and becauſe the Landward Parts of the united Pariſhes of *Ayr* and *Alloway*, holding of the Burgh of *Ayr*, are not valued in the Valuation Books of the ſaid Shire, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, in Manner aforeſaid, to aſſeſs or cauſe to be aſſeſſed on the Landward Parts of the ſaid united Pariſhes of *Ayr* and *Alloway* the Sum of One Penny Sterling on each Pound Sterling of the Valuation at which the Lands ſituated in the ſaid united Pariſhes of *Ayr* and *Alloway* are rated, in the Valuation Roll by which the Stent and Converſion Money payable for the ſaid Lands are uſually levied in the ſaid united Pariſhes, for every Penny Sterling which ſhall be impoſed on the Pound Scots of Lands valued in the Valuation Books of the ſaid Shire, which Aſſeſſment, as well as the Aſſeſſment hereinafter impoſed on inhabited Houſes, ſituated within the Royal Burghs of *Ayr* and *Irvine*, ſhall be levied and recovered by the Perſons accuſtomed to collect the Ceſs impoſed on the Royal Burghs of *Ayr* and *Irvine*, (they receiving a ſuitable Reward for their Trouble out of ſuch Aſſeſſment, not exceeding the Allowance made for levying ſuch Ceſs,) in the ſame Manner, and at the ſame Time, that the ſaid Ceſs is uſually collected and recovered by them, and that the ſaid Collectors ſhall account for and pay over the Monies ariſing from the ſaid Aſſeſſment to the ſaid Commiſſioners, or their Treaſurer for the Time being, in Manner aforeſaid; and further, that it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, in Manner aforeſaid, to aſſeſs, or cauſe to be aſſeſſed, upon all inhabited Houſes within the ſaid Shire, of the Annual Value of Five Pounds Sterling and upwards, a Sum not exceeding One Penny Halfpenny Sterling on the Pound Sterling of the Annual Value, according to which the ſaid inhabited Houſes are aſſeſſed for the Houſe Tax for every Five Pounds Scots that ſhall be aſſeſſed on the One hundred Pounds Scots, of Lands ſo valued in the Valuation Books of the ſaid Shire, the whole of which Aſſeſſment ſhall be paid by the Occupiers of Houſes within the ſaid Shire, liable to the ſame; and where the Occupiers of the ſaid Houſes are Tenants, then and in that Caſe they ſhall be entitled

Commiſſioners further to aſſeſs the united Pariſhes of Ayr and Alloway, and the inhabited Houſes in ſaid Shire.

and

and they are hereby authorized to retain from their Landlords One equal Half or Moiety of the ſaid Aſſeſſments which they ſhall be obliged, as they are hereby obliged and required, to allow as Part of the Rent due for ſaid inhabited Houſes, on Production of the Collector's Receipt for the ſame; which Aſſeſſment ſhall be levied and recovered by the Collectors of the Aſſeſſed Taxes for the ſaid Shire, (they receiving a ſuitable Reward for their Trouble out of the ſaid Aſſeſſment, not exceeding the Allowance made for collecting the Aſſeſſed Taxes,) at the ſame Time that the Aſſeſſed Taxes are uſually levied and recovered by them; and that the ſaid Collectors ſhall account for and pay over to the ſaid Commiſſioners, or their Treaſurer for the Time being, the Monies ariſing from the ſaid Aſſeſſment, in Manner aforeſaid; but it is hereby expreſsly provided and declared, that inhabited Houſes, though of the annual Value of Five Pounds Sterling or upwards, erected or to be erected on Lands valued in the Valuation Books of the ſaid Shire, and chargeable with the Aſſeſſment impoſed by this Act on Lands and Heritages ſo valued to a greater Amount than the Sum for which the ſaid inhabited Houſes would be chargeable under this Act, ſhall not alſo be liable to the Aſſeſſment hereby impoſed on inhabited Houſes of the aforeſaid Value: Provided always, that it ſhall not be lawful for the ſaid Commiſſioners to cauſe to be levied, or for the Collector of the Land-Tax, or Collectors for the Burghs of *Ayr* and *Irvine*, or the Collectors of Aſſeſſed Taxes for the ſaid Shire, to levy in any One Year a greater Proportion or Inſtalment of the ſaid Aſſeſſment on the valued Rent of the ſaid Shire, the united Pariſhes of *Ayr* and *Alloway*, and the inhabited Houſes in the ſaid Shire, than ſhall amount to the Sum of Nine thouſand Pounds Sterling; and that the Heritors of the ſaid Shire, or Occupiers of Houſes therein, ſhall in no Shape, or on no Pretence, be ſubject or liable for any further Sum or Sums of Money for the Purpoſes of this Act, than the Sum of Twenty-ſeven thouſand Pounds Sterling, hereby authorized to be aſſeſſed and levied, and the Expence of repairing the ſaid Court Houſe and other Buildings, in Manner hereinafter provided. Proviſo.

IX. And be it enacted, That if any Perſon or Perſons occupying any inhabited Houſe liable to any ſuch Aſſeſſment, ſhall neglect or refuſe to pay the ſame when demanded, the ſaid Commiſſioners are hereby empowered, by ſuch Perſon or Perſons as they ſhall authorize or appoint for that Purpoſe, to levy ſuch Aſſeſſment by Diſtreſs and Sale of any Goods and Effects belonging to the Perſon ſo neglecting or refuſing to pay any ſuch Aſſeſſment; and it ſhall and may be lawful for the Perſon or Perſons ſo diſtraining, after the Space of Six Days after ſuch Diſtreſs ſhall be made and taken, if ſuch Aſſeſſment ſhall not be ſooner paid, to appraiſe and ſell the Goods and Effects ſo diſtrained, returning the Overplus, if there be any, to the Owner or Owners thereof, after ſuch Aſſeſſment, and the reaſonable Charges of diſtraining, keeping, and ſelling ſuch Goods and Effects ſhall be deducted and paid. Aſſeſſment upon inhabited Houſes may be levied by Diſtreſs.

X. And be it further enacted, That the Ground or Scite upon which the ſaid new Buildings are to be built ſhall be an Area of One hundred and eighty-four Feet in Front, and Four hundred Feet in Depth, forming the Weſt Side of the Square now building on a Part of the Green of *Ayr*, and the Front Boundary of the ſaid Area ſhall be laid off in a Line parallel to the Gable of the Houſe at preſent poſſeſſed by *Robert Thomſon* of *Daljarrock* Eſquire, but Sixty Feet to the Weſt of ſaid Magiſtrates of Ayr to provide the Scite for the new Buildings, and farther to contribute.

Gable, ſo as to allow a Street of the Breadth of Sixty Feet to paſs along the Front of the ſaid Buildings, and the End of the ſaid *Robert Thomſon*'s Houſe, and the Houſe to be erected oppoſite to the ſame on the North Side of the Square, and a Street alſo of Sixty Feet in Breadth ſhall paſs along the North and South Sides of the ſaid Area to the Sea Shore, being a Continuation of the Streets at preſent laid off in Front of the Houſes forming the North and South Sides of the ſaid Square: And it is hereby provided and declared, that it ſhall not be lawful for the Magiſtrates and Town Council of *Ayr*, or their Succeſſors in Office, or Aſſignees, whether voluntary or legal, to erect, or cauſe to be erected, any Building or Buildings other than Fences for the Diviſion or Ornament of the ſame, within the Area of the ſaid Square in Front of the ſaid new Buildings, or betwixt the ſame and the Sea Shore; and the ſaid Commiſſioners ſhall have Power to conſtruct, or cauſe to be conſtructed, all neceſſary Drains or Sewers from the ſaid Area, on which the aforeſaid new Buildings are to be erected, to the Sea Shore; and that all Clauſes neceſſary for creating the aforeſaid Servitudes ſhall be inſerted in the Diſpoſitions and Conveyances to be granted by the ſaid Magiſtrates and Town Council to the ſaid Commiſſioners, or their Truſtee, in Manner after mentioned; but the ſaid Commiſſioners ſhall be bound, as they are hereby bound and obliged, to erect the ſaid new Buildings with a regular Elevation in the Centre of the ſaid Area, and ſo that the Buildings to be erected behind ſhall not project beyond the Front Building on either Side; and the whole Area occupied ſhall be encloſed with ſufficient Stone Walls, and no Part of it ſhall be converted to any other Uſe or Purpoſe than thoſe ſet forth in this Act; and the Magiſtrates and Town Council of the ſaid Burgh of *Ayr* ſhall make over and convey the ſaid Area, with the Servitudes before mentioned, to and in Favour of the aforeſaid Commiſſioners, or their Truſtee, in Manner hereinafter ſet forth, within Two Calendar Months after they ſhall be required ſo to do, by Notice in Writing given to them to that Effect by the ſaid Commiſſioners; and that beſides providing a Scite for the ſaid public Buildings the Magiſtrates and Town Council of the ſaid Burgh ſhall further contribute and pay towards the Expence of erecting the ſaid Buildings the Sum of Five hundred Pounds Sterling, which the ſaid Commiſſioners are hereby authorized to aſk, levy, demand, and make effectual, within the like Period after the ſame ſhall have been demanded; and in the Event of the Magiſtrates failing to make Payment of the ſame, or neglecting or delaying to make over to the ſaid Commiſſioners the Scite for the new Buildings, then and in that Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, to enforce and compel the Fulfilment of both the one and the other of theſe Obligations by ſuch Suit, Action at Law, or Diligence, as by or through which Debts or Obligations due by Royal Burghs may be recovered or enforced, in that Part of the United Kingdom called *Scotland*; and that it ſhall be lawful for the ſaid Magiſtrates and Town Council of ſaid Burgh, and they are hereby authorized and empowered to make over to the ſaid Commiſſioners the aforeſaid Scite for the new Buildings, by ſuch Diſpoſitions and Conveyances as are generally known and uſed in that Part of the United Kingdom called *Scotland*, for the Alienation and Conveyance of heritable Subjects belonging in Property to Royal Burghs; and the ſaid Magiſtrates and Town Council are hereby further authorized to create over the adjoining Property of the ſaid Burgh the Servitude or Servitudes before

before mentioned, to prevent any Buildings being erected to the Prejudice of the ſaid new Buildings, and for the proper Drainage of the ſame; and ſuch Diſpoſitions and Conveyances as ſhall be granted in purſuance of this Act ſhall effectually convey the ſaid Scite for the new Buildings, and create the aforeſaid Servitude or Servitudes, to and in Favour of the ſaid Commiſſioners, or their Truſtee, as hereinafter deſcribed, and ſhall bind the ſaid Magiſtrates and Town Council and the ſaid Burgh in all time coming; and the Magiſtrates and Town Council of the ſaid Burgh are hereby authorized to cauſe their Treaſurer to charge the Property and Funds of the ſaid Burgh with the Amount of the aforeſaid Sum which they are to contribute for the Purpoſes of this Act.

Commiſſioners to acquire all Rights of Property, &c. in new Gaol, &c.

XI. And be it enacted, That the ſaid Commiſſioners ſhall be entitled to acquire all Rights of Property and Servitude of, in, and connected with the ſaid Gaol, Court Houſe and other Buildings, Offices and Scite, or Area thereof, and the Avenues leading to the ſame; and that the Rights and Conveyances thereof ſhall be taken in Favour of the Sheriff Clerk of the ſaid Shire, and his Succeſſors in Office for the Time being, in Truſt for the ſaid Commiſſioners; which Rights and Conveyances ſhall be ſufficient for veſting the Subjects thereby conveyed in the ſaid Sheriff Clerk in Truſt as aforeſaid.

Commiſſioners may agree for a Rent of Sheriff Clerk's Office, which ſhall be a Fund for repairing the Buildings, and Commiſſioners of Supply authorized to raiſe a further Sum if neceſſary.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall be, and they are hereby empowered to contract and agree with the Sheriff Clerk, Clerk of the Peace, and Clerk to the Commiſſioners of Supply of the ſaid County for the Time being, for a Rent to be paid by them for the Apartments and Offices that ſhall be ſeverally uſed by them as the Sheriff Clerk, Clerk of the Peace, and Clerk to the Commiſſioners of Supplies of the ſaid County, which Rents ſhall be a Fund for keeping in Repair the ſaid Buildings and the Furniture thereof, with the Exception of the Gaol, which ſhall be kept in Repair in the Manner hereinafter provided for; and in caſe the ſaid Commiſſioners cannot agree with the Sheriff Clerk, Clerk of the Peace, and Clerk to the Commiſſioners of Supply for the Time being, as to the Amount of the Rents to be ſeverally paid by them for the ſaid Offices ſo to be uſed by them, then and in that caſe the Rent to be paid by the ſaid Sheriff Clerk, Clerk of the Peace, and Clerk to the Commiſſioners of Supply, ſhall be fixed by the Sheriff Depute of the County of *Ayr* for the Time being; and if at any Time a further Sum ſhall be required for the Purpoſe of keeping the ſaid Buildings in Repair, with the Exception aforeſaid, then it ſhall be in the Power of the Commiſſioners of Supply for the ſaid County, and they are hereby authorized and required at any of their Annual Meetings on the Thirtieth Day of *April*, to impoſe an Aſſeſſment on the valued Rent of the Shire of *Ayr* ſufficient for the Purpoſe of effecting the neceſſary Repairs, not exceeding the Amount thereof and the Expence of collecting the Aſſeſſment in the Year for which it ſhall be ſo impoſed, which Aſſeſſment ſhall be levied by the Collector for the ſaid Shire along with the Land-Tax thereof in Manner aforeſaid.

Money to be lodged in Bank.

XIII. And be it enacted, That the ſaid Commiſſioners, or their Treaſurer to be appointed as aforeſaid, ſhall lodge all and every Sum or Sums of Money, which they or either of them ſhall receive from the Collectors for the ſaid Shire, or the Magiſtrates and Town Council of *Ayr*, with

ſuch Bank or Banking Company as the ſaid Commiſſioners ſhall from Time to Time appoint, therein to remain at Intereſt till the ſame ſhall be required for the Purpoſes of this Act.

Commiſſioners may borrow Money.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall have Power, and they are hereby authorized and empowered, to borrow and take up at Intereſt, on the Security of the Aſſeſſment hereby authorized to be levied, ſuch Sum or Sums of Money as they ſhall judge requiſite for defraying the Expence of erecting the ſaid Public Buildings, and procuring Plans and Eſtimates of the ſame, together with every other Expence attending the applying for and paſſing of this Act, and carrying the ſame into Execution; provided that the whole Amount of the Money ſo borrowed ſhall not exceed the Sum of Nine thouſand Pounds Sterling; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered to aſſign or make over the whole or any Part of the Aſſeſſment hereby authorized to be impoſed and levied, to any Perſon or Perſons from whom the Money aforeſaid or any Part thereof ſhall be borrowed, as a Security for Payment thereof, and the Intereſt ariſing thereon, at a Rate not exceeding Five Pounds Sterling *per Centum per Annum;* and ſuch Aſſignments in Security for Money to be borrowed as aforeſaid ſhall be entered in a Book or Books to be kept by the ſaid Commiſſioners or their Clerk for that Purpoſe; which Book or Books may be ſeen and peruſed by any Perſon or Perſons in any Way intereſted therein, without Fee or Reward; and the Aſſignments in Security to be granted by the ſaid Commiſſioners for the Purpoſes aforeſaid ſhall be transferrable by Indorſement, being duly ſubſcribed by the Parties transferring, in the Preſence of One or more ſubſcribing Witneſs or Witneſſes; which Aſſignments, ſo to be granted by the ſaid Commiſſioners, ſhall be made and executed by their Clerk in their Name, on their Behalf, he being ſpecially authorized ſo to do by a General Meeting of Commiſſioners: provided always, that the ſaid Commiſſioners, or their Clerk, or ſuch Perſons as they may appoint to receive the Money ſo to be borrowed as aforeſaid, ſhall not be perſonally ſubject to pay the ſame by reaſon of their authorizing the Signature of or ſigning ſuch Bonds as before directed.

Magiſtrates of Ayr to be anſwerable for the Cuſtody of Priſoners as formerly,

and to have the ſame Power over the New as the Old Gaol, and ſhall be bound to keep the New Gaol in Repair.

XV. And be it further enacted, That when the ſaid Gaol ſhall be finiſhed, the ſame with the Yards, Courts, Out Offices, and Conveniences aforeſaid, ſhall be uſed for confining Debtors, Felons, Vagrants, and other Delinquents, within the ſaid Shire and Burgh; and the Magiſtrates and Town Council of the ſaid Burgh, and the Gaoler or Keeper, Gaolers or Keepers of the ſaid Gaol, ſhall be reſpectively anſwerable to all Intents and Purpoſes whatſoever for the ſafe Cuſtody of all ſuch Perſons as ſhall from Time to Time be committed to his or their Cuſtody, in the ſaid New Gaol in the like Manner as the Magiſtrates and Town Council of the ſaid Burgh; and the Gaoler or Keeper of the preſent Gaol of the ſaid Burgh now are and is liable by Law, and that the Magiſtrates of the ſaid Burgh ſhall have the ſame Power over the ſaid New Gaol, and the Gaolers or Keepers thereof, and the Debtors, Felons, Vagrants, and other Delinquents, who ſhall be confined therein, as they have or might have over the preſent Gaol, and the Gaoler or Keeper thereof, and the Priſoners therein, by any Law now in force; and the ſaid Magiſtrates and Town Council of *Ayr*, ſo ſoon as the ſaid Gaol is finiſhed, and delivered over to them, ſhall be bound and obliged, as they are hereby bound and obliged,

obliged, to keep and maintain the ſaid Gaol in good and ſufficient Repair, from the Funds of the ſaid Burgh, in all Time coming.

Priſoners to be removed from Old to New Gaol.

XVI. And be it further enacted, That when the ſaid New Gaol ſhall be fit for the Reception of Priſoners, the ſaid Commiſſioners, or any Two or more of them, ſhall cauſe Notice thereof in Writing to be given to the Magiſtrates and Town Council of the ſaid Burgh, and to the Keeper or Keepers of the preſent Gaol therein, for the Time being, who ſhall remove to ſuch New Gaol all ſuch Debtors, Felons, and other Priſoners as ſhall be then confined in the preſent Gaol, and ſuch Removal or Removals, or the Airing or exerciſing of the Priſoners who ſhall be confined therein, during ſuch Times, and in ſuch Places within the Limits of the ſaid Gaol, Yards, Courts, Out Offices, and Conveniences as the ſaid Magiſtrates ſhall appoint, ſhall not be deemed or taken to be an Eſcape or Eſcapes.

Magiſtrates of Ayr not to be relieved of any Obligation by Law to maintain a Burgh Gaol.

XVII. And be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to relieve the Magiſtrates, Town Council, and Community of the ſaid Burgh of *Ayr*, or any other Perſons, of any Obligation exiſting by law on them to build, maintain, and keep in Repair a Gaol or Priſon for the ſaid Burgh, but that the ſaid Magiſtrates, Town Council, and Community ſhall not be bound to contribute or pay towards the Expence of erecting the ſaid New Gaol and Court Houſe further than is herein before enacted.

Account Books and Papers to be depoſited with the Sheriff Clerk.

XVIII. And be it further enacted, That when the ſaid New Gaol, Court Houſe, and other Buildings, ſhall be finiſhed under the Authority hereby given, an Account of the whole Expence thereof ſhall be made up and atteſted by the ſaid Commiſſioners, or a Quorum of them, which Account, together with the Books, Papers, Receipts, and all other Writings, Vouchers, Plans, Drawings, and Deſigns, relative to the ſaid Gaol, Court Houſe, and other Buildings, ſhall be depoſited with the Sheriff Clerk, to be preſerved and to remain with the Records of the ſaid Shire, for the Information of all and every Perſons and Perſon concerned.

Expence of the Act how to be defrayed.

XIX. And be it further enacted, That the Expence of procuring and paſſing this Act ſhall be defrayed out of the firſt and readieſt of the Monies leviable under the Authorities herein contained.

Appeal againſt Aſſeſſment.

XX. And be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Aſſeſſment impoſed by virtue of this Act, it ſhall and may be lawful for ſuch Perſon or Perſons, within Three Months after any ſuch Aſſeſſment ſhall have been demanded, but not afterwards, to appeal againſt the ſame to the Juſtices of the Peace at the Quarter Seſſions of the ſaid County, giving Fourteen Days' Notice of ſuch Appeal to the Collector of the Aſſeſſment, and lodging with ſuch Appeal a Bond with ſufficient Surety or Caution for fulfilling and implementing the Sentence to be pronounced, and for paying ſuch Expences as ſhall be awarded by the ſaid Juſtices of the Peace, who are hereby authorized to determine the Matter in Diſpute, and their Judgment ſhall be final and concluſive without being ſubject to Review in any Court whatſoever.

Limitation of Actions.

XXI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance or by virtue of this Act, after Six Calendar Months from the Time the Fact was committed, or the Cause of Action had occurred, for which such Action or Suit shall be brought; and the Defender or Defenders in any such Action or Suit may produce this Act, and plead that the same was done by Authority and in virtue thereof; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time hereby limited for bringing the same, then and in such Case the Defender or Defenders shall be assoilzied from such Action or Suit, and the Pursuer or Pursuers therein shall be found liable to pay the whole Expence of Process incurred by the Defender or Defenders.

Public Act.

XXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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