CHAPTER lxxi.

An Act for extending the boundaries of the burgh of Irvine for municipal and police purposes; for empowering the Corporation to widen and improve streets, and to supply gas and water; and for other purposes. A.D. 1881.

[27th June 1881.]

WHEREAS the General Police and Improvement (Scotland) Act, 1862 (herein-after called "the Police Act"), has been adopted and is now in force in the burgh of Irvine, which is a royal burgh and a burgh which contributes to send a member to Parliament, and is herein-after called "the existing burgh": 25 & 26 Vict. c. 101.

And whereas it is expedient that the boundaries of the said burgh should, for municipal, police and sanitary purposes, be enlarged, and that provision should be made for dividing the extended burgh 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 extended burgh, and the purposes to which the same shall be applied:

And whereas the bridge over the River Irvine at Irvine (commonly and herein-after called "the bridge of Irvine") is now vested in trustees (herein-after referred to as "the bridge trustees") appointed and acting under the Local Act seventh George the Fourth, chapter one hundred and seven, intituled "An Act for "widening and improving the bridge of Irvine, for making streets "communicating thereto, and for more effectually enlarging, "deepening, improving and maintaining the harbour of Irvine, in "the county of Ayr;" and it is expedient and would be for the public advantage that the bridge of Irvine and the accesses thereto

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and property connected therewith should be transferred from the bridge trustees to and vested in the Corporation as by this Act provided:

And whereas it is expedient that the Corporation should be empowered to widen and improve streets and the bridge of Irvine, and to erect a foot bridge, and to carry into effect the other provisions of this Act with respect to markets, market-places, and slaughter-houses in the extended burgh; and that, for defraying the cost thereof, the Corporation should be authorised to apply the revenue of the common good of the extended burgh, or any part thereof, and to borrow money on the security of such revenue:

And whereas it is expedient that the Corporation should be empowered to acquire by agreement the undertaking of the persons trading under the name of the Irvine Gaslight Company (herein-after called "the gas company,") and to supply gas and other light within the extended burgh:

And whereas it is expedient that the Corporation should be empowered to supply water to the extended burgh and places adjacent, and that for such purpose the existing waterworks constructed by the provost, magistrates, and town council of the royal burgh of Irvine, and the parochial board of the parish of Dundonald, as the local authorities in the said burgh and parish respectively, under the Public Health (Scotland) Act, 1867, and the Public Health (Scotland) Amendment Act, 1871, should be transferred to and vested in the Corporation as the local authority in the extended burgh; and that the Corporation should be authorised to maintain and extend the said existing waterworks, to construct additional waterworks, and to execute the other purposes of this Act herein-after mentioned:

30 & 31 Vict. c. 101.
34 & 35 Vict. c. 38.

And whereas it is expedient that for carrying into effect the several purposes of this Act the Corporation should be empowered to borrow money on the security of the rates and charges by this Act authorised to be levied and received and of the other revenues and property of the Corporation:

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 in the offices, at Ayr and Kilmarnock respectively, of the principal sheriff clerk of the county of Ayr, and are herein-after respectively referred to as the deposited plans, sections and books of reference:

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And whereas a map, showing the boundaries of the existing burgh, and the boundaries of the burgh as extended by this Act, has been deposited in the office at Irvine of the town clerk of the burgh:

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 Irvine Burgh Act, 1881.

Commencement of Act.

2. This Act shall commence and come into operation on and from the first day of November, one thousand eight hundred and eighty-one, (which date is herein-after referred to as "the commencement of this Act") except in so far as it is specially provided to come into operation at any other period.

Application of provisions of 25 & 26 Vict. c. 101. to extended burgh.

3. The provisions of the Police Act, except in so far as inconsistent with or varied by 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 in construing such provisions of the Police Act as applicable to the extended burgh, the expression "the Commissioners" in that Act shall mean the Corporation.

Application of 38 & 39 Vict. c. 49. to extended burgh.

4. The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875, shall apply to the extended burgh as if it were a parliamentary burgh containing, according to the last published census, a population of upwards of twenty-five thousand.

Incorporation of general Acts.

5. The following Acts and parts of Acts (so 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, except sections one hundred and twenty to one hundred and twenty-five inclusive thereof; 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 Act, 1847, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit; the Waterworks Clauses Act, 1863; 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 Markets and Fairs Clauses Act, 1847; the Nuisances Removal (Scotland) Act, 1856; the Public Health (Scotland)

8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.
8 & 9 Vict. c. 33.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.
10 & 11 Vict. c. 15.
10 & 11 Vict. c. 14.

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Act, 1867, and the Public Health (Scotland) Amendment Act, 1871; and the provisions 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 sections eighty-four, eighty-six, and eighty-seven; and the Gasworks Clauses Act, 1871, shall apply to the gas undertaking of the Corporation as if the same were hereby authorised.

19 & 20 Vict. c. 103.
10 & 11 Vict. c. 16.
34 & 35 Vict. c. 41.

Interpretation of terms.

6. 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 expression "the royal burgh" or "the existing burgh," means the burgh of Irvine as existing previous to the commencement of this Act:

The expression "the extended burgh" means the burgh of Irvine 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 limits of the existing burgh:

The expression "the town council" means the provost magistrates and councillors of the existing burgh:

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

The expressions "the chamberlain," "the dean of guild" and "the clerk," mean respectively the chamberlain, the dean of guild and the town clerk of the extended burgh:

The expression "the sheriff" means the sheriff of the county of Ayr, and shall include his substitutes; and the expression "the sheriff clerk" means the sheriff clerk of the said county and includes his deputes:

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

The expression "the Public Health Acts" means the Public Health (Scotland) Act, 1867, and Acts amending that Act:

The expression "the Valuation Acts" means the Public Act seventeenth and eighteenth Victoria, chapter ninety-one, intituled "An Act for the valuation of lands and heritages in Scotland," and Acts amending that Act:

The expression "the valuation roll" means the valuation roll made up under the Valuation Acts:

The expression "lands and heritages" has the same meaning as in the Valuation Acts:

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 herein-after provided that a supply of water may be given by agreement:

The word "householders" shall apply to and include electors:

In the Acts, or any of them, wholly or partially incorporated with this Act, as applicable to the special provisions of this Act, the expression "the special Act" means this Act; the respective expressions "the promoters of the undertaking," "the company," "the commissioners" and "the undertakers" mean the Corporation; and the respective expressions "the works" and "the undertaking" extend to and include 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 Railway Clauses Consolidation (Scotland) Act, 1845, as incorporated with this Act, the expression "the railway" means the works by this Act authorised.

Part I.—Municipal.

Extended burgh.

7. From and after the commencement of this Act the burgh shall be and consist of the district comprised within the limits and boundaries set forth and described in the first schedule to this Act, the description thereof being subject to the rules of construction laid down in the fifth section of the Public Act second and third William the Fourth, chapter sixty-five; and the provisions of this Act and of all Acts for the time being in force relating to royal burghs in Scotland or to burghs in Scotland which contribute to return members to Parliament, or to the municipal corporations, magistrates or police commissioners thereof shall, subject to the provisions of this Act, apply to and have effect in the burgh as defined in this section, in the same way and to the same effect as if the burgh as so defined were a burgh which contributed to return a member to Parliament.

Act not to affect election of members to serve in Parliament.

8. Nothing in this Act contained shall interfere with the county of Ayr or the parliamentary burgh of Irvine or the limits thereof, or the electors thereof, or any of them, so far as regards the election of members to serve in Parliament for the said county and burgh

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respectively, and the said county and burgh respectively shall for parliamentary purposes remain in all respects the same as if this Act had not been passed.

Act not to affect school boards.

9. Nothing in this Act contained shall affect or alter the powers, duties, jurisdictions, rights and obligations of any school board having or which may have schools or other buildings within the extended burgh or their rights of property or of levying assessments under the Education (Scotland) Act, 1872, and any Acts amending the same; and the rights of ratepayers within the district annexed and within the existing burgh to vote for and elect members of their respective school boards shall remain in all respects the same as if this Act had not been passed.

35 & 36 Vict. c. 62.

Powers of local authorities in district annexed to cease.

10. Subject to the provisions of this Act, all jurisdictions, rights, powers and authorities which, previous to the commencement of this Act, were exercised or exerciseable by any local or other authority within or over the district annexed, or part or parts thereof, shall, from and after the commencement of this Act, cease and determine.

Division of extended burgh into wards.

11. The extended burgh shall, for the purpose of the election of town councillors and for all 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 second schedule to this Act.

Future re-adjustment of wards.

12. 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, and a person to be appointed by one of Her Majesty's 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 division and 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 division and boundaries of the wards in the extended burgh in lieu of the boundaries by this Act prescribed.

Qualification of electors.

13. The right of electing the town council of 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, as the same may be from time to time altered or amended; 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.

31 & 32 Vict. c. 108.

Qualification of councillors.

14. All persons who are qualified as electors, and who have a residence or place of business in the extended burgh, shall be eligible and qualified as councillors, and it shall not be necessary that any person elected as a councillor shall be a burgess or guild brother of the burgh.

Valuation roll.

15. The assessor for the parliamentary burgh of Irvine under the Valuation Acts shall, at the same time as he makes up the valuation roll for the same for the year from Whitsunday, one thousand eight hundred and eighty-one to Whitsunday, one thousand eight hundred and eighty-two, also make up a valuation roll for the district annexed, so far as situated beyond the parliamentary burgh of Irvine, and the assessor for the burgh shall annually thereafter make up a valuation roll for the extended burgh, distinguishing the lands and heritages within the district annexed from the lands and heritages within the existing burgh, and the procedure and right of appeal and forms shall be such and the same as are provided by the said Acts in relation to the existing parliamentary

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burgh of Irvine; and for all municipal and police purposes, and for all assessments imposed, or which may be imposed within the extended burgh by any legally appointed assessing body under this Act, or any other Act, the said roll shall be deemed to be the valuation roll under the Valuation Acts; and the expense of making up such roll shall be paid out of the assessments authorised to be levied by the Corporation under the powers of the Valuation Acts and this Act: Provided always, that the said valuation roll shall not affect the valuation roll made up for the county of Ayr, and that no lands and heritages shall be assessed for similar purposes both in the extended burgh and in the county of Ayr, although such lands and heritages may be included in the valuation roll made up for the said county.

Register of municipal electors to be formed.

16. Notwithstanding the date herein-before fixed for the commencement of this Act, immediately upon the completion of the first registration of parliamentary electors for the burgh of Irvine which shall take place subsequently to the passing of this Act, a register of the electors for the extended burgh, to be called "the Irvine municipal register" (herein-after referred to as "the municipal register"), for the purposes of this Act, shall be formed, containing:—

First. The names of all persons then standing in the parliamentary register for the parliamentary burgh of Irvine; and

Secondly. The names of—

(*a.*) All persons other than the above whose names would be entitled to appear on the said parliamentary register if the limits of the extended burgh were wholly within the parliamentary boundaries of the burgh of Irvine:

(*b.*) Such partners or directors, not exceeding six in number, of every company or copartnership having a place of business in the extended burgh, of a yearly value as appearing from the valuation roll of the extended burgh, of twenty-four pounds or upwards, as may be nominated in writing to the assessor by such company or copartnership, on or before the first day of August in each year:

And the municipal register to be so prepared may consist of two divisions, namely, the parliamentary register, comprising the names of the class of voters first above mentioned, and a supplementary register, comprising the names of the class of voters secondly above mentioned, arranged in wards, and shall be continued, added to and amended, from year to year, under the authority of the sheriff, and in manner directed by this Act; and on the municipal register being completed for each year the town clerk shall sign the same, and the said register shall form the register of persons entitled to vote in the

election of councillors for the extended burgh until the same shall be revised and a new register be completed. A. D. 1881.

How register to be made up.

17. For the purpose of enabling the municipal register to be made up the assessor of the parliamentary burgh of Irvine acting under the provisions of the Act passed in the nineteenth and twentieth years of the reign of Her present Majesty, chapter fifty-eight, as amended by any subsequent Act, shall in the year one thousand eight hundred and eighty-one, and the assessor of the extended burgh shall annually, thereafter, along with the lists of voters required by the said last-mentioned Act to be delivered to the town clerk, also make up and deliver to him a list of all persons primâ facie possessed of the qualifications described in the Acts regulating for the time the qualification of persons entitled to vote in the election of members of Parliament for burghs in Scotland, in respect of subjects situated within the limits of the extended burgh, but beyond the boundaries of the parliamentary burgh of Irvine; and such additional lists shall be dealt with and disposed of in all respects, and claims and objections may be lodged and shall be dealt with and disposed of in the same way and manner, and so far as regards municipal and police purposes to the same effect, as the lists required to be made up and delivered, and the claims and objections allowed by the said Act of the nineteenth and twentieth years of the reign of Her present Majesty as amended as aforesaid.

Registers to be printed annually.

18. The town clerk shall cause the registers framed in accordance with the provisions of this Act to be printed annually, and shall deliver copies of the registers of any ward to every registered elector of the extended burgh who may apply for the same, on payment of the fees contained in Table II. of the schedule (B) annexed to the said Act of the nineteenth and twentieth years of the reign of Her present Majesty; and the expense of forming the municipal register, and of printing the same annually, after deducting any sums received for copies sold, shall be defrayed in the way and manner provided by the said last-mentioned Act for defraying the expenses of making up and printing the register of parliamentary voters.

Saving appointment of poll clerks, &c.

19. The appointment by the provost or senior magistrate immediately before any annual election of legal substitutes to preside at the polling places, and of persons to officiate as poll clerks in the several wards shall be valid, notwithstanding the going out of office of the provost or senior magistrate after making such appointment.

Existing magistrates and councillors to con-

20. 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

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tinue till new town council elected.

of the extended burgh until the completion of the first election and induction into office of the town council under this 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.

21. 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 dean of guild and another of such councillors shall be elected treasurer; and the majority of the town council shall constitute a quorum.

Election of councillors.

22. The electors of the extended burgh shall, on the first Tuesday of November, in the year one thousand eight hundred and eighty-one, 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 the same were herein specially enacted and made applicable to the extended burgh.

One third of council to retire each year.

23. 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 eighty-two, 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 eighty-three, in each ward one councillor shall go out of office, which councillor shall be that one who had the next smallest number of votes at the first election in that ward, 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, dean of guild 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.

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33 & 34 Vict. c. 92.

Jurisdiction of Corporation.

24. From and after the completion of the first election and induction into office of the town council under this Act, the provost and magistrates, 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, as far as regards the district annexed, cease to hold such offices.

Existing trusts vested in Corporation.

25. 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 existing 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

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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 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 or persons, or class or community of persons, all and every right of property or personal privilege or immunity within the existing 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 in Corporation.

26. The common good, including property heritable and moveable, and means, revenues and income of every description, leviable within or belonging to the existing burgh, or to which the existing burgh is entitled, or which are held or administered by any person for or on behalf of the community of the existing 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 interest 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 burgh disjoined from county of Ayr.

27. 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.

Parochial arrangements and property not to be affected.

28. 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 school rates or parochial burdens or other parochial arrangements, be affected by any of the provisions of this Act.

Hospital, &c. to remain the property of parochial board of Dundonald.

29. The sick house or hospital belonging to the parochial board of the parish of Dundonald and all other property in the Halfway or Fullarton district of the said parish belonging to the said parochial board shall, notwithstanding the provisions of this Act, remain the property of the said parochial board.

Teinds not to be affected.

30. 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.

Tenure and records not to be affected.

31. 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.

Thirlage not to be extended.

32. 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.

Saving jurisdiction of sheriff of county of Ayr.

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

Reservation of rights of property, &c. and privileges of burgesses.

34. Nothing in this Act 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 existing burgh, or other vested rights; but all such rights, privileges and immunities shall remain and be exercised and enjoyed by burgesses,

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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.

Actions by or against Corporation to be brought in name of town clerk.

35. Except as herein-after specially provided, all actions, suits, or proceedings in respect of any matter or thing relating to the execution of this Act, or the Police Act, to be brought by or against the Corporation, shall be in the name of the town clerk for the time being as the party pursuer or defender representing the Corporation; and no action, suit or proceeding wherein the Corporation shall be concerned as pursuers or defenders in the name of the town clerk, shall cease or abate by death, resignation or removal of the town clerk, or by any change in the persons holding office in the Corporation, but the town clerk for the time being shall be deemed to be the pursuer or defender, as the case may be, in every such action, suit or proceeding.

Deeds granted and debts contracted, confirmed and secured.

36. 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 existing 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 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 existing 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 existing burgh if this Act had not been passed.

Provision for debts owing by local authority of parish of Dundonald.

37. All debts contracted by or which at the commencement of this Act may be owing by the local authority of the parish of Dundonald, and all lawful contracts entered into by or with the said local authority, affecting that part of the said parish which is included within the extended burgh, shall remain as valid and binding against that part of the said parish as if this Act had not been passed; and the Corporation shall alone be entitled and bound to assess such part of the said parish within the extended burgh for the liquidation of all such debts and the implementing of all such contracts as aforesaid: Provided that the said local authority of the parish of Dundonald may levy or continue to levy assessments within such part of the said parish, for defraying the expense of the cemetery constructed by them, as fully and effectually as if this Act had not been passed.

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Collection of former rates and recovery of debts and penalties.

38. Every rate and assessment which shall have been authorised to be collected and levied by any local authority having jurisdiction over the area included within the extended burgh or any part thereof 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 parties who respectively imposed the same, 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 same parties respectively 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 existing 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 existing burgh.

Corporation may appoint committees.

39. 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 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 incurred, made or entered into, be approved of by the Corporation: Provided also, that it shall not be lawful for a committee to make or impose any rate.

Number, quorum and constitution of committees.

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

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Regulation of committees.

41. 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.

42. 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.

43. Notwithstanding the transfer by virtue of this Act of the powers of the magistrates and town council of the existing burgh to the Corporation, the several persons holding office under, or who may at the commencement of this Act be employed by, the said magistrates and town council, 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 existing burgh, until they shall respectively be lawfully displaced by the Corporation.

Statute labour conversion money to continue as at present.

44. 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.

Roads within extended burgh to be maintained by trustees under 10 & 11 Vict. c. ccxiii.

45. Notwithstanding the extension of the limits of the burgh by this Act authorised, the roads within the extended burgh shall continue to be maintained and repaired, and the expenses thereof defrayed as heretofore by the trustees appointed and acting under the Ayrshire Roads Act, 1847.

Magistrates to grant certificates for licences.

46. 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, in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter sixty-seven, in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter thirty-five, in the thirty-ninth and fortieth years of the reign of Her present Majesty, chapter twenty-six, and in the fortieth and forty-first years of the reign of Her present Majesty, chapter three, (herein-after called "the Licensing Acts") in reference to premises within the extended burgh shall, at and from and after the first licensing term after the passing of this Act, be made to and disposed

of by the magistrates to be elected under this Act, who shall exclusively exercise within the extended burgh all the powers conferred upon magistrates of burghs by the Licensing Acts or any of them, and all appeals from their judgments shall be made to and disposed of by Her Majesty's justices of the peace for the county of Ayr, in quarter sessions assembled: Provided always, that no licence certificate for new premises shall be operative until confirmed by the joint licensing committee for the county of Ayr and the burgh of Irvine, as constituted under the Act last above mentioned.

Prosecutions for offences against the Licensing Acts.

47. From and after the commencement of this Act any person who shall within the limits of the extended burgh commit any offence against the Licensing Acts or any of them, or any breach of the regulations of the certificates granted by virtue thereof, may be prosecuted before the magistrates of the extended burgh.

Provision as to subsisting licenses.

48. All license certificates before the commencement of this Act granted by the justices of the peace for the county of Ayr and then in force shall subsist and continue until the licensing term then next ensuing; and, with reference to such certificates, all prosecutions for offences against the Licensing Acts, or any of them, or for any breach of the regulations of such certificates shall be proceeded with before the magistrates of the extended burgh in the same way as if such certificates had been originally granted by the said magistrates; and all transfers of such certificates shall, after the commencement of this Act, be granted by the magistrates of the extended burgh.

Weights and measures.

49. 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.

Council of dean of guild.

50. The dean of guild shall be assisted in the execution of his duties by a council consisting of four members, annually elected as herein-after provided, who shall be styled councillors of the dean of guild, and who shall hold office till their successors are appointed: Provided always, that the dean of guild and depute dean of guild may respectively act in the execution of their duties without the concurrence or assistance of all or any of the councillors, or with the concurrence or assistance of any one or more of the councillors.

Election of councillors of dean of guild.

51. The Corporation as soon as the full number thereof shall have been completed by the annual election of councillors, shall elect four of their number to be councillors of the dean of guild for the year succeeding such election, and in case any of them shall die

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or resign during his year of office the Corporation shall elect another of their number in his stead.

Corporation to appoint depute dean of guild.

52. The Corporation as soon as they shall have elected the councillors of the dean of guild shall elect one of them to be depute dean of guild, who shall during the absence of the dean of guild, or in case of his resignation or death, hold and possess the same jurisdiction and powers as the dean of guild: Provided always, that such depute dean of guild shall hold that office only so long as he shall hold the office of councillor of the dean of guild.

Powers, &c., of dean of guild.

53. The dean of guild shall, subject to the provisions of this Act, have and exercise within the extended burgh all the jurisdiction, powers and privileges possessed or exercised by a dean of guild in any royal burgh in Scotland, and all the jurisdiction, powers and privileges conferred on him by this Act.

Application of portions of 25 & 26 Vict. c. 101.

54. All proceedings under the provisions of the Police Act, as modified by this Act, with respect to naming the streets and numbering the houses, improving streets, and removing obstructions, public sewers, soil pipes, and water-closets, precautions during repairs, and old and ruinous tenements, fires, and ventilation, and cleansing, contained in sections fourth, fifth, seventh and ninth of part fourth of that Act, intituled "Ordinary Police Purposes," and in sections first, eleventh, and twelfth of part fifth of that Act, intituled "General Police Regulations," and comprehending clauses one hundred and fifty-eight to one hundred and sixty-eight, both inclusive, clauses one hundred and ninety to one hundred and ninety-four, both inclusive, clauses two hundred and ten and two hundred and eleven, clauses two hundred and thirteen to two hundred and fifteen, both inclusive, clauses two hundred and thirty-three to two hundred and forty-seven, both inclusive, and clauses three hundred and forty-eight to three hundred and fifty, both inclusive, of that Act, may be taken either before the magistrates or before the dean of guild.

Dean of guild to decern for payment of penalties.

55. It shall be lawful for the dean of guild, on the application of the procurator-fiscal of the burgh, to decern for payment of any penalty due in respect of a guild offence, and to carry into effect the other provisions of this Act with reference to the several matters directed to be brought before him.

Clerk and procurator-fiscal to be clerk and fiscal in dean of guild courts.

56. The clerk shall be the clerk to the dean of guild and dean of guild court, and the procurator-fiscal of the burgh shall act as fiscal in all cases before the dean or guild for the enforcement of the provisions of this Act, and shall also, in all proceedings before him where an agent is required, represent the Corporation, and the Corporation shall pay to such clerk and procurator fiscal such

remuneration for the performance of the duties of such offices respectively as shall be fixed by them.

Jurisdiction of dean of guild.

57. Any citation, application, notice, or other document required by the Police Act or this Act to be served on the owner of any lands and heritages or other person whom it is necessary to proceed against or make a party to or to cite in any proceedings under the Police Act or this Act, may be lawfully served by being delivered to such owner or other person, or left at his dwelling-house or place of business or premises, or sent by post addressed to such owner or other person, if his dwelling-house or place of business or premises or address be known; and the dean of guild shall have jurisdiction and be a competent judge in all proceedings under this Act although any owner of lands and heritages, or person charged with a guild offence, or whom it is necessary to proceed against, or to make a party to or to cite in any proceedings under this Act, shall reside furth of the extended burgh or furth of Scotland, and any such citation, application or other document served on the known agent of any such owner or other person resident furth of the extended burgh or furth of Scotland, or posted in a registered letter addressed to such owner or other person at his usual or last known place of abode or place of business, shall be deemed to have been as validly and effectually served as if such owner or other person actually resided within the extended burgh, and such citation, application, notice or other document had been delivered to him personally: Provided always, that where the address of any such owner resident furth of the extended burgh or furth of Scotland or of his agent shall not be known, then a copy of the citation, application, notice or other document addressed to such owner shall be delivered to or left at the dwelling-house of the occupier of such lands and heritages if there shall be any known occupier, and a certificate by the procurator-fiscal endorsed on such application, notice or other document, of which a copy has been served in manner herein provided, shall be sufficient evidence of such service.

Powers, &c. of councillors of dean of guild.

58. The councillors of the dean of guild shall have the same powers and duties as the councillors of the dean of guild in any royal burgh in Scotland, unless where otherwise provided in this Act.

Regulations for proceedings before the dean of guild.

59. Every proceeding before the dean of guild in pursuance of this Act shall be subject to the following rules and regulations:

It shall commence by an application in writing or in print, or partly in writing and partly in print;

Except where otherwise specially directed the subsequent steps may be in writing or vivâ voce as shall be ordered by the dean of guild.

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In all other respects the procedure before the dean of guild in pursuance of this Act shall be in the form and subject to the regulations applying to the proceedings before the dean of guild in royal burghs in Scotland; and the judgments of the dean of guild shall be subject to review as the judgments of deans of guild in royal burghs are subject to review.

Enforcement of decrees of dean of guild for payment of money.

60. Subject to the provisions of this Act, all decrees made and pronounced by the dean of guild for the payment of sums of money, may be extracted and enforced in the same form and manner, and shall have the same effect as decrees for debts made and pronounced in the sheriff courts in Scotland.

Enforcement of decrees ad factum prestandum.

61. Subject to the provisions of this Act, all decrees or orders ad factum prestandum or of interdict made and pronounced by the dean of guild may also be extracted in the same form as similar decrees or orders made and pronounced in the sheriff courts in Scotland, and if the person against whom any such decree or order or interdict has been pronounced shall fail to obey or to fulfil the charge to perform the same it shall be in the power of the dean of guild, on the application of the procurator-fiscal, to grant warrant to have such decree or order or interdict carried into effect at the expense of such person, and such expense, including the expense of the proceedings, may be decerned for by the dean of guild and recovered by arrestment and attachment of the rents and profits of the subjects to which such decree or order or interdict shall apply, or by arrestment or by poinding, distress and sale of the goods and effects of such person, but it shall not be lawful to insert in such decree, order or interdict a warrant to imprison or to enforce the same by imprisonment.

Proceedings in absence before dean of guild.

62. In the event of any person lawfully cited failing to appear before the dean of guild court to answer to any proceedings against such person it shall be lawful to such court to hear and determine such proceedings in the absence of such person.

Proceedings for recovering penalties imposed by dean of guild.

63. In all cases where the dean of guild shall, under the authority of this Act, impose any fine or penalty not otherwise provided for, such fine or penalty, if not paid within seven days after the date of decerniture or the date on which it shall be imposed, may be recovered by the procurator-fiscal on the part of the Corporation according to the ordinary procedure under decrees pronounced by the dean of guild in a royal burgh.

Enforcement of warrants, &c. of dean of guild.

64. Every warrant or decree by the dean of guild may be executed within any part of Scotland with concurrence of any sheriff, or justice of the peace within whose jurisdiction it is sought to be enforced.

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Rules and fees for procedure in dean of guild court.

65. The dean of guild may, from time to time, frame rules for the procedure before the dean of guild court, and tables of the fees to be exacted in that court, and byelaws for the enforcement of such rules, by penalties or otherwise, and the recovery of such fees; which fees and penalties shall be paid into and become part of the funds of the extended burgh: Provided always, that none of such rules, tables of fees or byelaws shall have any force until approved of by the corporation and confirmed by the sheriff.

Assessor of extended burgh.

66. The assessor of lands and heritages for the existing burgh under the Valuation Acts, shall be the assessor for the extended burgh, under the said Acts, and shall from and after the passing of this Act, exercise all the functions and perform all the duties connected with the office of such assessor within the extended burgh.

Registrar of extended burgh.

67. The registrar of births, deaths and marriages for the existing burgh and parish of Irvine shall be the registrar for the extended burgh, and shall, from and after the passing of this Act, exercise all the functions and perform all the duties connected with the office of such registrar within the extended burgh; and the registrar of the parish of Dundonald shall, notwithstanding anything in this Act contained, from and after the passing of this Act, cease to act as registrar within that portion of the said parish which is included within the limits of the extended burgh.

Councillors to be trustees under 36 & 37 Vict. c. cxxiv.

68. The councillors of the extended burgh, including the provost and magistrates, shall be trustees under the Irvine Harbour Act, 1873.

PART II.—TRANSFER OF BRIDGE, AND WIDENING AND IMPROVEMENT OF STREETS AND BRIDGE, &c.

Transfer of bridge of Irvine to Corporation.

69. At any time after the commencement of this Act the bridge trustees may transfer to the Corporation, and the Corporation may accept the transfer of the bridge of Irvine and the site thereof, and the accesses thereto, and all the lands and other property, real and personal of the bridge trustees, and all powers, rights and privileges of the bridge trustees (all of which are herein referred to collectively as "the bridge") upon such terms and conditions as may be agreed upon between the bridge trustees and the Corporation; and upon such transfer of the bridge being made, which shall be sufficiently and conclusively evidenced by a deed duly stamped, the bridge trustees shall be dissolved and the following provisions shall take effect (that is to say):—

(1.) The Corporation shall hold the bridge, subject to all contracts, obligations and liabilities affecting the bridge, and may

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exercise and shall enjoy all the rights, powers, authorities and privileges of the bridge trustees with respect thereto:

(2.) Any action or proceeding or cause of action or proceeding which may be pending or existing against the bridge trustees, shall not abate or be discontinued or in any wise prejudicially affected by reason of such transfer; but the same may be continued, prosecuted and enforced against the Corporation as and when it might have been continued, prosecuted and enforced against the bridge trustees if this Act had not been passed, but not further or otherwise:

(3.) All purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds and agreements, entered into or made and subsisting at the time of such transfer and then in force, shall be as binding and of as full force and effect in every respect against or in favour of the Corporation, and may be enforced as fully and effectually as if instead of the bridge trustees the Corporation had been party thereto:

(4.) All the powers, rights, privileges and authorities of the bridge trustees under the recited Act seventh George the Fourth, chapter one hundred and seven, with respect to the bridge, and of the road trustees under the said Act or under the Ayrshire Roads Act, 1847, so far as relates to the bridge, shall be, by virtue of this Act, transferred to and vested in the Corporation, and the said recited Act, so far as respects the bridge, shall be read and have effect as if the Corporation had been therein named instead of the bridge trustees:

(5.) Full compensation shall be paid by the Corporation to any clerk or officer of the bridge trustees in respect of loss of the whole or part of the emoluments of office by reason of such transfer; and such compensation may be by way of annuity or otherwise, and shall be paid by the Corporation out of any funds at present under the control of the bridge or road trustees, or out of the streets improvement rate, and the amount of such compensation shall be determined by agreement, or in the event of dispute, by the sheriff.

Power to widen and improve Irvine bridge, &c.

70. 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 works herein-after described, with all sewers, drains and other necessary and proper 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. The works herein-before referred to and authorised by this Act are :—

(1.) A widening, straightening, levelling and improvement of Bridgegate Street in the royal burgh of Irvine, commencing at the junction of the said street with Hill Street, and terminating at its junction with Willowbank Road :

(2.) A widening and improvement of Irvine bridge, commencing at a point in Bridgegate at or near its junction with Willowbank Road, and terminating at a point in Fullarton Place, in the Halfway or Fullarton district of the parish of Dundonald, forty-five yards or thereby north-eastward from the junction of Fullarton Street with Fullarton Place :

(3.) A widening and improvement of Fullarton Street, in the said Halfway or Fullarton district, commencing at the junction of the said street with Fullarton Place, and terminating at a point twenty yards or thereby south-eastward from the said point of junction :

(4.) A footbridge across the River Irvine, and accesses thereto, commencing at a point on the road leading from Seagate-foot through the Low Green or Common of the burgh of Irvine to the slaughter-house, sixty yards or thereby eastward from said slaughter-house, in the said burgh, and terminating at a point in Waterside Street or Road, in the parish of Dundonald, two hundred and fifty-eight yards or thereby northward from the junction of Maress Street or Road with said Waterside Street or Road. The area of land proposed to be taken from the said Low Green or Common for the purposes of and in connexion with the said footbridge and accesses will be three hundred square yards, or thereabouts :

All which intended works and the lands and property to be taken for the purposes thereof are or will be situate in the royal burgh of Irvine, and in the parishes of Irvine and Dundonald, or one of them, in the county of Ayr.

Correction of errors in deposited plans and books of reference.

71. If there be any omission, mis-statement, 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, lessees and occupiers affected by such proposed correction, may apply to the sheriff for the correction thereof; and if it appear to the sheriff that such omission, mis-statement, 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

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any such matter is mis-stated or wrongly described; and the decision of the sheriff in such matters shall be final.

Where certificates of sheriff to be deposited.

72. The certificate of the sheriff shall be deposited in the office at Ayr of the sheriff-clerk of the county of Ayr, and duplicates thereof in the office at Kilmarnock of the said sheriff-clerk, and with the session-clerks of the parishes of Irvine and Dundonald respectively, and the certificate and duplicates respectively shall be kept by the sheriff-clerk and session-clerks respectively with the other documents to which they relate, 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, mis-statement or wrong description had not been made.

Period for compulsory purchase of lands.

73. 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 seven years from the commencement of this Act.

Power to take easements, &c., by agreement.

74. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey, or release lands may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement, right, or privilege, not being an easement of water, required by these bodies respectively for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rent-charges, so far as the same are applicable in this behalf shall extend and apply to such grants, and to such easements, rights and privileges as aforesaid respectively.

Power to alter roads, &c., temporarily.

75. For the purposes of, and during the execution of, the works herein-before described, the Corporation from time to time may divert, alter, or stop up temporarily any roads, streets, lanes, paths, passages, sewers, drains, water-courses, 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: Provided always, that the Corporation shall not divert, alter, or stop up, temporarily or otherwise, any telegraph or telegraphic apparatus belonging to the Postmaster-General, without his consent in writing first had and obtained.

Lateral deviations.

76. In executing the works herein-before described, 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 books of reference.

Vertical deviations.

77. In executing the works herein-before described the Corporation may deviate from the levels thereof, as referred to the datum line shown on the deposited sections, to any extent not exceeding two feet.

Works in connexion with street improvements.

78. Subject to the provisions of this Act, and within the limits shown on the deposited plans as the limits of lands proposed to be acquired under the powers of this Act, the Corporation may in connexion with the said widening and improvement of streets, and for the purposes thereof, 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 may alter the lines or levels of existing streets or roads, and may remove, stop up, alter, divert, enclose, or appropriate all or any part of any streets, lanes, courts, paths, passages, sewers, drains, watercourses, telegraphic apparatus, and gas or water pipes, or other property within the limits aforesaid: 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.

Damage to buildings, &c., to be compensated for by Corporation.

79. Where by reason of the alteration of the level of any street, or the execution of any other work by this Act authorised, any house, building or premises is or are damaged or otherwise injuriously affected, the Corporation shall make good the damage done, and pay to the owner and occupier of the house, building or premises, such compensation as is agreed on between the owner and occupier and the Corporation, or, failing their agreement, such compensation shall be ascertained, apportioned and recovered under the Lands Clauses Consolidation (Scotland) Act, 1845, as in cases of disputed compensation for lands.

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

80. The Corporation may cause such parts of the widened and improved streets to be laid out for carriage ways, 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

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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 the Police Act and this Act, 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 alter steps, doors, &c.

81. If in consequence of the execution by the Corporation of any of the works by this Act authorised, the levels of any street, road, or lane 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 thereto, shall be rendered necessary, such alteration shall be made by and at the expense of the Corporation.

Power to take down buildings and lay out lands anew.

82. 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 under the authority of this Act, and sell and dispose of the materials thereof, and may lay out the said lands anew, in such way and manner as they may deem best, and may sell or dispose of the ground and buildings, or any part 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 erect buildings and houses in the line or lines of the said widened and improved streets, or adjoining thereto, and let or lease the said buildings and houses when erected, or 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 under this Act as proprietors thereof, subject only to the conditions and provisions of this Act.

Form in which Corporation may take and grant conveyances. 31 & 32 Vict. c. 101.

83. 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 of the burgh of Irvine," and may grant conveyances of property, mortgages and bonds, and other deeds and instruments, under the same name, and in the same manner; and all such conveyances, mortgages, bonds, deeds and instruments 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.

Purchase of lands by agreement.

84. In addition to the lands and houses which the Corporation are by this Act authorised to take compulsorily, they may from time to time, subject to the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts

Amendment Act, 1860, with respect to the purchase of lands by agreement, 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 Irvine and parish of Dundonald, which the Corporation think expedient, not exceeding altogether three acres.

Revenue of *common* good may be applied towards cost of works.

85. The Corporation may from time to time apply the whole, or such part as they think fit, of the annual revenue of so much of the common good of the extended burgh as they shall hold under the provisions of this Act for behoof of the portion of the extended burgh comprised within the boundaries of the existing burgh, for the purpose of defraying the cost of the lands which they are by this Act authorised to acquire, and of the works which they are by this Act authorised to make, and of the buildings, fittings and other accommodation which they are by this Act authorised to erect and provide; but subject always to the special provisions herein-before contained.

Rights of superiors to *continue*.

86. Nothing in this Act contained shall prejudice or affect the rights of the superiors of any lands to be taken or acquired 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 or acquired in the same manner as if this Act had not passed, without prejudice, nevertheless, to any re-adjustment 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.

Works below high-water mark.

87. The Corporation shall not construct any works on any part of the shore of the River Irvine, where and so far up the same as the tide flows and re-flows, without the previous consent of the Board of Trade, to be signified in writing, and then only according to such plan and under such restrictions and regulations as the said Board approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the Corporation shall not at any time alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals; and if any such work shall be commenced or completed without such consent and approval, the said Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Corporation, and the amount of such costs shall be a debt due to the Crown and recoverable against the Corporation accordingly.

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Part III.—Markets and Slaughter-houses.

Corporation may enlarge market places and slaughter-houses.

88. The Corporation may from time to time enlarge, extend and improve the existing market places and slaughter-houses, and erect new or additional market places and slaughter-houses within the extended burgh, and, for such purposes may, by agreement, but not otherwise, purchase and acquire such lands, houses, and other property within the extended burgh as they may think fit, not exceeding altogether five acres.

Stallages, &c. for markets and slaughter-houses.

89. 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 third 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.

Penalty on sales elsewhere than in markets.

90. 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 provided and established by, and belonging to, the Corporation, any horse, ass, mule, cattle, sheep, lambs, pigs, or other animals, in respect of which dues or rates are authorised to be taken by the Corporation, shall for every such offence be liable to a penalty of 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 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 Purchase and Supply.

Power to acquire undertaking of gas company.

91. The Corporation may acquire by agreement, and hold, exercise, and enjoy the undertaking of the gas company (herein-after called "the gas undertaking"), 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,

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and gas belonging to the said Company, at the time when the Corporation obtain possession of the gas undertaking; and the consideration to be paid by the Corporation to the gas company as the price of the gas undertaking 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 gas company; but the Corporation shall not pay to the gas company any such consideration, either in the shape of a capital sum or in annuities, until the gas company selling the gas 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 the gas undertaking from all debts and burdens, excepting feu-duties, if any; and the date (herein-after as respects the gas undertaking and the gas company from whom the same shall be acquired, called "the date of entry"), at which the Corporation shall enter into possession of the gas 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 gas undertaking, unless the acquisition thereof shall have been previously approved 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 of by at least two-thirds of the whole town council of the extended burgh, and such approval shall have been recorded in in the minute book of the said town council: Provided also, that in such instrument of conveyance the consideration for the transfer shall be fully and truly set forth, and that within three months from its date, the Corporation shall produce it duly stamped to the Commissioners of Inland Revenue, and in default of its being so produced duly stamped, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the date of the instrument, shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same.

Provision as to annuities.

92. In each case in which the consideration to be paid by the Corporation for the gas undertaking, or any part of such considera-

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tion, is or shall be annuities to be paid to the shareholders of the gas company, the following rules shall apply to such annuities:—

Name.

(1.) The annuities shall be called "Irvine Corporation gas annuities:"

Annuities to vest in shareholders.

(2.) The annuities shall vest in and belong to the several persons who at the date of entry are shareholders of the gas company:

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 Irvine, of the factor or 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 or by some person duly authorised by such 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 gas company.

(4.) The annuities shall in all respects be substituted for and represent the shares or parts of shares in the capital of the gas company, 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 the gas 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:

The Corporation shall, at their own expense, grant and issue to every shareholder of the gas company, or to his executors, administrators or assignees, on delivery to the Corporation

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Annuity certificates to be granted.

of the transfer of, or on production of other evidence of, the share or interest held by him in the capital of the gas company, annuity certificates in the form of the fourth 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 the gas company 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 may think fit:

Register of annuities.

(8.) The Corporation shall keep a book to be called "the register of Irvine Corporation gas 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 amount 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 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 to be issued in substitution for others cancelled.

(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,

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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.

(12.) The Corporation shall also keep a book called "the Irvine Corporation gas 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 moveable or personal estate:

Transfer of annuities.

(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 fifth schedule to this Act, or to the like effect:

Register of transfers.

(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 Irvine Corporation gas 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

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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 said 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 means other than transfer to be authenticated by declaration.

(17.) If the right to an annuity become 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 Irvine 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 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

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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 rates.

(22.) The annuitants shall be creditors of the Corporation for payment of the annuities respectively herein-before provided to be paid by them, and shall be deemed to hold, by virtue of this Act, in security of such payment, a mortgage of the rents, charges, and revenues to be levied and received by the Corporation from the gas undertaking transferred or which shall be transferred to the Corporation by or in pursuance of the provisions of this Act, which mortgage shall rank pari passu with the other mortgages to be made and granted under the provisions of this Act, and shall confer the like powers and privileges:

Annuitants may require redemption of 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 sixth schedule to this Act, and shall be given by leaving the same at the office of the factor or 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:

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 Irvine, 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 Irvine 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:

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,

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and recovering payment of such portion as he would by this Act have had in respect to such annuity if no portion thereof shall be 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 on 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 to 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 Irvine Corporation gas annuities, and the annuity or part of an annuity so redeemed shall, unless it shall be re-issued as herein-before provided, be extinguished.

Provision as to payment by a capital sum.

93. If the consideration to be paid by the Corporation for the gas undertaking 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 the gas 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. A.D. 1881.

Winding up and dissolution of gas company.

94. When and so soon as the consideration for the transfer to the Corporation of the gas undertaking shall have been given by the payment of a capital sum in money or the allotment of annuities, as herein-before provided, or partly in the one way and partly in the other, as the case may be, the directors of the gas company may exercise all powers necessary for winding up the affairs of the gas company, and when and so soon as their affairs have been wound up and all their debts and liabilities paid and discharged, the gas company shall be by virtue of this Act dissolved.

Construction and maintenance of gasworks, &c.

95. Upon and from the date or dates at which the Corporation shall acquire the undertaking of the gas company, 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 the gas company, but only upon the lands on which the same are erected, or any part thereof, and which are described in the seventh 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, stop-cocks, 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, 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.

Power to purchase lands by agreement for purposes of gas undertaking.

96. 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 seventh 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.

Power to hold licences under letters patent.

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

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or the utilization of residual products, or for the supply of any illuminating power other than gas.

Power to lay pipes against buildings.

98. 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.

99. 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 six shillings and threepence for one thousand cubic feet: Provided always, that the Corporation may, if they see fit, grant to large consumers of gas, such discounts from the price of the gas consumed by them as may be agreed on, but such discounts shall be allowed to all consumers under the like circumstances, in proportion to all amounts consumed over and above a minimum amount to be fixed by the Corporation.

Interest to be paid on money deposited as security for gas-meter.

100. 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.

101. 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.

102. 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. A.D. 1881.

Corporation to maintain apparatus to test illuminating power of gas.

103. 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.

104. The limits of this Act for the supply of gas by the Corporation shall be the limits of the extended burgh.

Supply of gas to public buildings and lamps.

105. 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 owners or occupiers of such public buildings or lamps 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 such owners or occupiers; and the Corporation may also enter into contracts with any such owners or occupiers 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.

Electric and other lighting, &c.

106. With respect to the production and supply of light, heat and motive power by means of electricity, or other like agency, the following provisions shall have effect (that is to say):—

(1.) During a period of five years from the passing of this Act the Corporation may, for the purposes of lighting streets and places of public resort within their gas limits, but for no other purpose, produce and supply light, heat and motive power by means of electricity or other like agency, and for that purpose may exercise any of the powers herein-after in this section mentioned and subject to the provisions herein-after in this section contained (that is to say):—

(*a.*) For any of the purposes of this section they may use any lands for the time being belonging to or held on lease

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by them, or may purchase by agreement and take on lease any lands;

(*b.*) They may upon such lands erect and maintain any necessary workshops, engine houses, store houses (including places for storing electricity or other like agent for producing light, heat or motive power), or other buildings necessary for any of the purposes of this section;

(*c.*) They may manufacture, buy or hire, and may use and may supply, sell or let, any machinery, steam engines, gas engines or other apparatus (including meters and fittings) necessary for the purposes of this section;

(*d.*) Subject to the provisions of this section they may buy any gas or fuel, or buy or rent any other motive power, and may buy or rent and sell or let any materials or articles necessary for the purposes of this section;

(*e.*) They may acquire licenses (not being exclusive) for themselves or for any persons, companies or corporations licensed or supplied by them for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials or other things;

(*f.*) They may exercise for the purposes of this section in the whole or any part of the extended burgh, as to electric lighting, any of the powers which are vested in or exerciseable by a corporation or sanitary authority under the Acts relating to municipal corporations or the Public Health Acts for lighting by oil or gas;

(*g.*) They may exercise for the purposes of this section as to electric lighting any of the powers which, under the provisions of any Act incorporating the Gasworks Clauses Act, 1847, or the Gasworks Clauses Act, 1871, might for the purposes of any gas undertaking be exercised by the undertakers;

(*h.*) They may supply by agreement heat and motive power produced by electricity or like agency and meters or other fittings, or may let meters or other fittings for any of the purposes of this section;

(*i.*) They may charge in advance or otherwise for any light, heat, motive power, engines, machines, apparatus, meters, fittings, or other things supplied or let under the powers of this section, such rents or sums as may from time to time be agreed on, and may recover any such rent or sum as a debt in any court of competent jurisdiction;

(*k.*) Generally they may do all things necessary and incidental to the purposes of this section.

(2.) The provisions of this section shall extend to and in relation to the production and supply by the Corporation of heat or

motive power by application of electricity or other like agency, and such application is included in the expression electric lighting;

(3.) Nothing in this Act shall exempt the Corporation or their undertaking under this part of this Act from the provisions of any general Act relating to lighting by electricity or other similar means, which may be passed in this or any future session of Parliament;

(4.) Nothing in this Act shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance, in the event of any nuisance being caused by them in the exercise of the powers contained in this section.

Provisions for protection of Postmaster-General.

107. With respect to any work for the purpose of the production or supply of light, heat or motive power by means of electricity, done in pursuance of this Act, the following provisions shall have effect:—

(*a.*) It shall not be lawful for the Corporation to do any such work whereby any telegraphic line of the Postmaster-General is or may be injuriously affected, and before any such work is done within ten yards of any part of a telegraphic line of the Postmaster-General, the Corporation or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster-General specifying the course and nature of the work, including the gauge of any wire, and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said work;

(*b.*) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by the Board of Trade, whose decision shall be final, and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Corporation or their agents were a company;

(*c.*) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues;

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(*d.*) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice;

(*e.*) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or other wise in any manner affected by such work, or by any use made of such work;

41 & 42 Vict. c. 76.

(*f.*) For the purposes of this section and subject as therein provided, sections two, eight, nine, ten, eleven and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act, as if the Corporation were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Part V.—Water Supply.

Corporation to be local authority in extended burgh under Public Health Acts.

108. From and after the completion of the first election and induction into office of the town council for the extended burgh under this Act (which period is herein-after referred to as "the water transfer"), the Corporation shall be the local authority within the extended burgh under and for the purposes of the Public Health Acts and the local authorities of the burgh of Irvine, of the parish of Irvine, and of the parish of Dundonald, shall cease to have, possess and exercise over the extended burgh and the proprietors therein and the inhabitants thereof, all the jurisdictions, powers, rights and authorities which they respectively now have, possess and exercise over the existing burgh and the district annexed, and the inhabitants thereof, including all powers of imposing, levying and recovering rates and assessments and otherwise; and all persons holding offices of any kind under the said local authorities, or any of them, shall, so far as regards the district annexed, cease to hold such offices from and after the water transfer: Provided always, that so far as respects all parochial management, powers, rights, authority or jurisdiction, the parochial boards of the parishes of Irvine and Dundonald shall not be affected in any way or interfered with to any extent or effect by the provisions of this Act.

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Powers conferred on certain local authorities by 39 & 40 Vict. c. clix. transferred to Corporation.

109. From and after the water transfer all the jurisdictions, powers, rights and authorities which the local authorities of the burgh of Irvine and the parish of Dundonald respectively now have, possess and exercise within the existing burgh and the special water supply district of the parish of Dundonald, by and in virtue of the Public Act thirty-ninth and fortieth Victoria, chapter one hundred and fifty-nine, being the Public Health (Scotland) Act, 1867, Order Confirmation (Irvine and Dundonald) Act, 1876, and of the Provisional Order thereby confirmed, including all powers of acquiring lands, imposing, levying and recovering rates and assessments, and otherwise, shall be and are hereby transferred to and vested in the Corporation, who shall thenceforth have, possess and exercise the same.

Undertaking of Irvine waterworks vested in Corporation.

110. From and after the water transfer the undertaking of the Irvine waterworks, made and constructed by the local authorities of the burgh of Irvine and of the parish of Dundonald, under and by virtue of the powers contained in the said Act thirty-ninth and fortieth Victoria, chapter one hundred and fifty-nine, and the Provisional Order thereby confirmed (herein-after referred to as "the existing waterworks"), including the lands, works, mains, pipes, plant, stores and all other property and effects in connexion with the existing waterworks, and also all outstanding accounts, rates, assessments, balances with bankers and other balances, and all moneys and debts vested in or belonging or owing to the said local authorities, or in or to any person on their behalf, or to or in which they are entitled or interested in connexion with the existing waterworks, shall be and are hereby transferred to and vested in the Corporation, who shall thenceforth have possess and enjoy the same, subject always to the payment of the debts, liabilities and obligations of the said local authorities, on account of or in connexion with the existing waterworks; 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, and the Conveyancing (Scotland) Act, 1874, with reference to lands conveyed by general disposition or conveyance.

37 & 38 Vict. c. 94.

Provisions as to waterworks.

Deeds and securities granted in connexion

111. From and after the water transfer, the following provisions shall take effect in reference to the existing waterworks:—

(1.) All bonds, securities, conveyances, contracts, agreements and obligations granted, made or entered into in favour of or with the local authority of the burgh of Irvine and the local

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with waterworks to remain in force.

authority of the parish of Dundonald, or either of them, 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 said local authorities, or either of them, before the water transfer, in all courts of law or equity, until the same be fully paid, satisfied, performed and discharged:

Contracts, &c. to be implemented.

(2.) All mortgages, bonds, securities for money, conveyances, contracts, agreements and obligations granted, made or entered into by the said local authorities, or either of them, and relating to the existing waterworks or supply of water therefrom, in favour of or with any local authority or any public body or any person or persons whomsoever, and all liabilities arising out of the same, or out of the acts of or relating to the said local authorities in connexion with the existing waterworks, and all other debts and liabilities incurred or owing by the said local authorities in connexion with the existing waterworks, shall be payable by, and shall be enforceable against, and recoverable from, the Corporation, and shall be chargeable and charged upon 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 waterworks.

(3.) All annual or other periodical payments or burdens that may from and after the water transfer be payable for or leviable from the lands, heritages and property connected with the existing waterworks, 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 said local authorities, or either of them, in connexion with the existing waterworks, previous to the water transfer, shall abate, or be discontinued, or be prejudicially 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 said local authorities if this Act had not passed, and all penalties by reason of any offence against the provisions of any Acts relating to the said local authorities previous to the water transfer may be sued for, and all offences which may have been committed before the water transfer against the provisions of any such Acts 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 this Act had not passed, the Corporation being

in reference to the matters in this enactment mentioned, in all respects substituted for and in the place of the said local authorities:

Proceedings under Acts as to waterworks to be valid notwithstanding transfer.

(5.) From and after the water transfer, everything before the water transfer done or suffered under the Acts relating to the existing waterworks shall be as valid as if the transfer and vesting by this Act authorised had not been made, and such transfer and vesting 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 and vesting had not been made, would be incident to or consequent on any and everything 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 said local authorities: Provided, that the generality of the provisions in this enactment shall not be confined to or restricted by any special provision contained in this Act: Provided also, that nothing contained herein or in any of the said contracts, agreements and obligations, shall prejudice the right of the ratepayers within the compulsory water limits to a supply of water for domestic, trading, manufacturing, railway and other purposes as herein-after provided, before a supply is granted to any person or persons or Corporation or local authority beyond the compulsory water limits.

Provisions relating to waterworks to have retrospective effect.

112. The provisions of this Act relative to the existing waterworks shall have a retrospective effect to this extent: that the Corporation shall assume the whole responsibilities connected therewith, and shall relieve the said local authorities of all obligations which may have been undertaken by them or either of them, in relation to the existing waterworks, and they shall undertake, pay and discharge all such obligations, and the said local authorities shall pay over to the Corporation the whole sums which may have been received by them, or either of them, on account of the existing waterworks, whether by rates, assessments, special rates, or otherwise on account of water supply, or in any other way in connexion with the existing waterworks, but excepting always the rates or assessments which may have been paid on the valuation of the existing waterworks to the said local authority of the parish of Dundonald for assessment for the poor or other parochial rates.

Water rents, rates, &c., to be payable to Corporation.

113. The Corporation shall have right to all water rents or rates for supplies of water, and other moneys due to the said local authorities in connexion with the existing waterworks, and which may be current or remaining unpaid at the water transfer, and the same

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shall be payable to the Corporation, and may at any time thereafter be sued for and recovered by the Corporation from the persons by whom the same were so due to the said local authorities.

Corporation may maintain, &c. waterworks.

114. Upon and from the water transfer, the Corporation may from time to time maintain, manage, regulate, work and use the existing waterworks, and may from time to time renew, enlarge, extend, add to, and replace, or (if not necessary) discontinue, the mains, pipes, works, apparatus and conveniences of and connected with the existing waterworks when and as they find it necessary or expedient so to do.

Power to construct additional waterworks

115. 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 works herein-after described, with all proper embankments, drains, weirs, channels, sluices, catchwater drains, culverts, cuts, aqueducts, tunnels, bridges, roads, accesses, tanks, cisterns, gauges, filtering apparatus, mains, pipes, houses, buildings and other works and conveniences connected therewith or incidental thereto, and may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act are :—

(1.) A reservoir, herein-after called "Munnoch reservoir," to be situate on the Munnoch or Caddell Burn, and on the lands of Munnoch and Knockewart, or some of them, in the parishes of Dalry and Ardrossan, in the county of Ayr, commencing at a point in the said Munnoch or Caddell Burn, seven hundred and forty yards or thereby, measured along the course of the stream from and below the point where the said burn is crossed by the turnpike road leading from Dalry to West Kilbride, and terminating at an embankment to be formed across the said Munnoch or Caddell Burn at a point therein one thousand three hundred and fifty yards or thereby measured along the course of the said burn from and below the said point where the said burn is crossed by the said turnpike road; the said intended embankment commencing at a point one hundred and forty yards or thereby to the north-west of the said burn at the said point of crossing and terminating at a point one hundred and forty yards or thereby to the north-east thereof at the said point of crossing, and being also situate in the said parishes of Dalry and Ardrossan, or one of them :

(2.) An aqueduct, catch-water or drain, to be situate in the parish of West Kilbride and county of Ayr, commencing at

a point in Gourock Burn five hundred yards or thereby south-eastwards from the south-east corner of Hopeton Farm-steading, and terminating in the bed of the stream which joins the Munnoch or Caddell Burn near Gill Farm-steading at or near the point in the said stream where it is crossed by the old road or track leading from Hopeton Farm-steading towards Knockewart, and six hundreds yards or thereby north-eastwards from the said south-east corner of Hopeton Farm-steading:

(3.) A reservoir, filter or waterwork, thirty yards long or thereby and thirty yards wide or thereby, to be situate on the lands of Greenhead, in the parish of Stevenston and county of Ayr and on the west side of and adjoining the existing filters and tank of the Irvine Waterworks in the said parish:

All which intended works (herein-after referred to collectively as "the additional waterworks") and the lands and property to be taken for the purposes thereof will be and are situate in, and the said works will pass from, in, through or into the parishes of Dalry, Ardrossan, West Kilbride and Stevenston, or some or one of them, in the county of Ayr.

Lateral and vertical deviations.

116. The Corporation in constructing the additional waterworks by this Act authorised may make deviations from the lines of such works, but not exceeding the limits of lateral deviation shown on the deposited plans, and may deviate from the levels delineated on the deposited sections to any extent not exceeding five feet upwards and five feet downwards: Provided always, that the Corporation shall not in the exercise of the powers of lateral deviation hereby given, construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than the height of the corresponding embankment or wall as shown on the deposited sections and two feet in addition.

Lands for extraordinary purposes in connexion with waterworks.

117. In addition to the lands to be taken by the Corporation under the powers of this Act, the Corporation may by agreement purchase for extraordinary purposes in connexion with the existing waterworks and the additional waterworks, any quantity of land not exceeding ten acres: Provided always that the Corporation shall not erect any buildings upon such lands other than offices and residences for persons in their employ, or such works as may be incident to or connected with their waterworks undertaking.

Period for compulsory purchase of lands for waterworks.

118. The powers of the Corporation for the compulsory purchase of lands for the purposes of the additional waterworks shall not be exercised after the expiration of seven years from the commencement of this Act.

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Period for completion of waterworks.

119. The additional waterworks shall be completed within ten years from the commencement of this Act, and on the expiration of that period the powers by this Act granted to the Corporation for making the said waterworks or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to take easements, &c., by agreement.

120. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or dispose of lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement, right or privilege (not being an easement of water required for the purposes of this Act) in over or affecting any such lands, and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights and privileges as aforesaid respectively.

Water limits of Act.

121. The limits of this Act for the purposes of water supply by the Corporation (herein-after called "the water limits") shall comprise and include the extended burgh and the suburbs thereof and places adjacent within the parishes of Irvine, Dundonald, Kilwinning, Stevenston, Ardrossan and Dreghorn, in the county of Ayr.

Limits for compulsory supply of water.

122. The limits of this Act for the compulsory supply of water (hereinafter called "the compulsory water limits,") shall comprise and include the extended burgh.

Domestic supply within compulsory water limits.

123. 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, thoroughfares, and public places within the compulsory water limits, 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 those limits, 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.

Power to provide and maintain service pipes, &c.

124. Upon and from the water transfer, for the purpose of providing for the better distribution of the water supply among the inhabitants within the compulsory water limits, the Corporation may require the owner of any dwelling-house, or tenement of dwelling-houses, not properly supplied with water, in any street within those limits in which the pipes of the Corporation are laid,

to take a supply of water for each 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 always, 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.

Water need not be supplied above a certain height.

125. The Corporation shall not be bound to supply the water at a height exceeding forty feet above the level of the street at the cross in front of the Town House of Irvine.

Supply for domestic purposes beyond compulsory water limits.

126. The Corporation may, if they consider it expedient, cause pipes to be laid down, and water for domestic purposes to be brought to all places within the water limits beyond the compulsory water limits, whenever required by so many owners of houses or parts of houses occupied as separate dwellings in such part of the district beyond the compulsory water limits as that the aggregate amount of water rates payable by them annually at such rates as may be fixed by the Corporation as herein-after provided, shall not be less than one-sixth part of the expense of providing and laying down such pipes: Provided always, that such owners shall severally execute an agreement binding themselves to take such supply of water for ten successive years at least: Provided also, that the supply of water for domestic trading, manufacturing, railway and other purposes, within the compulsory water limits, shall be and continue to be sufficiently provided for before the Corporation shall supply water for any purpose beyond the compulsory water limits.

Corporation may supply water for other than domestic purposes.

127. 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

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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 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: Provided also, that the supply of water for domestic, trading, manufacturing, railway and other purposes, within the compulsory water limits, shall be and continue to be sufficiently provided before the Corporation shall supply water for any other purpose.

Cisterns to be constructed to prevent waste and impurity of water.

128. Every cistern or other receptacle for water, and every closet, soil-pan and private bath, which shall be supplied with water by the Corporation, shall be so constructed and used as effectually to prevent injury to the works of the Corporation, or 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 water-closet, soil-pan, or private bath, which shall not be so constructed and used.

Provision as to common pipes.

129. Where there shall be in any building or part of a building within the compulsory 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 assessments, 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 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.

Corporation may make byelaws with respect

130. Upon and from the water transfer, the Corporation may, but so far only as they are bound to give a constant supply of water, make byelaws for the prevention of waste, misuse, pollution or undue

consumption of water within the compulsory water limits, and may 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, may 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 of such byelaws, hear any parties who may, before such approval, object to the same.

to supply of water.

Repairs, &c. of pipes and other apparatus.

131. If it shall be found that in any house, building, or premises in which water is supplied by the Corporation, waste, misuse, pollution, or undue consumption 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 connected therewith, contrary to the byelaws, the Corporation may require the owner and occupier of such house, 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, water-closets or other apparatus, so that the same may be in accordance with the bye laws for the prevention of any such waste, misuse, pollution or undue consumption of water: 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 also, 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.

Corporation to exercise powersof 26 & 27 Vict. c. 93. s. 14.

132. 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, are conferred upon undertakers authorised by the special Act to supply water by measure.

Free supply of waterfor cleansing sewers, &c.

133. The Corporation may supply water free of charge for the purpose of flushing and cleansing the drains and sewers, watering the streets and extinguishing fires within the extended burgh.

Public fountains, &c.

134. Upon and from the water transfer the Corporation may erect and maintain in convenient situations within the extended burgh, such drinking fountains, drinking troughs, or stand pipes, as well as urinals or other public conveniences as to them shall seem convenient, and may supply the same with water.

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Power to enter into agreements with other local authorities for supplies of water.

135. After providing a sufficient supply of water for domestic, trading, manufacturing, railway, and other purposes within the compulsory water limits, the Corporation may, if they see fit, from time to time enter into contracts or arrangements with the local authorities of neighbouring towns or places, for supplying water to such towns or places, or to the water supply districts under the jurisdiction of such local authorities, at such rate, by measure or otherwise, as they shall deem expedient; or may enter into agreements with any local authorities by way of combination, on such terms as may be considered expedient, so that such local authorities may become joint proprietors with the Corporation in the waterworks of the Corporation, and that on the basis of the valuation of the water supply districts of the Corporation and such local authorities, and on such terms and conditions as may be mutually arranged; and may also supply water to places adjacent to the extended burgh, or to the pipe track from the reservoir and filters in connexion with their works, and that upon such terms and conditions, and at such rate by measure, as they shall judge expedient: Provided always, that the Corporation shall furnish a sufficient supply of water for trading, manufacturing, railway and other purposes within the compulsory water limits, on fair and equitable terms, and that when water is supplied for such purposes, it shall not be lawful for the Corporation to charge the parties obtaining the same both with the water assessment and also for the supply of water obtained by them by meter, but the Corporation may either charge the water assessment leviable on the premises, or charge a meter rate for the supply of water furnished to the same as they shall think fit, and that the Corporation shall not be entitled to charge consumers of water for other than domestic purposes within the compulsory water limits, a higher rate for the water supplied to them than is charged to or paid by consumers for a supply of water for similar purposes beyond the compulsory water limits; and the Corporation may, if they see fit, grant discounts from the price of water supplied by meter to large consumers of water within the compulsory water limits, but such discounts shall be allowed to all consumers under the like circumstances, in proportion to all amounts consumed over and above a minimum amount to be fixed by the Corporation: Provided also, that in any future contract or agreement for a supply of water beyond the compulsory water limits, it shall be specially stipulated that such supply may be withheld at any time until the supply of water within the compulsory water limits for domestic trading, manufacturing, railway and other purposes, shall have been sufficiently satisfied: Provided further, that the Corporation shall

arrange fair and equitable terms for the supply to be so given to other local authorities or public bodies. A.D. 1881.

Corporation may enter into agreements for redemption of rights to compensation water.

136. The Corporation, as the local authority within the extended burgh, may from time to time, as they may see fit, enter into agreements for the purchase or redemption of all or any rights to compensation water or other rights or interests connected therewith now existing or which may, in consequence of the execution of the additional waterworks hereafter exist, and the terms of any such purchase or redemption may be fixed by agreement.

Water may be supplied to vessels in harbour of Irvine.

137. The Corporation may supply water to ships or vessels in the harbour of Irvine, and may 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 may 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 said harbour, or of such persons as they may appoint, and may 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 the corporation may also enter into arrangements with the said trustees for giving a supply of water by meter, or otherwise, for the supply of ships or vessels and for any other purposes at the harbour, and may make such rules and regulations in connexion with the supply of water to ships or vessels as the Corporation shall think proper, and may 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.

Part VI.—Rates and Assessments.

Rates to be levied on gross rental.

138. The rates and assessments to be imposed, levied and recovered under this Act and in virtue of the powers contained in the Public Health Acts, instead of being imposed, levied and recovered in the same manner as the poor rates are imposed, levied and recovered in the parish of Irvine (of which the burgh of Irvine is a part) and in the parish of Dundonald, shall (except as in this Act otherwise expressly provided) be imposed and levied on the gross rental of the lands and heritages within the extended burgh, according to the valuation roll in force therein for the time being, one half being payable by proprietors and one half by tenants, but subject always to the provisions of the Public Health Acts as to the imposing, levying and payment and recovery of assessments.

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Assessment of canals, railways, &c.

139. The rates and assessments to be imposed, levied and recovered upon and from all lands and premises used exclusively as a canal, or basin of a canal, or towing path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance (excepting the stations, depôts, wharfs and buildings); and all the underground water or gas pipes, or underground works of any water or gas company; and all woodland, arable, meadow or pasture land, or other land used for agricultural purposes; and all mines, minerals and quarries; and all manufactories, shall be imposed and levied on one fourth of the annual value thereof, as the same shall be entered in the valuation roll made up and completed from year to year in terms of the Valuation Acts, all as provided for in the Public Health Acts.

Provision for equalizing assessments.

140. The local authority of the burgh of Irvine and the local authority of the parish of Dundonald shall each and respectively be bound to impose and levy assessments in their respective districts for water supply as presently existing which shall raise the sums necessary to equalize the assessments in the respective districts, so that the ratepayers shall pay and contribute the same rate per pound sterling, according to their gross annual value as appearing in the valuation rolls (subject to the provisions of section ninety-four of the Public Health (Scotland) Act, 1867, and section one of the Public Health (Scotland) Amendment Act, 1871,) since the assessments for water supply were first imposed and levied, and that in the same manner as they would have been bound to contribute if the waterworks had been from the commencement promoted, made and constructed by one local authority, and as if the assessments had been imposed and levied by one local authority in one district from the same date and for the same period or periods; and in the event of the said local authorities or either of them failing to impose and levy the assessments in their respective districts necessary for carrying out and accomplishing this provision before the commencement of this Act, it shall be in the power of the Corporation after the commencement of this Act to impose and levy such assessments in the respective districts as shall be necessary to carry this provision into effect: Provided that any such assessment shall be imposed and levied on the gross annual value as contained in the valuation rolls (subject as aforesaid) for the year from Whitsunday, one thousand eight hundred and eighty, to Whitsunday, one thousand eight hundred and eighty-one.

Rates vested in the Corporation.

141. 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. A.D. 1881.

Contributions may be made from common good towards assessments in existing burgh.

142. The Corporation may from time to time impose and levy all such assessments as they are authorised to do under the Police Act, for any of the purposes specified in the said Act, and with respect to the existing burgh, such part of the common good as may be available, after deduction of the interest of debt which may be owing by the burgh, and other usual and necessary outlays or deductions therefrom, may be contributed towards the police purposes of the Police Act, and the rates to be imposed and levied under the said Act and this Act on the owners or occupiers of property within the existing burgh for police purposes; and the said assessments to be imposed and levied for police purposes within the existing burgh shall be thereby diminished or limited to such extent as shall from time to time be ascertained or adjusted, after imputing the sums so contributed to the assessments to be imposed and levied as aforesaid in the existing burgh.

Streets improvement rate.

143. The Corporation may, once in every year, assess and levy in equal portions on the owners and occupiers of all lands and heritages within the extended burgh, according to the gross value thereof as in the valuation roll in force therein for the time being, a rate to be called the "streets improvement rate," not exceeding fourpence in the pound of the annual value of all such property (but subject always to the provisions of this Act herein-before contained), to defray the expense of purchasing lands for and the cost of executing the widening and improvement of streets and of the bridge and the erection of the foot bridge and the works connected therewith respectively 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 owners and occupiers of land 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.

144. 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

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Corporation shall appoint, on the twenty-sixth day of May, or, in the option of the Corporation, 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 occupier shall be entitled to deduct any rates so paid by him out of the rent due or becoming due by him to any such owner.

Rates may be amended.

145. 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 such seven days it shall be held to be correct.

Recovery of rates.

146. The collector appointed by the Corporation may 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, and may 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 roll 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

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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 after 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 messenger-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 and who has not lodged an appeal, or been heard in an appeal lodged by him against the assessment imposed upon him, shall, before the day on which such warrant is to be applied for, give notice in writing to the collector that he objects to the amount which he is required to pay, and specifies the grounds of his objection, 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.

Sales.

147. 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 direction, as the collector may fix.

Collector to account for surplus proceeds of sales.

148. 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.

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Appeal by owner of goods, &c., against oppressive proceedings under warrant.

149. 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, within one month from such poinding or sale, 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 and decide any dispute, question or claim of damage raised by such petition, and in addition to the award of 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 or magistrate 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.

Books of rates to be evidence.

150. 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.

151. The several rates and charges levied or received by the Corporation under the authority of this Act for water purposes, for gas 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 VII.—BORROWING POWERS.

Power to borrow for waterworks.

152. 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 local authorities of the burgh of Irvine and of the parish of Dundonald, and of redeeming any annuities which may be granted for sums of money expended in any way in connexion with the execution,

extension, improvement or renewal of any part of the existing waterworks, and may also, for the purposes of and in connexion with the additional waterworks, borrow any sum of money not exceeding ten thousand pounds, and may make and grant mortgages 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.

153. 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 gas undertaking, and of redeeming any annuities which may be granted as the consideration in whole or in part to be paid therefor, and may also, for the general purposes of the gas undertaking borrow any sum of money not exceeding in the whole five thousand pounds, and may make and grant mortgages 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, &c.

154. The Corporation may for the purpose of the widening and improvement of streets, and of the bridge, and the erection of the foot bridge, and works connected therewith respectively, and the purchase of property, 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 twelve thousand pounds, and in security of the money so borrowed and interest thereon, may make and grant mortgages of the streets improvement rate, and of the lands which may be acquired by the Corporation under the powers of this Act but shall not be required for the widening and improvement of streets by this Act authorised, and of any feu duties or ground annuals payable to the Corporation in respect of any such lands.

Corporation may re-borrow.

155. 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 funds provided by this Act, the Corporation may again 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: Provided, that no moneys shall be reborrowed for a period exceeding the unexpired term of years within which the moneys borrowed must be repaid.

Form of mortgage.

156. Every mortgage to be granted by the Corporation shall be by deed, duly stamped, in which the consideration shall be truly stated, and may be in the form contained in the eighth schedule to this Act, or to the like effect, with such modifications thereof as

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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.

157. The Corporation may issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form contained in the ninth 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 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.

158. The Corporation may accept and take from any bank or banking company credit on a cash account, to be opened and kept with such bank or banking company in the name of the 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 may 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 of execution of mortgages, &c.

159. 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.

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Water sinking fund.

160. The Corporation may and they are hereby required annually, after the expiration of seven 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 sixty years the whole of the money borrowed for the purposes of the waterworks, and to redeem the whole of the annuities which may have been granted for sums of money expended in connexion with the existing waterworks; 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 the water annuities, and to no other purpose whatsoever.

Gas sinking fund.

161. The Corporation may 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 the gas undertaking, 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 fifty years the whole of the money borrowed for the purposes of the gas undertaking, and to redeem the whole of the annuities granted to the shareholders of the gas company 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 gas undertaking, and the redemption of the gas annuities, and to no other purpose whatsoever.

Streets improvement sinking fund.

162. The Corporation may 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 and bridge by this Act authorised, set apart as a sinking fund from and 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 sixty 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 purpose whatsoever.

Provision applicable to sinking funds.

163. The following provision shall apply to the sinking funds severally herein-before directed to be established (that is to say):— Whenever the Corporation shall have paid off out of any of such sinking funds any of the moneys to which the same is applicable they shall thenceforward in each year, until the whole of such

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moneys shall have been paid off, pay into the sinking fund, in addition to the sum required to be set apart as aforesaid, a sum equal to the annual interest of the moneys so paid off; and whenever and so long as the yearly income arising from any such sinking fund, shall be equal to the annual interest of the principal moneys then remaining due by the Corporation, the Corporation may, instead of setting apart the said yearly income, apply the same in payment of the interest upon the principal moneys so remaining due, and may, during such period, discontinue the payment to the sinking fund of the yearly sum herein-before required to be set apart.

Protection of lenders.

164. 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 moneys.

165. 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 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 local authorities of the burgh of Irvine and of the parish of Dundonald, and towards any extensions and enlargements of the distributive works of the Corporation or any part thereof, 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 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 company 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 gas annuities, if any, granted to shareholders 'n the gas company, 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 bridge, and not required for that purpose, and of the streets improvement rates by this Act authorised, shall be applied for carrying into effect the widening and improvement of streets and bridge, and the erection of the foot bridge, by this Act authorised, and for the payment of mortgages and of any

cash credit or cash account granted for or incurred in respect of those improvements: Provided that the Corporation shall not apply any money borrowed under this Act to the management or maintenance of the works acquired by them, or to any sinking fund.

Saving for existing mortgages.

166. Nothing in this Act contained shall prejudicially affect any mortgage or obligation heretofore granted by the town council, but not in their capacity as the local authority of the said burgh, on the credit of any rate, fund, income or property which the town council, 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, or which may be renewed or substituted therefor in whole or in part, 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 town council, as if this Act had not been passed.

Power to substitute Corporation mortgages for mortgages of certain local authorities.

167. From and 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 local authority of the burgh of Irvine and the local authority of the parish of Dundonald, or either of them, before the water transfer, to substitute for such mortgage a water mortgage issued by the Corporation, under the authority of this Act.

Appointment of judicial factor.

168. 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 acquired 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

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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, 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.

169. 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 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, the Corporation may 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.

170. 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 moveable or personal estate.

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Discharge of mortgages.

171. 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 tenth 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 VIII.—Accounts, Audit, &c.

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

172. 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 and 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 and bridge improvements, and erection of the foot bridge by this Act authorised, and for and on account of the streets improvement rate, and any moneys arising from the sale, leasing, or otherwise disposing 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 existing burgh have hitherto been required to be kept, laid open to inspection, and published.

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Application of revenue.

173. 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 existing waterworks by the local authorities or either of them :

Thirdly. In payment of such water annuities as shall have been issued, 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 water rate or assessment.

2. As regards moneys received on account of gas :—

First. In payment of the expense of managing and maintaining the gasworks of the Corporation :

Secondly. In payment of such gas annuities as shall have been issued to shareholders of the gas company, 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 improvements :—

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 bridge and in other respects carrying this Act into execution with respect to streets and bridges :

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 Corporation.

Application of sinking funds.

174. 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.

175. 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.

Accounts of Corporation to be open to inspection.

176. 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.

177. The Corporation shall appoint an auditor (being a person skilled in accounts and not a member or officer of the Corporation and to be approved of by the sheriff), 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 Corporation shall in like manner from time to time appoint an auditor to supply the vacancy.

Auditor to audit ac-

178. It shall be the duty of such auditor once in every year to audit the accounts of the Corporation, and for that purpose the

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Accounts and to report.

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 suitable remuneration for his trouble in making such audit.

Annual account made up.

179. 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 fifteenth day of October, 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 twentieth day of October 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.

Part IX.—Miscellaneous Provisions.

Liability to rates, &c., not to disqualify.

180. No magistrate shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or charge, or water rate, or other rate, assessment, or charge under this Act, or of his being entitled to or interested in any mortgage, bond, annuity, or other debt of the Corporation.

Proof of debt in bankruptcy.

181. If any person against whom the Corporation have any claim or demand become bankrupt, the clerk, in all proceedings in relation to the estate of such bankrupt, may represent the Corporation, and act in their behalf in all respects as if such claim had been the claim or demand of the clerk and not of the Corporation.

Surrender of books and papers of Corporation on death of officer.

182. In case of the death of any officer or servant of the Corporation, or of his becoming bankrupt before he has delivered up all books, papers, writings and other things concerning his office or employment, or relating to the execution of this Act, no interest whatever in such books, papers, writings and things, or any of them, shall pass to or vest in his representatives or assignees, as the case may be, but the same shall, with all convenient speed, be surrendered to the Corporation.

Form and service of notices, &c., by the Corporation.

183. Any notice, order, resolution, declaration, requisition, demand or other instrument made, given, delivered, or served under this Act, or any byelaw of the Corporation, may be either in print

or in writing, or partly in print and partly in writing and shall be sufficiently authenticated by the name of the clerk or other proper officer (according to the subject of the particular document) being affixed thereto in print or writing on behalf of the Corporation, and it shall be sufficient in all cases where any such notice, resolution, declaration, requisition, demand, or other instrument is required to be given to or served upon the owner or occupier of any property to address such notice, order, resolution, declaration, requisition, demand, or other instrument to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which the notice, order, resolution, declaration, requisition, demand, or other instrument is given or served, without further name or description; and any such notice, order, resolution, declaration, requisition, demand, or other instrument, may be served upon any owner, occupier, or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate of his last known or usual place of abode or business, or in case of an occupier to any inmate of the building in respect of which such notice, order, resolution, declaration, requisition, demand, or instrument is served, or if the building is unoccupied, and the place of abode of the person to be served is after due inquiry unknown, it shall be sufficient to affix such notice, order, resolution, declaration, requisition, demand, or instrument, or a copy thereof, upon some conspicuous part of such building.

Service of notice on Corporation.

184. Any notice to or demand on the Corporation under this Act may be served on the Corporation, by being delivered to the clerk, or by being sent through the post in a registered letter directed to the clerk, in which latter case, service shall be deemed to be effected on the Corporation on the day on which such letter would be delivered in the ordinary course of post.

Contents of warrant.

185. Any one summons or warrant issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Warrant to include costs.

186. Any sheriff or magistrate who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied, shall be paid by the person liable to pay such money, and such costs shall be ascertained by the sheriff or magistrate, and shall be included in the warrant of distress for the recovery of such money.

Penalty on officer or servant

187. If any officer or servant of the Corporation demands on account of anything done by virtue of his office, or for forbearing to

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demanding unauthorised fees.

do anything that ought to be done, or on any other account relative to his duty, any fee or reward whatsoever, other than the salary or allowances granted by the Corporation, or fees due to him in virtue of his office, he shall be liable to a penalty not exceeding twenty pounds.

Penalty on pulling down notice boards.

188. If any person destroys, pulls down, injures, or defaces any notice-board issued or put up by or under the direction of the Corporation, or any board provided by the Corporation on which any byelaw or part of a byelaw of the Corporation is painted or placed, he shall be liable to a penalty not exceeding forty shillings besides paying the cost of remedying the injury done.

Recovery of fines, &c.

189. All fines, penalties, and forfeitures imposed or authorised to be imposed by this Act, other than those to which the Corporation is made liable, shall be recoverable by and at the instance of the procurator fiscal or person acting as the procurator fiscal of the magistrates, in the police court, in the way and manner, and with the like sanctions and remedies, and shall be applied in the same manner as fines and penalties imposed or authorised to be imposed by the Police Act are thereby directed to be recovered and applied, 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.

190. 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 permit 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.

191. Subject to the provisions of this Act:—

(1.) The Corporation shall be seized 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 seized, 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 existing 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 existing 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 existing burgh, or to the magistrates and town council of the existing burgh, shall be receivable in evidence as if this Act had not been passed.

Saving rights of Crown in foreshore.

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

Saving rights of Crown under 29 & 30 Vict. c. 62.

193. Nothing in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects or any rights, powers or authorities mentioned in or reserved by sections twenty, twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exercisable on behalf of Her Majesty, Her heirs or successors.

Nothing to abridge rights and remedies of Corporation.

194. Nothing in this Act shall take away or abridge any right, power or authority which the magistrates and town council of the existing 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.

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

195. 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

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penalty not exceeding one pound for every day during which such failure continues.

Expenses of Act.

196. 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 rates and assessments to be levied for the purpose: Provided always, that so far as respects the existing burgh, the said costs, charges and expenses, may be, in whole or in part, defrayed from the common good.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Description of the limits and boundaries of the burgh of Irvine, as extended by the foregoing Act.

Commencing at a point on the line of the boundary of the parliamentary burgh of Irvine as defined in schedule (M) of the Public Act, second and third William IV., chapter sixty-five, at the stone at the western corner of the march fence of the minister's glebe, and extending thence along the line of the said boundary to the River Annick, and up that river to a point which is distant two hundred and ninety-five yards (measured along the river) above the bridge over the same on the Irvine and Kilmarnook road, thence in a straight line in a north-westerly direction to the Statute Labour Road, called the Mill Road, leading from Irvine towards Irvine Mills, to a point on the southern boundary of the said road, three hundred and eighty-seven yards or thereby in an easterly direction from the Townhead toll-bar marked A on the map showing the boundaries of the burgh of Irvine as extended by the foregoing Act (and which map has been deposited with the town clerk of the royal burgh of Irvine, as mentioned in the said Act), thence along the southern boundary of the said road to the point thereon marked B on the said map, at which the said road joins the road leading from Fencedyke and Bourtreehill, thence along the eastern boundary of the last-mentioned road to the point thereon marked C on the said map, where the Lochwards ditch enters a conduit under the said road, thence along the course of the said ditch for a distance of three hundred and ten yards or thereby, to the point where the said ditch enters and runs along the said lands of Lochwards, thence for a distance of three hundred and eighty-seven yards or thereby in a straight line in a north-westerly direction to a point on the march fence between the lands of Haysholm and Newmoor, marked D on the said map, thence in a straight line in a north-easterly direction to the boundary fence between the lands of Newmoor and Stanecastle, at a point on said fence sixty-seven yards or thereby distant from the turnpike road leading from Irvine to Girdle Toll, thence along the said boundary fence until it reaches the said turnpike road, thence in a straight line across the said turnpike road, thence along the boundary fence between the lands belonging or reputed to belong to the Earl of Eglinton and the lands belonging or reputed to belong to the burgh of Irvine to a point on the said fence fifty-five yards or thereby from the north side of the said turnpike road marked X on the said map, thence along the said boundary fence to a point on the turnpike road leading from Irvine to Kilwinning, marked E on the said map, thence in a straight line to a point on the road leading through Irvine Moor to Nethermains and Kilwinning, marked Y on the said map, and situated at the south-east corner of the boundary wall of the Cuninghame Combination Poor-

AD. 1881. house, thence along said boundary wall in a south-westerly direction to the boundary wall between the lands of the Earl of Eglinton and the town moor, thence along such boundary wall to the road leading to Bogside, and in a straight line across the said road to the boundary or march stone placed at the bottom of the south embankment thereof, thence in a south-westerly direction along the boundary of the lands belonging to the burgh of Irvine to the east boundary wall of the Glasgow and South-western Railway, thence along the said boundary wall in a south-easterly direction to the bridge on the said railway which crosses the River Irvine and to the middle of the said bridge and river, and from thence along the line of the said boundary of the parliamentary burgh of Irvine, being the centre line of the River Irvine, to the point at which the boundary of the burgh's portion of the Harbour Flats begins, marked F on the said map, and along the line of the northern boundary of the burgh's portion of said Flats to the point where it terminates in the River Garnock, and from said point dow the River Garnock along the boundary between the parishes of Irvin e and Stevenston to the junction of the River Garnock with the River Irvine, and thence along the River Irvine, being the boundary between the parishes of Dundonald and Stevenston, to a point at the bar of the harbour of Irvine, which is at or opposite to low-water mark, and is marked G on the said map, thence in a south-easterly direction along the line of low water mark to a point where the line of march between the lands of Gailes end Boatstabs if produced would cut low water mark, and is marked H on the said map, thence in a straight line north-eastward to and along the said march, thence along the line of the Broadhow Burn in a north-easterly direction to a point where it is crossed by the Glasgow and South-western Railway, marked J on the said map, thence eastward to a point on the turnpike road leading from Irvine to Ayr, where the road from Drybridge past Shewalton to Irvine joins the said turnpike road, marked K on the said map, thence in a straight line in a north-easterly direction to a point in a bend in the River Irvine, about five hundred and seventy-five yards or thereby, measured in a south-easterly direction from the point where the River Annick flows into the River Irvine, generally called the water meetings, thence down the River Irvine to the said point generally called the water meetings, thence down the River Irvine to the said point therein opposite the stone at the western corner of the march fence of the minister's glebe above described, and thence in a northerly direction to and terminating at such last-mentioned stone.

THE SECOND SCHEDULE.

Designations and boundaries of wards into which the burgh of Irvine is divided by the foregoing Act.

FIRST WARD.

From the north-west corner of Glasgow Vennel along the north side of the said street, and of Cotton Row and of Ballot Road to the point at which

the boundary of the extended burgh crosses the road from Irvine to Girdle Toll, thence along the boundary of the extended burgh to the point where it runs between the property of Lord Eglinton and the burgh of Irvine, thence to the point at which the said boundary reaches the road from Irvine to Kilwinning, thence along the north-east side of said road past Burnside and along the north-east side of Burns Street, Eglinton Street and High Street to the north-west corner of Glasgow Vennel, and including the whole area within the said boundaries.

Second Ward.

From the north-east corner of Kirkgate along the north side of said street to Puddleford, and to a point in the river where the boundary of the extended burgh runs, and along the said boundary until it reaches the point at which it crosses the road from Irvine to Kilwinning, and thence along the south-western side of said road past Williamfield, and along the south-west side of Burn Street, Eglinton Street and High Street, to the north-east corner of Kirkgate, and including the whole area within the said boundaries.

Third Ward.

From the south-west corner of Kirkgate along the south side of said street, including Kirkgatehead, and along the south side of the said street and the Puddleford, to the point in the river where the boundary of the extended burgh runs, and along the line of the boundary of the extended burgh to the point in the river which is opposite the stone at the western corner of the march fence of the minister's glebe to the said stone, and along the boundary of the extended burgh until it reaches the turnpike road leading from Irvine past Stanecastle to Girdle Toll, thence along the south-east side of the said road, and of Ballot Road, and of Cotton Row, and of Glasgow Vennel, and including the north-east side of Townhead Street, from the south-east corner of Glasgow Vennel to the boundary of the extended burgh, and also the south-west side of the High Street and Townhead from the south-west corner of Kirkgate to the boundary of the extended burgh, and including the whole area within the said boundaries.

Fourth Ward.

From the north-east corner of Fullarton Place, along the north-east side of Fullarton Place and Halfway, to the south-west corner of the timber yard and premises belonging or reputed to belong to Messieurs John Wright and Son, and thence in a direct line westward to the boundary of the extended burgh in the River Irvine, at the confluence of the River Garnock with the River Irvine, thence in a north-north-westerly direction until it reaches the extremity of the boundary of the extended burgh in the River Garnock, thence along the said boundary to the extremity thereof, thence in an east-north-easterly direction, until it reaches the River Irvine again, and up the said river until it reaches the bridge over the said river, and from the point at which it reaches the said bridge to the said north-east corner of Fullarton Place, and including the whole area within the said boundaries.

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FIFTH WARD.

From the south-east corner of Fullarton Place, along the south-west side of Fullarton Place, and Halfway to the south-westerly boundary of the Glasgow and South-western Railway, and along the said boundary of said railway to the extremity of the boundary of the said extended burgh, where the said railway intersects the same, and along the said boundary and down the River Irvine, until it reaches the bridge over the said river, and from the point at which it reaches the said bridge to the said south-east corner of Fullarton Place, and including the whole area within the said boundaries.

SIXTH WARD.

From the south-westerly boundary of the Glasgow and South-western Railway, on the south-west side of the Halfway, and along the south-west side of the Halfway to the point at the smithy occupied by Messieurs McDougall & Co., thence in a straight line in a north-westerly direction to the point in the River Irvine by which ward No. 4 is bounded, and from thence in a south-westerly direction along the boundary of the extended burgh, in said river, to the sea, and thence following the line of the boundary of the said extended burgh, until it reaches the point at which the Glasgow and South-western Railway intersects the same, and thence along the south-westerly boundary of the said railway until it reaches the point on the south-west side of Halfway at which the said railway crosses the Halfway, and including the whole area within the said boundaries.

THE THIRD SCHEDULE.

Dues for Markets, Slaughter Houses, Fairs, &c.

I.—CATTLE MARKET.

1. For each horse, pony, ass, mule, bull, bullock, cow or calf brought into the market there shall be paid:—

	s.	d.
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	0½

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 1½

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.

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 - - - - -		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.—FAIR.

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

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THE FOURTH SCHEDULE.

Form of Annuity Certificate.

No.

This is to certify that *A. B.* [*name and designation*] is the holder of pounds of the Irvine Corporation annuities, created by [*insert title of the Act*], and is entitled to receive from the Corporation of Irvine an annuity of pounds, payable in equal moieties half-yearly on the and 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 revenues from the supply of and on the Irvine 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 FIFTH SCHEDULE.

Form of Transfer 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 Irvine 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 SIXTH 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 Irvine.

Take notice that I,

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

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 SEVENTH SCHEDULE.

Limits of Lands for the Manufacturing and Storing of Gas.

The lands feued by the Irvine Gas Light Company from the burgh of Irvine and upon which the existing gasworks are constructed, extending to forty-one poles and fourteen decimal parts of a pole or thereby, imperial measure, lying on the south side of the Old Ballot Road, in the burgh of Irvine; bounded as follows:—On the north by the said Old Ballot Road, on the west and south by lands belonging or reputed to belong to the burgh of Irvine, and on the east by the road or lane leading from the Old Ballot Road to Thornhouse.

THE EIGHTH SCHEDULE.

Form of Mortgage.

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

Mortgage No. £

By virtue of the Irvine Burgh Act, 1881, we, the Corporation of Irvine, in consideration of the principal sum of [*specify amount*] paid [*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 NINTH SCHEDULE.

Form of Interest Warrant.

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

Mortgage No. Dated 18

INTEREST WARRANT

For pounds shillings and pence.

£ s

Less income tax

£

Payable on 18 , at the

Chamberlain.

THE TENTH SCHEDULE.

Form of Discharge.

Received from the Chamberlain to the Corporation of Irvine, 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 one thousand eight hundred and

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