CHAPTER xl.

An Act for empowering the Corporation of the Royal Burgh of Irvine to construct a Weir or Dam across the River Irvine to construct a new Bridge over the said river with roads of access thereto to widen alter and improve streets and for other purposes. A.D. 1896.

[2nd July 1896.]

WHEREAS the provost magistrates and town councillors of the royal burgh of Irvine as the Commissioners of the said burgh (in this Act called "the Commissioners") acting under the Burgh Police (Scotland) Act 1892 are the local and road authority within the said burgh and the police affairs of the burgh are administered and managed by the Commissioners under the Irvine Burgh Act 1881 and the said Burgh Police (Scotland) Act 1892 and Acts amending the same:

And whereas it would be for the public advantage of the community of Irvine and would effect a sanitary improvement in the condition of the River Irvine passing through the said burgh that the Commissioners should be authorised to construct the weir or dam herein-after described across the River Irvine:

And whereas it is expedient that the Commissioners should be empowered to construct the bridge and carry out the other works and improvements herein-after described:

And whereas it is expedient to authorise the Commissioners to levy rates and assessments and to borrow money for the purposes of this Act:

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

A.D. 1896.

are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Irvine Burgh Improvement Act 1896.

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 ninety-six (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.

Incorporation of Acts.

3. 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 Acts the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads and other interferences therewith and in the said Act "the Company" shall mean the Commissioners and "the railway" shall mean the works authorised by this Act and "the centre of the railway" shall mean any part of the works authorised by this Act and the Commissioners Clauses Act 1847 so far as the same is incorporated in the Irvine Burgh Act 1881.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and the words and expressions in the Irvine Burgh Act 1881 have the same respective meanings unless there be something in the subject or context repugnant to such construction "The Act of 1881" means the Irvine Burgh Act 1881.

Power to construct works.

5. Subject to the provisions of this Act the Commissioners 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 necessary and proper works and conveniences connected therewith and may enter upon take hold and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for such purposes The works

herein-before referred to and authorised by this Act are the following (that is to say) :—

(1) A weir or dam across the River Irvine and accesses thereto commencing at a point on the north-east bank of the river adjoining the green or common of the royal burgh of Irvine about fifty yards south-eastward from the outlet of the water-course or drain called the Minister's Cast in the said royal burgh and parish of Irvine and terminating at a corresponding point on the south-west bank of the river in the royal burgh of Irvine and parish of Dundonald;

(2) A widening alteration and improvement of the street called Kirk Vennel in the royal burgh and parish of Irvine and on the south-east side thereof commencing at the junction of said street with High Street and the street called Townhead and which junction is commonly called Porthead and terminating at a point opposite or near to the entrance to the Chapelwell Lane which leads from the said street called Kirk Vennel to the River Irvine;

(3) A road of access in the royal burgh and parish of Irvine commencing at a point at or near the termination of work number two above described and terminating on the north-east bank of the said River Irvine at a point opposite the south end of the said Chapelwell Lane;

(4) A foot bridge across the River Irvine commencing at the lane or passage called the Chapelwell Lane on the north-east bank of the said river in the royal burgh of Irvine and parish of Irvine at the point of termination of work number three and terminating at a point on the south-west bank of the said river opposite the said Chapelwell Lane and in the royal burgh of Irvine and parish of Dundonald;

(5) A road of access to the said footbridge commencing at the said footbridge at the termination thereof above described on the south-west bank of the said River Irvine and terminating at a point on the public road or highway leading from Irvine to Ayr which is near the head of Fullarton Street and all in the royal burgh of Irvine and parish of Dundonald;

(6) A widening alteration and improvement of the street called East Road in the said royal burgh and parish of Irvine commencing at the junction of the said street with the street called Cotton Row and terminating at a point one hundred yards or thereby south-eastward from the said point of junction;

(7) A widening alteration and improvement of Castle Street in the said royal burgh and parish of Irvine and along the south

A.D. 1896.

side thereof commencing at the junction of the said street with Seagate Street commonly called Seagatefoot and terminating at its junction with West Road in the said royal burgh;

(8) A widening alteration and improvement of Fullarton Street in the Halfway or Fullarton district of said royal burgh of Irvine and parish of Dundonald commencing at the junction of said street with Fullarton Place and terminating at a point twenty yards or thereby south-eastward from the said point of junction:

Together with all requisite embankments abutments approaches gates sluices locks channels walls piers roads footways carriageways sewers drains and other works and conveniences in connexion with the said works before described or any of them as may be necessary or expedient and the Commissioners may deepen dredge scour clean alter and improve from time to time the bed shore and banks of the River Irvine at or near and above and below the proposed weir or dam and the proposed bridge or either of them All which works and the lands houses and other property which may be taken for the purposes thereof are situate in the county of Ayr.

Omission or misstatement in plans &c. may be corrected.

6. If there be any omission misstatement or erroneous 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 Commissioners after giving ten days' notice to the owners lessees and occupiers of the lands or buildings in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission misstatement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is mis-stated or erroneously described and the decision of the sheriff in such matters shall be final.

Certificates to be deposited.

7. 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 sheriff clerk and with the clerk to the parish council of the parish in which the lands or buildings to which such certificate relates are situate and the certificate and duplicates respectively shall be kept by such sheriff clerk and clerks to the parish councils 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 Commissioners may enter on purchase take hold and use for the purposes of this Act any lands or buildings in

accordance with such certificate as if such omission misstatement or erroneous description had not been made.

Period for compulsory purchase of lands.

8. The powers of the Commissioners for the compulsory purchase of lands and houses for the purposes of this Act shall cease after the expiration of three years from the commencement of this Act.

Period for completion of works.

9. If the works shown on the deposited plans and authorised by this Act are not completed within ten years from the commencement of this Act then on the expiration of that period the powers granted to the Commissioners by this Act for executing the works not so completed or in relation thereto shall cease except as to so much thereof as is then completed or commenced.

Power to take easements &c. by agreement.

10. The Commissioners may take by agreement and any person empowered by the Lands Clauses Acts or otherwise to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners for the purposes and subject to the provisions of this Act any servitude easement interest right or privilege (not being a servitude easement interest right or privilege of water in which other than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting or belonging to any such lands at a yearly rent or otherwise and the provisions of the said Acts with respect to lands and rentcharges ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes easements interests rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain properties.

11. And whereas in the exercise of the powers of this Act it may happen that portions only of the lands houses buildings or manufactories shown on the deposited plans may be sufficient for the purposes of this Act or any of them and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the lands houses buildings or manufactories described in the schedule to this Act annexed and whereof portions only are required for the purposes of this Act may (if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Commissioners such portions only without the Commissioners being obliged or compellable to purchase the whole or any greater portion of such properties the Commissioners always paying for the portions taken by them and making compensation for any damage sustained

A.D. 1896.

by the owners of such properties and other persons interested therein by severance or otherwise.

Restrictions on displacing persons of labouring class.

12.—(1) The Commissioners shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see it.

(4) Any conditions subject to which the Secretary for Scotland may have approved of any scheme or of any modifications of any scheme under this section or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the court of session to be obtained by the Secretary for Scotland.

(5) If the Commissioners acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing

in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty not exceeding five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the court of session and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Commissioners may appropriate any lands and heritages for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purposes of any such purchase section 90 of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Commissioners for the purposes of any scheme under this section and the Secretary for Scotland and any person appointed by him to hold inquiry shall have and may exercise for the purpose of any scheme under this section all the powers vested in them respectively under the last-mentioned Act as if such scheme were one of the purposes of that Act.

(7) The Commissioners may on any lands and heritages belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands and heritages purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply under the powers of this Act:

Provided that all lands on which any buildings have been erected or provided by the Commissioners in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he may think fit.

(8) The Commissioners shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person

A.D. 1896.

holding the inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of such person.

(9) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to alter roads &c. temporarily.

13. For the purposes of and during the execution of the works herein-before described the Commissioners from time to time may cross divert alter or stop up temporarily any roads streets highways lanes bridges footpaths passages ways and rights of way and the said River Irvine and all rivers streams pipes sewers drains watercourses telegraphic or telephonic or electric wires or tubes or mains or other 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 providing when possible a proper temporary substitute before interrupting the traffic on any such roads streets and others as aforesaid or the flow of water gas sewage or electricity and making full compensation to all persons injuriously affected by anything done under the provisions of this section Provided always that the Commissioners 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 Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

Lateral and vertical deviations.

14. In executing the works herein-before described or any of them the Commissioners may deviate laterally from the respective lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and may deviate from the levels thereof as referred to the datum line shown on the deposited sections to any extent not exceeding two feet Provided that no deviation either lateral or vertical below high water mark shall be made without the consent in writing of the Board of Trade.

Power to make subsidiary works.

15. Subject to the provisions of this Act and within the limits shown on the deposited plans the Commissioners may for the purposes of the works authorised by this Act make junctions and communications with any existing streets roads highways footpaths ways and rights of way 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 roads highways footpaths ways and rights of way and may remove stop up alter divert enclose or appropriate all or any part of any roads streets highways lanes bridges footpaths courts passages ways and rights of way sewers drains watercourses telegraphic or telephonic or electric wires or tubes or mains or other 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 Provided further that the Commissioners 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.

Damage to buildings to be compensated for by the Commissioners.

16. 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 Commissioners shall make good the damage done and pay to the owner and occupier of the house building or premises such compensation as may be agreed on between the owner and occupier and the Commissioners or failing their agreement such compensation shall be ascertained apportioned and recovered under the Lands Clauses Acts as in cases of disputed compensation for lands.

For the protection of the Glasgow and South Western Railway Company.

17. The following provisions for the protection of the Glasgow and South Western Railway Company (herein-after called "the South Western Company") shall unless otherwise agreed between the Commissioners and the South Western Company apply and have effect (that is to say) (1) Notwithstanding the provisions of section 5 of this Act the Commissioners shall not deepen dredge scour clean or improve the bed shore or banks of the River Irvine either above or below the site of the proposed weir or dam so as to injure the railway of the South Western Company or the bridges carrying the said railway over the River Irvine and shall not without the previous consent in writing of the South Western Company deepen dredge scour clean or improve the bed shore or banks of the River Irvine at any point within fifty yards of any of the said railway bridges of the South Western Company (2) The said weir or dam and works

A.D. 1896.

shall be constructed and carried out so as to cause no obstruction or impediment to the traffic on the railways belonging to the South Western Company during the progress of the works of the Commissioners and the said works shall be constructed and completed at the sole risk and cost of the Commissioners and shall be maintained by them in a state of perfect repair and (3) If the said weir or dam or works shall be so constructed and maintained by the Commissioners as to in any way damage or injuriously affect the viaduct carrying the railways of the South Western Company over the River Irvine or bridge carrying the South Western Company's Irvine and Busbie Branch Railway over the River Irvine or the abutments piers foundations or other parts of the said viaduct or bridge or shall impede or obstruct to any extent whatever the traffic on the railways belonging to the South Western Company or the South Western Company using the same as freely and uninterruptedly as at present the Commissioners shall make good and pay to the South Western Company the actual damages thereby occasioned and in default of payment of such actual damages on demand being made to the Commissioners the South Western Company may sue for and recover the same together with full expenses against the Commissioners by action in the court of session in Scotland or in their option before the sheriff of the county of Ayr and the South Western Company are without prejudice to the provisions in this sub-section further hereby empowered in the event of any damage being occasioned by the works or operations of the Commissioners to the railways or bridges of the South Western Company to perform if they deem it expedient all such operations as they may consider necessary for removing or making good such damage or injury and to recover from the Commissioners the reasonable expenses of all such operations and in default of payment of such expenses the same may be recovered as herein-before provided with reference to actual damages for impeding the traffic on the railways of the South Western Company.

Commissioners to form sewers drains &c. and to maintain streets &c.

18. The Commissioners may cause such parts of the widened and improved streets to be laid out for carriageways and such parts thereof for foot passengers as they think fit and may construct erect and provide such vaults cellars arches sewers drains and other works and conveniences as they may think proper and on such widened and improved streets bridge and roads of access authorised by this Act being completed the site and solum thereof shall be vested in the Commissioners and the same as far as not so already shall thereupon become and be deemed to be public streets falling to be kept up and maintained in accordance with the provisions of the Burgh Police (Scotland) Act 1892 and this Act.

Power to alter steps doors &c.

19. If in consequence of the execution by the Commissioners 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 Commissioners.

Power to take down buildings and lay out lands anew.

20. The Commissioners 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 or let the same on such terms and for such price or consideration or for such rent and subject to such conditions as they may determine and generally the Commissioners 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 the Commissioners may take and grant conveyances.

21. The Commissioners 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 and the Conveyancing (Scotland) Act 1874 and the Act of 1881 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 three Commissioners empowered to that effect and witnessed according to the law of Scotland.

Purchase of lands by agreement.

22. In addition to the lands and houses which the Commissioners are by this Act authorised to take compulsorily they may from time to time by agreement purchase and acquire for the purpose of improving the sanitary condition of the burgh any other lands and houses not exceeding three acres but nothing in this Act shall exempt the Commissioners from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands so acquired.

As to works below high-water mark.

23. The Commissioners shall not under the powers of this Act 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 reflows 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

A.D. 1896.

approval being signified as last aforesaid and where any such work shall have been constructed with such consent as aforesaid the Commissioners 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 Commissioners and the amount of such costs shall be a debt due to the Crown and recoverable against the Commissioners accordingly.

Byelaws.

24. Subject to the provisions of this Act the Commissioners may from time to time make byelaws for the use regulation and protection of the aforesaid weir or dam or in regard thereto and for preserving the purity of the waters in the said River Irvine above the said weir or dam within the burgh and may impose penalties for offences against the same not exceeding forty shillings for each offence and such penalties may be recovered summarily No such byelaw or regulation shall have any force or effect until the same have been confirmed by the sheriff of the county of Ayr.

Burgh improvement rate.

25. The Commissioners may once in every year assess and levy in equal portions on the owners and occupiers of all lands and heritages within the burgh as extended and defined by the Act of 1881 according to the gross value thereof as in the valuation roll in force therein for the time being a rate called "the burgh improvement rate" not exceeding fivepence in the pound of the annual value of all such property for the purchase of lands and the execution and maintenance of the works authorised by this Act And the enactments and provisions of the Act of 1881 with respect to the imposing levying payment and recovery of the rates charges and assessment thereby authorised to be levied on and from the owners and occupiers of lands and heritages and with respect to the exceptions and exemptions from such assessment shall be applicable to the levying payment and recovery of the rate or assessment authorised by this Act.

Application of rate.

26. The rates and assessments levied or received by the Commissioners under the authority of this Act shall be applied for carrying into effect the purposes of this Act and for the payment of money borrowed for the purposes of this Act and all other obligations in connexion therewith.

Power to borrow money.

27. The Commissioners may for the purpose of executing the works hereby authorised and the purchase of lands and property borrow from time to time any sums of money not exceeding in the whole ten thousand pounds and in security of the money so borrowed

and interest thereon may make and grant mortgages of the burgh improvement rate by this Act authorised and of the lands which may be acquired by the Commissioners under the powers of this Act and which shall not be required for the widening alteration and improvement of streets by this Act authorised and on the security of any feu duties or ground annuals payable to the Commissioners in respect of any such lands.

Application of money borrowed.

28. The money borrowed by the Commissioners on mortgage or cash account or otherwise under the authority of this Act shall be applied only to purposes to which capital is properly applicable.

Application of sections of the Act of 1881 as to money borrowed &c.

29. In borrowing money under the powers of this Act the provisions of sections 155 156 157 158 159 162 163 164 166 168 169 170 and 171 of the Act of 1881 shall so far as applicable and subject to the provisions of this Act apply to the money to be borrowed under this Act as fully and effectually as if the said sections were set out at length herein and all mortgages granted under the powers of this Act shall refer to the title of this Act Provided that section one hundred and sixty-two of the Act of 1881 shall for the purposes of this Act be read as if the rate of interest at which the accumulation of the sinking fund is to be calculated were three per cent. interest instead of four per cent.

Separate account to be kept.

30. The Commissioners shall keep a separate and distinct account to be called "the burgh improvement account" of the receipts payments and liabilities in relation to the execution of the works authorised by this Act and in connexion therewith which accounts shall be kept laid open to inspection and published in the same manner as is provided for in the Act of 1881.

Auditor to audit accounts and to report.

31. It shall be the duty of the auditor appointed to audit the accounts of the Corporation to examine the accounts account books and vouchers of the Commissioners in connexion with the burgh improvement account annually and to make a report as to the result of the examination thereof to be submitted along with the said accounts account books and vouchers to the Commissioners.

Survey of works by Board of Trade.

32. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

A.D. 1896.

Abatement of work abandoned or decayed.

33. If a work constructed by the Commissioners or in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

Saving rights of Crown in foreshore.

34. Nothing in this Act shall authorise the Commissioners 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.

35. 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 20 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Expenses of Act.

36. 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 Commissioners out of the rates and assessments to be levied for the purposes and under authority of this Act.

SCHEDULE referred to in the foregoing Act.

LANDS HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS ONLY MAY BE TAKEN WITHOUT TAKING THE WHOLE.

Parish.	Number on Deposited Plans.
Parish of Irvine (Work No. 2) -	3 (but only as regards that part of the said property No. 3 as is situate between the point of termination of Work No. 2 and a point 150 feet measured in a northerly direction from the said termination of Work No. 2).
Parish of Irvine (Work No. 6) -	4 5 6 8 9 10 11 12 (but not as regards any part of the said respective properties situate south-west of the south-west line of Work No. 6).
Parish of Dundonald (Works Nos. 4 and 5).	4.

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