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An Act for extending the Boundaries of the Burgh of Kilmarnock for municipal and police purposes; for regulating the Wards and the Election of the Provost, Magistrates, and Town Council within the extended boundary; for transferring to the Corporation the Property and Powers of the Town Improvement Trustees and of the Commissioners of Police of Kilmarnock, and for the extinction of those bodies; for constituting a Dean of Guild Court for the Burgh; for transferring to and vesting in the Corporation the Undertaking of the Kilmarnock Gas Company; for authorising the Corporation to purchase the Waterworks of the Kilmarnock Water Company; to construct Waterworks and supply with Gas and Water the Burgh and adjacent districts; to construct new Streets and improve existing Streets; to provide a public Park and make arrangements with the Trustees of the late Alexander Kay; for defining and extending the Powers of the Corporation; and for other purposes. [29th June 1871.]

WHEREAS the burgh of Kilmarnock, lying in the parish of Kilmarnock and county of Ayr, has subsisted as a free burgh of barony since the year 1591, or thereabouts:

And whereas an Act was passed in the session of Parliament held in the third and fourth years of the reign of His late Majesty King William the Fourth, chapter seventy-seven, intituled "An Act to provide for the appointment and election of magistrates and councillors for the several burghs and towns of Scotland which now return or contribute to return members to Parliament, and are not royal burghs," and it was by that Act, among other

3 & 4 W. 4. c. 77.

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things, provided that the magistrates and town council to be elected for the burgh of Kilmarnock, under the authority of that Act, should have such and the like rights, powers, authorities, and jurisdiction as is or are possessed by the magistrates and council of any royal burgh in Scotland:

And whereas the last-recited Act was amended by various Public Acts, and particularly by an Act passed in the session of Parliament held in the fourth and fifth years of the reign of His late Majesty King William the Fourth, chapter eighty-six, intituled "An Act to "explain certain provisions in an Act of the third and fourth years "of His present Majesty, to provide for the election of magistrates "and councillors for the several burghs and towns of Scotland which "now return or contribute to return members to Parliament, and "are not royal burghs;" and by another Act passed in the session of Parliament held in the thirty-first and thirty-second years of the reign of Her present Majesty Queen Victoria, chapter one hundred and eight, intituled "An Act to amend the laws for the election of "the magistrates and councils of royal and parliamentary burghs in "Scotland;" and by another Act passed in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled "An Act "to amend the laws for the election of the magistrates and "councillors of royal and parliamentary burghs in Scotland," (which several Acts are herein-after together referred to as "the Municipal Election Acts,") and by those Acts provision was made for the appointment and election of the provost, magistrates, and town council of Kilmarnock (herein-after referred to as "the Corporation"), and various powers were conferred and duties imposed upon the Corporation:

4 & 5 W. 4. c. 86.

31 & 32 Vict. c. 108.

33 & 34 Vict. c. 92.

And whereas an Act was passed in the session of Parliament held in the forty-second year of the reign of His late Majesty King George the Third, chapter forty-eight, intituled "An Act for opening "several new streets in the town of Kilmarnock and county of Ayr; "for altering and widening some of the streets, lanes, and passages "within the said town; for building two new bridges over the Water "of Kilmarnock; for removing the present slaughter-houses in the "said town, and building new ones, and a town hall and guard-"house; for enlarging and repairing the gaol or Tolbooth; for en-"larging the burial-ground of the said town; for paving the said "town and places adjoining thereto, and removing nuisances and "annoyances therein; and for extending the jurisdiction of the "magistrates of the said town over certain adjacent lands:"

42 G. 3. c. xlviii.

And whereas in the session of Parliament held in the fifty-third year of the reign of His said Majesty King George the Third another

Act was passed, chapter eight, intituled "An Act for altering and "enlarging the provisions of an Act of His present Majesty for "improving the town of Kilmarnock in the county of Ayr" (which recited Acts of the forty-second George the Third, chapter forty-eight, and fifty-third George the Third, chapter eight, are herein-after together referred to as "the Town Improvement Acts"): A.D. 1871. 53 G. 3. c. viii.

And whereas by or under the provisions of the Town Improvement Acts, a body of trustees (herein-after referred to as "the town improvement trustees") were appointed, which body, or their successors, continue to exist and hold property in the burgh of Kilmarnock, notwithstanding that certain provisions of the Town Improvement Acts have expired or have been repealed in manner herein-after mentioned, and the greater part of the purposes of those Acts have been accomplished:

And whereas in the session of Parliament held in the fiftieth year of the reign of His said Majesty King George the Third an Act was passed, chapter forty-eight, intituled "An Act for paving, "lighting, cleansing, and watching the burgh of Kilmarnock and "suburbs thereof, for regulating the police and markets, and for "other purposes therein mentioned:" 50 G. 3. c. lxviii.

And whereas in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty an Act was passed, chapter two hundred and seven, intituled "An Act for "amending the Acts relating to the police and improvement of the "burgh of Kilmarnock, and for other purposes in relation thereto," (which Act is herein-after referred to as "the Police Act,") and by that Act a body of commissioners, under the name and style of "the commissioners of police of the burgh of Kilmarnock," (herein-after referred to as "the police commissioners,") was appointed, and by the same Act various powers were conferred on the police commissioners, and, among others, powers for erecting and maintaining a court-house, with suitable accommodation for the magistrates and commissioners of police of Kilmarnock, and the sheriff of the county of Ayr and his substitutes, and other functionaries; and for erecting and maintaining police offices, lock-up houses, and watch-houses, and public washing-houses, within the said burgh; and also for widening and improving the streets and passages within the same, and for enabling the police commissioners to collect the statute labour conversion money presently leviable within the bounds of that Act; and by that Act the Town Improvement Acts were repealed, in so far as inconsistent with the provisions of that Act, and the recited Act of the fiftieth George the Third, chapter sixty-eight, was wholly repealed: 10 & 11 Vict. c. ccvii.

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And whereas in the session of Parliament held in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty a Public General Act was passed, chapter one hundred and one, intituled "The General Police and Improvement (Scotland) Act, 1862," and on the tenth day of August one thousand eight hundred and sixty-four, and on the seventeenth day of April one thousand eight hundred and sixty-eight, respectively, certain parts and provisions of the said Public General Act were adopted by the police commissioners in the manner and with the formalities in that Act required, and the same have been applied to and are now in force within the limits of the jurisdiction of the police commissioners:

25 & 26 Vict. c. 101.

And whereas those limits are less extensive than the limits over which, by virtue of the Municipal Election Acts, or otherwise, the provost, magistrates, and town council of Kilmarnock are enabled or authorised to exercise jurisdiction:

And whereas inconvenience and difficulties have arisen from the existence of public bodies levying rates and exercising jurisdiction over areas differing in population and extent within the same burgh, and the Corporation and the police commissioners respectively have accordingly resolved, with the assent and concurrence of the town improvement trustees, to apply for an Act vesting in one and the same public body, (that is to say) the Corporation, the property and administration of the affairs of the burgh, extinguishing the town improvement trustees and police commissioners, and transferring to the Corporation, in manner herein-after mentioned, the property, rights, and interests hitherto vested in or belonging to such bodies respectively:

And whereas the burgh and immediate neighbourhood of Kilmarnock have of late years increased in population, and have become the seat of large works and establishments in manufactures and other branches of industry, and it is expedient that the municipal limits of the burgh be extended, and that the several enactments and provisions from time to time in force within the existing burgh be applied to and throughout the extended burgh in manner herein-after provided, that the wards into which the burgh is divided be altered or enlarged accordingly, and that the number of representatives elected by such wards respectively to the Corporation be increased as in this Act mentioned:

And whereas several of the streets and thoroughfares of the burgh are narrow and inconvenient, and it would be of public and local advantage if various houses and buildings were taken down and new streets constructed in and through various parts of the burgh, and if certain of the existing streets were altered and

widened, and if the Corporation were empowered to erect buildings on the line of or near or adjoining to the new or improved streets : A.D. 1871.

And whereas in the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty an Act was passed, chapter two hundred and eighty-five, intituled "An Act for supplying " with water the town of Kilmarnock, suburbs thereof, and places " adjacent ;" and in the session of Parliament held in the twenty-ninth and thirtieth years of the same reign another Act, chapter one hundred and eighty-eight, also intituled as aforesaid, (and herein-after referred to as " the Water Act,") was passed, whereby the Act previously recited (ninth and tenth Victoria, chapter two hundred and eighty-five) was repealed, and a company was incorporated under the name of " the Kilmarnock Water Company," (herein-after referred to as " the Water Company,") for carrying into effect the purposes of the Water Act : 9 & 10 Vict. c. cclxxxv. 29 & 30 Vict. c. clxxxviii.

And whereas it is expedient that the Corporation should be enabled to purchase by agreement with the Water Company the undertaking of that company, and to construct additional water-works for the better supply of water within the water limits :

And whereas in the session of Parliament held in the eighteenth year of the reign of Her present Majesty an Act was passed, chapter fifty-five, intituled " An Act to incorporate the Kilmarnock " Gaslight Company, established to supply with gas the town of " Kilmarnock and the parishes of Kilmarnock and Riccarton, and " places therein, all in the county of Ayr " (which Act is herein-after referred to as " the Gas Act," and the company incorporated by the Gas Act is herein referred to as " the Gas Company ") : 18 & 19 Vict. c. lv.

And whereas, subject to the sanction of Parliament, an agreement has been entered into between the police commissioners and the Gas Company, for the transfer to the police commissioners of the undertaking by the Gas Act authorised, upon the terms and conditions which are set forth in the agreement contained in the sixth schedule to this Act :

And whereas it is expedient that the said agreement be confirmed, and that the same be made applicable to the Corporation instead of the police commissioners, in accordance with the provisions of this Act, and that the Corporation be authorised to supply gas within the limits and for the purposes of this Act, and that the Gas Company be wound up and dissolved :

And whereas there is not at present in Kilmarnock or its immediate neighbourhood any public park :

And whereas the late Alexander Kay, insurance broker in Glasgow, by his trust disposition and deed of settlement, dated the

A.D. 1871. fifth day of February one thousand eight hundred and sixty-four, and recorded along with a codicil thereto, dated the first day of November one thousand eight hundred and sixty-four, in the books of council and session at Edinburgh the sixteenth day of March one thousand eight hundred and sixty-six, directed his trustees (herein-after referred to as Kay's testamentary trustees) to set aside from his means and estate therein conveyed to them a sum of ten thousand pounds sterling, to be applied in the purchase of ground in the immediate neighbourhood of Kilmarnock for a public park, in its formation, and in the investment of such sum as might be necessary to yield an income for its maintenance, and to convey the said park and the said investment to permanent trustees and guardians (herein-after referred to as the Kay Park trustees), to be held in perpetuity for the sole use and benefit of the inhabitants of Kilmarnock:

And whereas it is expedient that Kay's testamentary trustees, and the Kay Park trustees, and the Corporation be authorised to enter into agreements with reference to the purchase, formation, and maintenance of such park, and that the Corporation be authorised to contribute towards the purchase, formation, and maintenance of such park, and that facilities for the acquisition by agreement of land for the purposes of such public park should be granted, as herein-after mentioned:

And whereas there is not at present any dean of guild or dean of guild's court existing within the burgh, and it is expedient that provision be made for the appointment of a dean of guild, as by this Act authorised:

And whereas the Corporation are desirous, and it is expedient, that the other powers by this Act conferred upon the Corporation with respect to the improvement and local government of the burgh, as by this Act extended, be conferred upon them:

And whereas the Corporation are desirous, and it is expedient, that they be authorised to levy rates and to raise and secure moneys for the purposes of this Act:

And whereas plans and sections showing the respective lines and levels of the waterworks, new streets, and street improvements, and other works by this Act authorised, and the lands which the Corporation are by this Act empowered to acquire, and books of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of all such lands, have been deposited with the principal sheriff clerks of the counties of Ayr and Renfrew respectively, and those plans and

sections and books of reference respectively are in this Act referred to as the deposited plans, sections, and books of reference, in Parts III. and V. of this Act, where the particular work is described:

And whereas the purposes aforesaid 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; (that is to say,)

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as "The Kilmarnock Municipal Extension and Improvement Act, 1871."

Commencement of Act.

2. This Act shall commence on the thirty-first day of October one thousand eight hundred and seventy-one, except in so far as it is specially provided to come into operation at any earlier period.

Repeal of Acts.

3. The several Acts and portions of Acts which are set forth in the first part of the first schedule to this Act, except the portions thereof next herein-after referred to, are hereby repealed: Provided always, that the several portions of the said Acts which are set forth in the second part of the said schedule shall, notwithstanding such repeal, continue in force, and shall from and after the commencement of this Act apply to and be in force within the extended burgh.

Provisions of 25 & 26 Vict. c. 101. incorporated.

4. The several parts, sections, and clauses of "The General Police and Improvement (Scotland) Act, 1862," which are set forth in the second schedule to this Act, shall, on and from the commencement of this Act, be and continue in force throughout the extended burgh, and shall for that purpose be incorporated with and form part of this Act.

Provisions of general Acts herein named incorporated.

5. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Acts, 1847 and 1863," and "The Gasworks Clauses Act, 1847," are (except where expressly excepted or varied by this Act) incorporated with and form part of this Act: Provided that the provisions of "The Gasworks Clauses Act, 1847," and of "The Waterworks Clauses Act, 1847," with respect to the amount of profit to be received by the undertakers, are not incorporated with but are excepted from this Act.

Interpretation of terms.

6. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned

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have in this Act the same respective meanings, unless excluded by the subject or context, and the words and expressions following have the meanings following; (that is to say,)

The expressions "the burgh" or "the existing burgh" shall mean the burgh of Kilmarnock as existing previous to the commencement of this Act:

The expression the "extended burgh" shall mean the burgh of Kilmarnock as constituted and extended by this Act:

The expressions "the Corporation," "the provost," "the council," "the town clerk," and "the treasurer," mean respectively the provost, magistrates, and council of the extended burgh, and the provost, the council, the town clerk, and the treasurer for the time being of the extended burgh; and "the town clerk" includes "joint town clerks;" and the expression "clerk to the police commissioners," whenever the same occurs in this Act or the Police Act, shall likewise mean the "town clerk or joint town clerks," or any other clerk appointed from time to time for police purposes by the Corporation:

The word "magistrates" includes provost and baillies:

The word "sheriff" means the sheriff of the county of Ayr, and includes his substitutes:

"The undertaking of the Water Company" means the waterworks, lands, reservoirs, buildings, mains, pipes, machinery, apparatus, plant, and implements of trade belonging to or possessed by the Water Company under the authority of the Water Act or otherwise, and all powers, rights, privileges, and easements of the Water Company incidental thereto or connected therewith, and the goodwill of that company:

"The undertaking of the Gas Company" means the gasworks, lands, buildings, mains, pipes, machinery, apparatus, plant, and implements of trade of the Gas Company, together with all the powers, rights, privileges, and property of the Gas Company under the Gas Act, or otherwise howsoever, and the goodwill of that company:

The expression "lands and heritages" has the same meaning as is assigned to that expression in the Public Act seventeenth and eighteenth Victoria, chapter ninety-one, intituled "An Act for the valuation of lands and heritages in Scotland:"

The words "house" or "houses" (where the same is used in this Act with reference to the incidence of the domestic water rate) shall include any dwelling-house and any premises any part of which shall be used or occupied as a shop, warehouse, counting-house, chambers, or office of any description, or stable or

coach-house, and any gardens attached or belonging thereto respectively, unless in the cases in which it is herein-after provided that a supply of water may be given by agreement.

Act to be executed by the town council.

7. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Election Acts and other laws for the time being affecting the Corporation, and with all the authorities conferred by those Acts and laws on the Corporation, and on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to matters provided by or comprised in the Municipal Election Acts, and as nearly as may be in all respects as if the powers, duties, and property vested in or imposed on or enjoyed by the Corporation were vested in, imposed on, or enjoyed by them by or under the Municipal Election Acts.

PART II.—MUNICIPAL.

Municipal boundaries and jurisdiction of Corporation extended.

8. From and after the commencement of this Act, the municipal limits and boundaries of the burgh of Kilmarnock shall for all the purposes of this Act, as well as for the purposes of an Act passed in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled "An Act to provide "for the appointment and election of magistrates and councillors for "the several burghs and towns of Scotland which now return or "contribute to return members to Parliament, and are not royal "burghs," and for the purposes of an Act passed in the thirty-first and thirty-second years of the reign of Her present Majesty, intituled "The Municipal Elections Amendment (Scotland) Act, 1868," and for the purposes of another Act passed in the thirty-third and thirty-fourth years of the same reign, intituled "The Municipal Elections Amendment (Scotland) Act, 1870," (which said several Acts are herein-after collectively referred to as "The Municipal Election Acts,") be the limits and boundaries which are set forth and described in the third schedule to this Act, any charter, law, or usage to the contrary notwithstanding; and the provost, magistrates, and town council of the burgh of Kilmarnock shall possess the same rights, powers, and jurisdictions over the whole of the district comprised within the limits and boundaries set forth and described in the said schedule, (and herein-after referred to as "the extended burgh,") and over the inhabitants of the extended burgh, as before the commencement of this Act they possessed within the limits and boundaries of the burgh as then existing, and shall likewise possess such further and additional powers

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and jurisdiction within the extended burgh as are by this Act conferred on them: Provided always, nothing herein contained shall interfere with the existing authority and jurisdiction in the extended burgh of the sheriff and justices of the peace of the county of Ayr: Provided always, and it is hereby expressly declared and enacted, that nothing in this Act contained shall interfere with the burgh of Kilmarnock or county of Ayr, or the limits thereof, or the electors thereof, or of either of them, so far as regards the election of members to serve in Parliament for the said burgh or the said county, as at present, but the said burgh and the said county respectively shall for parliamentary purposes remain the same in all respects as if this Act had not been passed.

Parliamentary burgh to remain unaffected by this Act.

Existing wards abolished and new wards created.

9. From and after the commencement of this Act, the existing division of the burgh of Kilmarnock into wards, whether for municipal or police purposes, shall cease, and the same is hereby abolished, and the extended burgh shall be divided into five wards, the names and boundaries of which shall be those which are set forth and described in the fourth schedule to this Act.

Rules for construing definitions of boundaries.

10. In construing the several descriptions and definitions of boundaries of the extended burgh contained in the third schedule to this Act, and those of the wards into which the extended burgh shall be divided contained in the fourth schedule to this Act, the following rules shall be observed:

1. The words "northward," "southward," "eastward," and "westward" shall be respectively understood to denote only the general direction in which any boundary proceeds from the point last described, and not that such boundary shall continue to proceed throughout in the same direction to the point next described:
2. When any road is mentioned merely by the name of the place to which such road leads, the principal road thither from the burgh shall be understood:
3. Whenever a line is said to be drawn from, to, through, or in the direction of, or any distance to be measured from or to an object, such line shall, in the absence of any direction to the contrary, be understood to be drawn from, to, through, or in the direction of, or such distance to be measured from or to the centre of such object, as nearly as the centre thereof can be ascertained:
4. Every building through which, or through any part whereof, any boundary hereby established shall pass, shall be considered as within such boundary:

5. Whenever any boundary by this Act established is said to pass, or any distance to be measured along any street, road, lane, or loaning, or up, down, or along any river, stream, canal, or burn, the middle (as nearly as the same can be ascertained) of such street, road, lane, loaning, river, stream, canal, or burn shall be understood:

6. When any boundary by this Act established is said to proceed, or any distance to be measured along a street, road, or lane, or up, down, or along a river, from or to an object, such boundary shall be understood to proceed, or such distance to be measured (as the case may be), from or to that point in the middle of such road, lane, or river from which the shortest line would be drawn to the centre of such object, as nearly as the centre thereof can be ascertained:

7. The point at which any wall, march, boundary, street, road, lane, loaning, avenue, railway, walk, path, river, stream, canal, or burn is said to meet, join, cross, reach, or leave any march, boundary, street, road, lane, loaning, avenue, railway, walk, river, stream, canal, or burn shall be understood as that point at which a line passing along the middle of the march, boundary, street, road, lane, loaning, avenue, railway, walk, river, stream, canal, or burn so met, joined, crossed, reached, or left would be intersected by a line drawn along the middle of the wall, march, boundary, street, road, lane, loaning, avenue, railway, walk, path, river, stream, canal, or burn so meeting, joining, crossing, reaching, or leaving, if such line were prolonged sufficiently far.

Right of electing town council, in whom vested.

11. From and after the passing of this Act the right of electing the town council for the extended burgh shall be in and belong to all such persons, and to such only, as are or shall be qualified and entitled to vote in the election of a member of Parliament for the burgh of Kilmarnock, and to such persons as, not being parliamentary voters for the burgh of Kilmarnock, would be qualified and entitled to vote in the election of a member of Parliament for the said burgh if the limits of the parliamentary burgh and the limits of the extended burgh were in all respects identical, and in any event only to such persons as are or shall be duly registered as voters in the registers by this Act appointed to be kept: Provided always, that the election of the councillors, magistrates, and other office bearers shall in all respects be conducted in the manner directed by the Municipal Election Acts, and that the several provisions and enactments of the Municipal Election Acts, as far as

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these are applicable to the extended burgh, excepting such provisions thereof as are altered by or as may be inconsistent with the provisions of this Act, shall be equally valid and effectual for carrying this Act into execution as if they were herein specially enacted.

Register of municipal electors to be formed.

12. 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 Kilmarnock which shall take place subsequently to the passing of this Act, a register of the electors for the extended burgh, to be called "The Kilmarnock 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 on the parliamentary register for the burgh of Kilmarnock; and,

Secondly. The names of all persons, other than the above, whose names would be entitled to appear on the parliamentary register for the burgh of Kilmarnock if the limits of the parliamentary burgh were in all respects identical with those of the extended burgh;

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.

Register how to be made up.

13. For the purpose of enabling the municipal register to be made up, the assessor of the burgh acting under the provisions of the Act passed in the nineteenth and twentieth years of the reign of Her present Majesty, chapter fifty-eight, shall in each year, along with the lists of voters required by the said last-mentioned Act to be delivered by him 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 parliamentary boundaries of the burgh; 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.

Registers to be printed annually.

14. 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 2 of the Schedule B. annexed to 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 said last-mentioned Act for defraying the expense of making up and printing the register of parliamentary voters.

Saving appointment of poll clerks, &c.

15. 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.

Number and description of magistrates and councillors.

16. At the first election of councillors and magistrates for the extended burgh, to take place in terms of this Act, the number of persons to be elected councillors shall be twenty-five, of whom ten shall constitute a quorum, and the number of such councillors to be elected magistrates shall be seven, of whom one shall be provost and six shall be baillies, and one of such councillors shall be treasurer.

Election of councillors.

17. On the first Tuesday of November after the passing of this Act, being the day appointed for the annual election of councillors, the electors shall proceed to elect from among the persons qualified to be councillors the whole number of councillors hereby appointed to be elected, and such election and all succeeding annual elections shall be conducted in all respects in the manner directed by the Municipal Election Acts, so far as those are applicable to the extended burgh, and this Act.

Number of councillors for each ward.

18. At the first election to be made under this Act the electors of each ward shall choose the number of five councillors, and at each succeeding annual election the councillors to retire and to be elected shall be as prescribed by the said Act of the third and fourth years of the reign of His late Majesty William the Fourth, chapter seventy-seven, and the explanatory Act of the fourth and fifth years of the same reign, chapter eighty-six, mutatis mutandis, and by the

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said Act of the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled "The Municipal Elections Amendment (Scotland) Act, 1870:" Provided always, that any councillor so retiring shall be capable of being immediately re-elected: Provided also, that after the first five councillors who fall to retire in any one year in terms of the said Acts, the number of retiring councillors required to make up the retiring third of the whole council shall be taken from the five wards in rotation, beginning at the second election to be held under this Act with the first, second, and third wards, one from each ward, and so on successively year after year: Provided also, that the provost and treasurer shall always remain in office for the period of three years from the time of their election to their said respective offices.

Provost or senior magistrate to preside at the first election.

19. The provost for the time, or in his absence the senior magistrate present, shall preside at the first meeting of the council elected under this Act, until the election and induction into office of the provost then to be chosen, but no longer; and such provost or senior magistrate shall have no deliberative vote at such meeting unless he shall have been previously elected a councillor under this Act, but shall, in case of an equality of votes, have a casting vote.

Existing magistrates, councillors, &c. to go out of office.

20. On the completion of the first election of councillors, magistrates, and office bearers under the provisions of this Act, and on their induction into office, but not sooner, the magistrates, councillors, and office bearers previously in office in the burgh shall go out of office, and their whole powers, duties, and functions shall cease and determine.

Providing for election of dean of guild.

21. At the same time that the magistrates herein-before mentioned are chosen the council shall annually elect one of their own number, who may also be the provost or one of the baillies, to be dean of guild of the burgh, and shall also elect four other councillors to act with such dean of guild, and together with him to constitute and exercise the functions of a dean of guild court (three members being at all times a quorum); and the said dean of guild and dean of guild court respectively shall, within the limits of the extended burgh, have and be entitled to exercise such and the like powers and jurisdiction as are possessed and exercised by deans of guild of royal burghs in Scotland and by deans of guild courts; and the town clerk shall be assessor to the said dean of guild court.

Existing trusts vested in magistrates and council.

22. All mortifications, endowments, and trusts, however constituted, charitable bequests, or other grants held or administered by the council, or the magistrates or office bearers of the burgh, by themselves or in conjunction with any person or persons, body or

bodies (but subject to the liabilities to which the same are legally subject), shall be vested in, held, and administered by the council or the magistrates or office bearers to be elected for the extended burgh under this Act, 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 authority, 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 or individuals 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 territory added to the burgh by such extension, other than the councillors and the magistrates thereof, any right to be an ex-officio trustee, guardian, governor, or other manager of or under any mortification, endowment, trust, bequest, or other grant of which any description of persons within the burgh were thereby declared to be ex-officio trustees, guardians, governors, or other managers; saving always and reserving to all and every person and persons, or class or community of persons, all and every right of property or personal privilege or immunity within the burgh, excepting as the same may be affected by the provisions of this Act, which they respectively had or enjoyed before the passing of this Act.

Vesting the property of the burgh in council.

23. The common good, and property heritable and movable, and means, revenues, and income of every description leviable within or belonging to the burgh, or to which the burgh is entitled, or which are held or administered by any person for or on behalf of the community of the burgh for the public ends and purposes thereof (but subject to the liabilities to which the same are legally subject), shall be and the same are hereby vested in the magistrates and council to be elected and chosen for the extended burgh under the provisions of this Act, with full power, right, and authority to levy, adjudge, sue for, and recover the same for the benefit of the extended burgh.

Parochial arrangements not to be affected.

24. 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,

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relief, or management of the poor, the payment of public or parochial burdens which now affect or may hereafter affect the said parishes respectively, or other parochial arrangements, be affected by any of the provisions of this Act; and the teinds or tithes held or payable in respect of the said lands shall be saved and reserved to the true owners thereof.

Portions of extended burgh disjoined from county of Ayr.

25. From and after the commencement of this Act, so much of the territory comprised within the limits of the extended burgh as lies beyond the limits of the existing burgh, as the same were fixed by the Municipal Election Acts, or any of them, 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 (the petty customs now exigible within the existing limits of the burgh being always excepted), shall apply to and may be exercised by the Corporation in the same manner and as fully in all respects, with regard to the territory so disjoined from the county of Ayr, and every part thereof, as to all or any of the remaining portions of the extended burgh.

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

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

Certain clauses of Police Act repealed.

27. From and after the commencement of this Act, the following provisions and schedules of the Police Act shall be and the same are hereby repealed, (that is to say,) the several provisions and enactments of the Police Act with regard to the limits of that Act, and the division of those limits into wards, the election or appointment in rotation of the commissioners of police for the respective wards, and the appointment of certain ex-officio commissioners conjoined with the commissioners of wards, the preparation of lists of electors and the voting of such electors, the citation of the police commissioners to attend meetings, the quorum of the police commissioners, the holding of meetings of the police commissioners, the taking of conveyances of heritable property in favour of the clerk of the police commissioners, and generally with regard to the constitution or appointment of the body consisting of the police commissioners for

the respective wards and the aforesaid ex-officio commissioners, and to their clerk, which several provisions and schedules of the Police Act so by this Act repealed are more particularly set forth in the first part of the first schedule to this Act.

Remaining clauses of Police Act applied to the extended burgh.

28. The Police Act, (except the sections thereof which are repealed by this Act,) with the whole powers, provisions, authorities, privileges, rights, and jurisdictions in any way relating to the police of the burgh and places adjacent, with the several rates, duties, and assessments by the Police Act granted for police and other purposes, and all other subjects, matters, and things whatsoever contained in the Police Act, shall, from and after the commencement of this Act, not only comprehend and be applicable to the lands within the limits of the Police Act, but shall also comprehend and be extended over and applied to the whole lands and territory within the extended burgh, with the whole buildings and inhabitants therein.

Transfer of powers of police commissioners to Corporation.

29. From and after the commencement of this Act the police commissioners are hereby dissolved, and, save only as in this Act is expressly excepted, the whole powers and authority of every kind vested in the police commissioners, and whether conferred on them by the Police Act or by any Act with that Act incorporated, or by any other Act of Parliament, and standing unrepealed, shall be and the same are hereby transferred to and vested in the Corporation, who shall thenceforward as part of the ordinary business of the Corporation, and according to the rules by which the conduct of such business is regulated, exercise the whole powers and authority aforesaid, and perform the whole duties and obligations and fulfil all contracts incumbent on the police commissioners: Provided always, that in construing the Police Act the expression "the Commissioners," or other similar expression, shall be read as if the expression the Corporation" had been inserted instead thereof: Provided also, that where in any scale of assessment, byelaw, table of charges, notice, or document contained in any schedule to the Police Act annexed and by this Act unrepealed, and in which the title of "the commissioners of police of the burgh of Kilmarnock" is introduced, the title of "the provost, magistrates, and town council of Kilmarnock" shall be introduced instead, and reference may be made to this Act in addition to the Police Act: Provided further, that all minutes and entries in the council records or other minute books of the Corporation, or of any committee or committees appointed by the Corporation under the powers herein-after contained, shall when duly signed come in place of the books of proceedings of the police commissioners directed by the Police Act to be kept.

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Repeal of powers of town improvement trustees.

30. From and after the commencement of this Act the town improvement trustees are hereby dissolved, and the whole powers and duties of the town improvement trustees under the Town Improvement Acts, by this Act repealed, shall cease and determine: Provided always, that it shall be lawful for the Corporation, notwithstanding such repeal, to exercise such of the powers of the town improvement trustees as are preserved and continued in the second part of the first schedule to this Act.

Property of police commissioners and of town improvement trustees vested in Corporation.

31. From and after the commencement of this Act the whole lands, houses, rents, assessments, claims, demands, rights, properties, and effects of every kind, heritable or movable, belonging to or vested in the police commissioners, or in any other person in their behalf under the Police Act, or belonging to or vested in the town improvement trustees, or in any other person in their behalf, under and in virtue of the Town Improvement Acts, or otherwise howsoever, (but subject in each case to any liabilities to which the same or the said commissioners or trustees may be legally liable,) shall become vested in and shall belong to the Corporation for the purposes of this Act as fully and effectually to all intents and purposes as if the same had been formally and particularly conveyed to and vested in the Corporation, with full power, right, and authority to levy, adjudge, sue for, and recover the same.

Deeds granted and debts contracted under former Acts confirmed and secured.

32. All bonds, assignments, leases, grants, conveyances, or other deeds or securities made or granted to or by any person under the authority of the Police Act or of the Town Improvement Acts shall respectively be as good, valid, and effectual to all intents and purposes as if the same had been made or granted under the authority of this Act, and all debts contracted, and all lawful contracts entered into, by virtue of those Acts respectively, shall remain valid and binding upon the Corporation as if the same had been contracted and entered into under the authority of this Act.

Agreements with police commissioners to be carried out by Corporation.

33. Subject to the provisions of this Act, all or any agreements which before the passing of this Act were entered into by the police commissioners under the authority of the Police Act, or to which the police commissioners were parties (including the agreement with the Gas Company set forth in the sixth schedule to this Act), shall from and after the commencement of this Act be binding upon and shall be carried into execution by the Corporation; and where in all or any of such agreements the title of the police commissioners is introduced, the same shall be read as if the title of the Corporation had been introduced instead, and shall have effect accordingly: Provided that nothing in this section contained shall apply to or

include the agreement with the Water Company set forth in the fifth schedule to this Act, unless the same shall be adopted by the Corporation after the commencement of this Act.

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

34. Every rate and assessment which shall have been authorised to be collected and levied by virtue of the Police Act previously to the commencement of this Act, together with all arrears of the same, shall continue to be due and payable, and shall and may be collected and levied by such ways and means and under such restrictions and regulations as by the Police Act is directed, and shall be received and applied by the Corporation to and for the purposes of this Act; and all debts and penalties incurred and due under the Police Act from any person shall and may be demanded and recovered from such person, and received and applied by the Corporation for the purposes of this Act.

Corporation may recover money due to town improvement trustees.

35. Any sums of money due to the town improvement trustees at the commencement of this Act, and remaining unpaid, and any sums of money which the town improvement trustees may have deposited or consigned in bank to meet the claims of third parties in respect of property acquired by the town improvement trustees for the purposes of the Town Improvement Acts, or any of them, shall and may be levied, collected, recovered, or uplifted and applied by the Corporation, who shall nevertheless remain liable to any claims of such third parties as aforesaid which are capable of being lawfully established: Provided always, that in respect of the transfer by this Act made to the Corporation of the property of the town improvement trustees, the Corporation shall be bound (without prejudice to the burden hereby imposed upon them of undertaking generally the liabilities of said trustees) to undertake and relieve the said trustees from the burden of maintaining and upholding the bridge over the Kilmarnock Water mentioned in the second part of the first schedule to this Act.

Corporation may appoint committee for execution of Act.

36. 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: 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 such committee, shall be lawful or valid when the sum shall exceed the sum of two hundred pounds, unless the committee shall

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have been authorised by the Corporation to make such expenditure, payment, or contract, or unless such expenditure, payment, or contract shall after the same has been made be approved of by the Corporation.

Committee for carrying Police Act into execution.

37. In case the Corporation shall think fit to appoint a committee or committees, in manner aforesaid, for carrying into execution the various provisions of the Police Act, and of this Act in relation thereto, the Corporation may, at their discretion, delegate to such committee or committees the exercise of all or any of the powers of the Corporation under this Act and the Police Act, or otherwise in relation thereto.

Numbers, quorum, and constitution of committees.

38. With regard to the appointment of all or any of such committees as aforesaid, the Corporation shall have power to name the convener, and to fix the number of each committee who shall form a quorum; and the convener who shall preside at any such committee, or in his absence the preses, to be elected by the committee for the time, shall be entitled to a casting vote in case of equality, and the committee so to be formed shall, if so directed as aforesaid, report their proceedings at each ordinary meeting of the magistrates and council: Provided always, that in nominating every such committee or the several committees, if there be more than one, care shall be taken that in one or other of such committees each ward shall be represented, if the committee shall consist of as many members as there are wards.

Regulation of committees.

39. The Corporation may from time to time make such regulations as they think fit for the guidance of any committee appointed by them, and the Corporation may from time to time remove any members of any such committee, and appoint in the stead of them, or any of them, other members of the town council.

Councillors to be constables, and to have superintendence of their respective wards.

40. The councillors of the several wards shall have, exercise, and possess within the extended burgh all the powers which by the law of Scotland belong to the office of constable, and shall be head constables in their respective wards for enforcing the provisions of the Police Act and this Act, and the regulations made in virtue thereof, and for promoting and enforcing all measures necessary for the peace, order, and security of the inhabitants therein.

Officers under Commissioners and trustees to continue.

41. Notwithstanding the transfer by virtue of this Act of the powers of the police commissioners and of the town improvement trustees to the Corporation, the several officers appointed under, and who may at the commencement of this Act be employed by, the police commissioners and town improvement trustees, shall respectively continue to exercise their offices under the Corporation as in

place of the police commissioners and town improvement trustees until they shall respectively be displaced or removed in virtue of the powers conferred on the Corporation by the Police Act and this Act, or be incapable of executing their offices.

As to duties of judge in police court.

42. From and after the commencement of this Act, all offences, matters, and things falling under the provisions of the Police Act and this Act to be judged of in the police court shall be judged of in the said court by the magistrates or any one of them.

Statute labour conversion money to continue as at present.

43. Notwithstanding the extension of the limits of the burgh by this Act authorised, nothing in this Act contained shall be deemed to enlarge, alter, or extend the provisions contained in the Police Act with respect to 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, save only that the Corporation shall be substituted for the police commissioners.

Petty customs to continue as at present.

44. Notwithstanding the extension of the limits of the burgh by this Act authorised, it shall not be lawful for the Corporation to collect the dues known as petty customs over or in respect of any wider or more extended area than that within or in respect of which such dues were before the commencement of this Act leviable or recoverable by the Corporation, but such dues shall in all respects continue as if this Act had not been passed.

Magistrates to grant licensing certificates.

45. All applications for certificates under the Public General Acts passed in the ninth year of the reign of King George the Fourth, chapter fifty-eight, and in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter sixty-seven, and in the twenty-fifth and twenty-sixth years of the said last-mentioned reign, chapter thirty-five, (which Acts together are herein-after referred to as "the licensing Acts,") in reference to premises within the extended burgh, shall be made and disposed of by the magistrates to be elected under this Act, who shall 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 the quarter sessions of the county of Ayr.

Prosecution for breaches of the terms of certificates, &c.

46. Any person who shall within the limits of the extended burgh commit any offence against the licensing Acts, or one of them, or any breach of the regulations of the certificates granted by virtue thereof, may be prosecuted before the magistrate officiating

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in the police court established under the Police Act, or by that Act or this Act authorised at the instance of the superintendent or other officer of police, and every such offence or breach shall be proceeded with, tried, and determined, and all penalties incurred shall be recovered and applied, by the said magistrate, as nearly as may be in the manner and subject to the conditions provided in the Police Act in reference to cases in that Act authorised to be tried before the said magistrate.

Weights and measures.

47. The provisions of the Public General Acts of the fifth year of the reign of His late Majesty King George the Fourth, chapter seventy-four; of the sixth year of the said reign, chapter twelve; of the fifth and sixth years of the reign of His late Majesty King William the Fourth, chapter sixty-three; of the sixteenth and seventeenth years of the reign of Her present Majesty Queen Victoria, chapter twenty-nine; of the twenty-second and twenty-third years of the said last-mentioned reign, chapter fifty-six; and of the twenty-ninth and thirtieth years of the same reign, chapter eighty-two, relative to weights and measures (all which Acts are herein-after together referred to as "the Weights and Measures Acts"), shall within the extended burgh be enforced exclusively by the Corporation and magistrates to be elected under this Act, and by the inspectors appointed or to be appointed by them, in terms of the Weights and Measures Acts and this Act.

Powers to continue police court, &c.

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

PART III.—WATER.

Power to Corporation to purchase undertaking of Water Company by agreement.

49. Subject to the provisions of this Act, it shall be lawful for the Corporation to buy, and for the Water Company to sell, within one year from the passing of this Act, the undertaking by the Water Act authorised, according to the terms and provisions of an agreement bearing date the sixteenth day of December one thousand eight hundred and seventy, entered into between the police commissioners and the Water Company (which agreement is contained in the fifth schedule to this Act), or according to such other terms and conditions as the Corporation and the Water Company may agree upon: Provided always, that the purchase money to be paid by the Corporation to the Water Company for the said undertaking shall not

exceed the amount mentioned in the said agreement contained in the fifth schedule to this Act.

Application of purchase money by Water Company.

50. Upon and from the water transfer the Water Company shall stand possessed of the money which shall be paid to them by the Corporation for the purchase of the undertaking of the Water Company, and all other moneys (if any) belonging to the Water Company, under the terms of the said agreement, upon trust, first for payment and discharge of their debts and liabilities, so far as the same are not to be paid and discharged by the Corporation, and subject thereto to divide and distribute the same between the holders of shares in the capital of the Water Company and their respective executors, administrators, or assigns, rateably and in proportion to their share in the capital of the Water Company; and the directors of the Water Company may exercise all powers necessary for distributing the assets and winding up the affairs of the Water Company.

Persons appearing in the books as shareholders to be deemed such.

51. The several persons whose names shall appear in the books of the Water Company to be the proprietors of shares therein shall, unless the contrary be proved to the satisfaction of the directors of the Water Company, be considered to be shareholders of the Water Company for the purposes of the distribution of the purchase money for the undertaking of the Water Company, and of other moneys (if any) belonging to that company.

Receipt of committee or guardian of shareholders be a discharge.

52. The receipt of any committee or guardian of any shareholder in the Water Company who shall be an idiot, lunatic, or minor shall be an effectual discharge to the Water Company and to the directors thereof for the money in such receipts expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money shall be paid.

Provision in case of absence of shareholders.

53. If the Water Company be unable by reason of the absence from Great Britain or of the incapacity of any shareholder, his executors, administrators, or assigns, or of his existence or place of abode not being after reasonable inquiry ascertainable by the Water Company, to pay to such shareholder, his executors, administrators, or assigns, the sum of money which may be payable to him or them by the Water Company under the provisions of this Act, then and in every such case the Water Company shall from time to time pay into the Bank of Scotland, or into any other chartered bank in Scotland, in manner directed by and under the authority of the Court of Session, all moneys which according to this Act ought to be paid by the Water Company to him or them, and such payment shall be

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deemed to be payment by the Water Company to him or them, and he or they shall be entitled to obtain payment of such money out of that court to him or them on satisfying the court of his or their right thereto.

Company to be dissolved.

54. When and as soon as all the debts and liabilities of the Water Company shall have been fully paid and satisfied, and the assets of the Water Company shall have been distributed in manner aforesaid, and their affairs wound up, the Water Company shall be dissolved.

Upon payment of consideration and execution of conveyance, undertaking to vest in Corporation.

55. Immediately upon the payment by the Corporation of the purchase money for the undertaking of the Water Company, and upon the execution by the Water Company, under their common seal, of a deed of conveyance duly stamped, and in which the consideration is truly stated, of the undertaking of the Water Company to the Corporation, the said undertaking comprised in such conveyance, and all the rights, powers, privileges, and easements of the Water Company under the Water Act, or otherwise, shall, except as herein-after provided, become vested in the Corporation freed and discharged from all mortgages, charges, and incumbrances of the Water Company, (save as to such mortgages, charges, or incumbrances as shall be undertaken to be paid by the Corporation,) for all the estate and interest of the Water Company therein, as from the date specified in the said deed of conveyance (and the period at which such vesting shall take place is in this Act referred to as "the water transfer"): Provided always, that instead of requiring execution of a deed of conveyance as above set forth, the Corporation may within six months after payment of the purchase money produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printer, and get the same duly stamped with an ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the said undertaking for the consideration by this Act provided, and thereupon this Act shall as respects the lands and heritages to become vested in the Corporation by the said water transfer be equivalent to a general conveyance thereof by the Water Company according to the law of Scotland; and in order to the completion of a feudal title to the said lands and heritages in the Corporation, it shall be lawful for the Corporation to expede a notarial instrument or notarial instruments which shall specially set forth this Act, and such payment evidenced as aforesaid, and to record such notarial instrument or notarial instruments in the manner and to the effect prescribed by "The Titles to Land Consolidation (Scotland) Act, 1868," with reference to lands conveyed by general disposition or conveyance.

Receipt of two directors a discharge to Corporation.

56. The receipt of any two or more of the directors of the Water Company for the purchase money of the undertaking of the Water Company shall be a sufficient discharge to the Corporation for the same, and the Corporation shall not be bound to see to the application or be answerable for the mis-application or non-application thereof.

Water Company's debts, &c. to be paid.

57. All debts, mortgages, rents, rates, charges, and sums of money, actions and suits, and proceedings, and causes of action, suit, or proceeding, which at the time of the water transfer are due or owing from or pending or existing against the Water Company, shall be paid, discharged, settled, or otherwise satisfied by the Water Company on or before the date of the water transfer: Provided always, that from the date of the water transfer the Corporation shall become and be liable for any annual feu duties and other obligations contained in the feu rights of the lands and heritages comprised in the undertaking of the Water Company.

Period when company shall cease to collect water rate.

58. From and after the water transfer the Water Company shall cease to collect any water rates under the Water Act, and all water rates by this Act authorised shall come into operation: Provided nothing herein contained shall prevent the Corporation recovering any arrears of water rates due to the Water Company before the water transfer.

Actions, &c. not to abate.

59. No action, suit, prosecution, or other proceedings whatsoever, commenced or liable to be commenced, either by or against the Water Company, shall abate or be discontinued or be prejudicially affected by reason of the water transfer, but the same shall continue or take effect, whether for or against the Corporation, in the same manner in all respects as the same would have continued and taken effect in relation to the Water Company if the water transfer had not been made, without prejudice, however, to any remedy which the Corporation may have, exercise, and enforce against the Water Company under the provisions of this Act, or of the said agreement in schedule fifth of this Act, if adopted by the Corporation and the Water Company, or any agreement to be made between the Corporation and the Water Company under the provisions of this Act.

Power for Corporation to maintain existing waterworks.

60. Upon and from the water transfer the Corporation may from time to time maintain, manage, regulate, work, and use the waterworks comprised in the undertaking of the Water Company (herein-after referred to as "the existing waterworks"), and may from time to time renew, enlarge, extend, and add to the main pipes, works, apparatus, and conveniences of the existing water-

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works when and as they find it necessary or expedient so to do; and the Corporation, in relation to the undertaking of the Water Company, shall, in addition to the other powers conferred on them by this Act with regard to water, possess and may exercise and enjoy all the rights and privileges conferred on the Water Company by the Water Act; and in construing that Act for the purposes of this Act the expression "the Company" shall accordingly be understood to mean the Corporation.

Power to Corporation to construct additional waterworks.

61. Upon and from the water transfer, and subject to the provisions of this Act, the Corporation may from time to time make and maintain in the lines and according to the levels shown on the deposited plans and sections the waterworks herein-after described, with all proper embankments, filtering beds, dams, sluices, cuts, channels, pipes, wells, tanks, engines, buildings, machinery, and other works and conveniences connected therewith or incidental thereto, 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 waterworks herein-before referred to and authorised by this Act are,—

1. A reservoir situated partly on the farm of North Craig and partly on the farm of Tannahill, adjoining to and on the west side of the existing North Craig Reservoir of the Water Company, the embankment on the west side of which North Craig Reservoir will form the east side of the intended reservoir, which intended reservoir will extend westwards from the North Craig Reservoir to near the boundary between the parishes of Kilmaurs and Kilmarnock:
2. A conduit or main pipe, to commence by a junction with the present supply pipe leading from the Water Company's Gainford Reservoir to the North Craig Reservoir, at a point near to where the said pipe enters the North Craig Reservoir, and to run westwards along or near to the northern side of the North Craig Reservoir, and to terminate in or near the north-east corner of the intended reservoir:
3. A main pipe or conduit, to commence in the intended reservoir at the lower or south end thereof, and to run eastwards along the south side of the North Craig Reservoir, and to terminate in the existing sluice-house situated between the North Craig Reservoir and the distributing basin adjoining that reservoir:
4. A conduit or main pipe, to commence in the said distributing basin at the lower or southern end thereof, and to terminate at or near the George Hotel, in the town of Kilmarnock:

all which said waterworks, intended reservoir, conduits, and other works are or will be situated in the parish of Kilmarnock in the county of Ayr, and are herein-after referred to collectively as "the additional waterworks."

Lateral and vertical deviation.

62. In making the additional waterworks by this Act authorised, the Corporation may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon, and beyond such limits to any extent which may be agreed on by the owners, lessees, and occupiers of the lands into and through which such deviation shall be required to be made, and vertically from the levels thereof shown on the deposited sections to any extent not exceeding in any one place as regards reservoirs three feet, and in other respects ten feet.

Period for compulsory purchase of lands.

63. The powers of the Corporation for the compulsory purchase of lands for the purposes of the additional waterworks by this Act authorised shall not be exercised after the expiration of four years from the passing of this Act.

Period for completion of works.

64. The additional waterworks shown on the deposited plans, and in this Act described and expressly authorised, shall be completed within ten years after the water transfer, and on the expiration of that period the powers by this Act granted to the Corporation for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed, and except also as to such pipes as may from time to time thereafter require to be laid, and such works as may require to be made for the purposes of this Act.

Existing sources of supply continued.

65. For the supply of water within the water limits the Corporation may, by means of the existing waterworks and the additional waterworks (which existing and additional waterworks are together referred to in this Act as the Corporation waterworks), use the water of the streams now used or authorised to be used by the Water Company under the powers of the Water Act, but subject always to the conditions and restrictions in the Water Act contained with reference to the said streams, and such conditions and restrictions shall apply as well to the additional waterworks as to the existing waterworks.

Water limits of Act.

66. The limits of this Act for the purposes of water supply by the Corporation shall comprise and include the extended burgh, the town of Kilmarnock, and the suburbs thereof, and places adjacent, within the parishes of Kilmarnock, Riccarton, and Kilmaurs, in the county of Ayr (and the limits described in this section are herein-after referred to as "the water limits").

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Limits for compulsory supply of water.

67. The limits of this Act for the compulsory supply of water by the Corporation shall be the limits comprised within the extended burgh (and the limits described in this section are herein-after referred to as "the compulsory water limits").

Domestic supply within compulsory water limits.

68. Upon and from the water transfer the Corporation shall from time to time, as they think fit, cause pipes to be laid and water to be brought throughout all the streets within the 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.

Owner to provide and maintain service pipes, &c.

69. 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 such house or tenement by connecting a service pipe with the main pipe of the Corporation in any street or road, and to provide, lay, and maintain in good and sufficient repair such service pipes, stand pipes, or taps, cisterns, and other means and apparatus, and in such positions as may be necessary for that purpose; and in the event of refusal or delay on the part of such owner to comply with such requisition, it shall be lawful for the Corporation to enter such house or tenement and premises connected therewith, and to provide, lay, and maintain such service pipes, stand pipes, or taps, cisterns, and other means and apparatus, and in such positions as shall appear to them to be necessary for the purpose aforesaid, and to recover the expense thereof from such owner in the same manner as rates or penalties are recoverable under this Act: Provided always, that in the case of houses not exceeding five pounds of yearly rent or value, such owner shall not be required to introduce water into each house, but only such means of supply for each tenement of houses as the Corporation may deem necessary: Provided also, that in case of any question or difference arising between the Corporation and such owner with respect to the necessity for such means of supply being provided for any such house or tenement, or 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, and not subject to appeal or review in any court or by any process whatsoever.

Water need not be laid on above certain elevation.

70. The Corporation shall not be bound at any time to lay on the supply of water at any elevation at which the water cannot be supplied by gravitation from the distributing basin at the North Craig Reservoir.

Water pipes may be extended or enlarged.

71. Upon and from the water transfer the Corporation may from time to time, subject to the provisions of this Act, extend or vary, enlarge or increase, the number of the mains and pipes for conveying water from the Corporation waterworks, whenever it shall be necessary for the purpose of supplying water under the provisions of this Act: Provided always, that such enlargement, increase, or extension shall be executed only on lands or property belonging to the Corporation, or that may be acquired by them by agreement for such purposes from the owners of adjoining lands.

Supply for domestic purposes beyond compulsory limits.

72. Upon and from the water transfer the Corporation shall 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 they shall be required by so many owners or occupiers 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 tenth part of the expense of providing and laying down such pipes: Provided always, that no such requisition shall be binding on the Corporation unless such owners or occupiers shall severally execute an agreement binding themselves to take such supply of water for ten successive years at least.

Corporation may supply water for other than domestic purposes.

73. Upon and from the water transfer the Corporation may, if they see fit, furnish to any person within the water limits a supply of water for steam engines or railway purposes, or for warming or ventilating any dwelling-house or other premises, or for working any machine or apparatus, or for cattle or for horses, or washing carriages, where such horses or carriages are kept for hire or are the property of a dealer, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for bakers workshops, fish shops, ham-curers shops, tailors workshops, inns and hotels, taverns, and wine and spirit shops, or for any manufacture, or manufac-

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turing purpose, or for any other purpose not domestic, and for which no special rate is provided by this Act, and such supplies respectively may be furnished at such rates and upon such terms and conditions as shall be agreed upon between the Corporation and the person desiring the same: Provided always, that as far as possible the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply.

Cisterns to be constructed to prevent waste and impurity.

74. Every cistern or other receptacle for water, and every closet, soilpan, and private bath, which shall be supplied with water by the Corporation, shall be so constructed and used as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air or other noisome or impure matter into the pipes or mains of the Corporation, or into any pipes connected or communicating therewith; and notwithstanding anything in the Waterworks Clauses Act, 1847, or in this or the Water Act contained, the Corporation shall not be bound to supply water into any pipe, cistern, or other receptacle for watercloset, soilpan, or private bath which shall not be so constructed and used.

Provision as to common pipes.

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

Repairs or renewal of pipes and other apparatus.

76. If it shall be found that in any house, building, or premises in which water is supplied by the Corporation, waste, misuse, or pollution of water arises from or is caused by any mode of arrangement or using of any pipes, valves, cocks, cisterns, waterclosets, or other apparatus, it shall be lawful for the Corporation to require the owner and occupier of such building or premises, within a period to be specified in such requisition, not being less than three days after the date thereof, to repair or alter such valves, pipes, cocks, cisterns, waterclosets, or other apparatus, so as to prevent any such waste, misuse, or pollution: Provided always, that in the case of any such owner who is not resident in the town of Kilmarnock, or in any

parish or place adjacent thereto, such requisition may be made to his factor or agent, or other person authorised to receive the rents of the house, building, or premises belonging to him: Provided always, that in the event of the expense of such repair or alteration being paid by the occupier of any such building or premises, he shall be entitled to recover such expense from the owner thereof or to deduct the same from his rent.

Byelaws with respect to supply of water.

77. Upon and from the water transfer it shall be lawful for the Corporation to make byelaws for the prevention of waste, misuse, or undue consumption of water within the water limits, and to impose such penalties for breaches of such byelaws, not exceeding forty shillings for each offence, as may be considered expedient, and from time to time, as they shall think fit, to repeal, alter, or re-enact any such byelaws.

26 & 27 Vict. c. 93. s. 14. to apply to Corporation.

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

Public fountains or stand pipes may be put up.

79. Upon and from the water transfer the Corporation may erect and maintain in convenient situations within the compulsory water limits such drinking fountains, drinking troughs, or stand pipes as to them shall seem convenient, and such fountains, troughs, or stand pipes, when erected, shall at all times be kept properly supplied with water.

Corporation to estimate annual sums required.

80. The Corporation shall be bound, and they are hereby authorised and required, once in every year to estimate and fix the amount of money necessary to be levied for the purpose of defraying the costs, charges, and expenses of supplying the extended burgh with water for and during the year then current, under which shall be comprehended the payment of the interest of any money to be borrowed for water purposes under the provisions of this Act, as well as any sum of money which shall be set apart and applied each year as and for a water sinking fund, as herein-after provided, together with the expense of providing and preserving springs, and otherwise obtaining and providing and distributing supplies of water within the water limits, and such portions of the salaries, wages, and other expenses of any engineers, surveyors, clerks, collectors, or other officers or servants employed by them as the Corporation shall think equitable and fair to charge to such account, and all other charges and expenses chargeable against revenue.

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Corporation may levy rates for the supply of water.

81. In order to raise a sum of money sufficient for the purposes aforesaid, it shall be lawful for the Corporation to assess and levy within the extended burgh rates to be called respectively "The Domestic Water Rate" and "The Public Water Rate," and to be assessed and levied upon the persons and property and in the manner herein-after specified: Provided always, that the domestic water rate and public water rate, or either of them, shall not be levied by the Corporation until an agreement with the Water Company has been entered into by the Corporation, as by this Act authorised, for the purchase of the undertaking authorised by the Water Act.

Rates for supply beyond compulsory water limits.

82. Upon and from the water transfer it shall be lawful for the Corporation to charge for or in respect of a supply of water for domestic purposes to any houses, or parts of houses occupied as separate dwellings, beyond the compulsory water limits but included within the water limits, such rates as may from time to time be fixed by the Corporation, but so always that such rates shall not exceed an amount equal to the aggregate amount of the several water rates authorised to be levied, and at the time being then actually levied under the authority of this Act in respect of water, upon owners and occupiers of property within the compulsory water limits.

Protection of individual water right.

83. Nothing herein contained shall be construed to alter or repeal sections 50 to 56, inclusive, of the Water Act, and the said sections shall be and continue binding on the Corporation in place of the Water Company, if the undertaking shall be transferred to them.

Powers and obligations as to water to be in abeyance until water transfer.

84. Notwithstanding anything in this Act contained, until the transfer of the undertaking of the Water Company to the Corporation, none of the powers conferred on the Corporation by this Act with regard to the construction of additional waterworks, and with regard to the supply of water within the water limits, shall come into operation, nor until the water transfer shall any obligation or liability of any kind attach to the Corporation with regard to the supply of water within the water limits; and until the water transfer, but subject to the terms of any agreement which may be made between the Corporation and the Water Company for the purchase of the undertaking by the Water Act authorised under the provisions of this Act, the powers, rights, and liabilities of the Water Company under the Water Act shall be and remain in full force as if this Act had not been passed.

PART IV.—GAS.

Purchase of undertaking of Gas Company.

85. Subject to the provisions of this Act, the agreement between the Gas Company and the police commissioners, which is set forth in the sixth schedule to this Act, is hereby confirmed and made binding on the Gas Company and the Corporation respectively, as fully to all intents and purposes as if the Corporation instead of the police commissioners had been expressly named in the said agreement, and may and shall be carried into effect, and the Gas Company shall sell and transfer to the Corporation, who shall accordingly purchase the undertaking of the Gas Company, for such consideration to be paid or secured at such time and in such manner and generally on such terms as are set forth in the said agreement: Provided always, that if by the default of the Corporation the purchase by the Corporation shall not be completed and the purchase money paid on or before the fourteenth day of June one thousand eight hundred and seventy-one, or alternatively on the fourteenth day of June one thousand eight hundred and seventy-two, as provided by the said agreement, the said agreement shall be null and void to all intents and purposes whatsoever, save and except the obligation by the police commissioners or by the Corporation under the seventeenth article of the said agreement to make payment to the Gas Company of the sum of one thousand pounds in the event of the commissioners or the Corporation failing to pay the purchase money as stipulated in the said agreement (but which penalty shall not be chargeable against or recoverable out of the common good or other funds or property, means, revenue, or income whatsoever at present belonging to or leviable within the burgh, not being property of or revenue leviable by the police commissioners, or against or out of the property or funds of the town improvement trustees hereby transferred to the Corporation), and the rights, relations, and liabilities of the Gas Company and the Corporation respectively, or, as the case may be, of the Gas Company and the police commissioners, shall remain and be in force as if such agreement had never been executed and this Act had not been passed.

Receipt for purchase money.

86. The receipt in writing of any two or more of the directors of the Gas Company for the purchase money to be paid to the Gas Company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received, and from being answerable or accountable for the loss, misapplication, or non-application thereof.

Application of purchase money for gasworks.

87. The Gas Company shall stand possessed of the money which shall be paid by the Corporation for the purchase of the undertaking

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of the Gas Company, and of all other moneys which may be paid by the Corporation in accordance with the terms of the agreement set forth in the sixth schedule to this Act, and of all other moneys (if any) belonging to the Gas Company under the terms of that agreement, upon trust to divide and distribute the same among the holders of old and new shares in the capital of the Gas Company, their respective executors, administrators, or assigns, in such proportions as may have been resolved upon, or as may hereafter be resolved upon, at any general meeting of the shareholders of the Gas Company, and the directors of the Gas Company may exercise all powers necessary for distributing the assets and winding up the affairs of the Gas Company.

Persons whose names appear in the books as shareholders to be deemed such.

88. The several persons whose names shall appear in the books of the Gas Company to be the proprietors of shares therein shall, unless the contrary be proved to the satisfaction of the directors of the Gas Company, be considered to be shareholders of the Gas Company for the purposes of the distribution of that company's assets.

Receipt of committee or guardian of shareholders to discharge.

89. The receipt of any committee or guardian of any shareholder in the Gas Company who shall be an idiot, lunatic, or minor shall be an effectual discharge to the Gas Company and to the directors thereof for the money in such receipt expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money shall be paid.

Provision in case of absence of shareholders.

90. If the Gas Company be unable by reason of the absence from Great Britain or of the incapacity of any shareholder, his executors, administrators, or assigns, or of his existence or place of abode not being after reasonable inquiry ascertainable by the Gas Company, to pay to such shareholder, or his executors, administrators, or assigns, the sum of money which may be payable to him or them by the Gas Company under the provisions of this Act, then and in every such case the Gas Company shall from time to time pay into the Bank of Scotland, or into any other chartered bank in Scotland, in manner directed by and under the authority of the Court of Session, all moneys which according to this Act ought to be paid by the Gas Company to him or them, and such payment shall be deemed to be payment by the Gas Company to him or them, and he or they shall be entitled to obtain payment of such money out of such court to him or them on satisfying the said court of his or their right thereto.

Gas Company to be dissolved.

91. When and as soon as the debts and liabilities of the Gas Company shall have been fully paid and satisfied, and the assets of

the Gas Company shall have been distributed in manner aforesaid and their affairs wound up, the Gas Company shall be dissolved.

Upon payment of consideration and execution of conveyance the gas-works to vest in the Corporation.

92. Immediately upon payment by the Corporation of the purchase money for the undertaking of the Gas Company, and upon the execution by the Gas Company under their common seal of a deed of conveyance duly stamped, and in which the consideration is truly stated, of the undertaking of the Gas Company to the Corporation, the undertaking comprised in such conveyance, and all the rights and privileges of the Gas Company under the Gas Act, or otherwise, shall by virtue of such deed and of this Act become vested in the Corporation for all the estate and interest of the Gas Company therein (and such vesting is in this Act referred to as "the gas transfer"): Provided always, that instead of requiring execution of a deed of conveyance as above set forth, the Corporation may within six months after payment of the purchase money produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printer, and get the same duly stamped with an ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the said undertaking for the consideration by this Act provided, and thereupon this Act shall, as respects the lands and heritages to become vested in the Corporation by the gas transfer, be equivalent to a general conveyance thereof by the Gas Company according to the law of Scotland, and in order to the completion of a feudal title to the said lands and heritages in the Corporation, it shall be lawful for the Corporation to expede a notarial instrument or notarial instruments, which shall specially set forth this Act and such payment evidenced as aforesaid, and to record such notarial instrument or notarial instruments in the manner and to the effect prescribed by "The Titles to Land Consolidation (Scotland) Act, 1868," with reference to lands conveyed by general disposition or conveyance.

The Gas Company's debts, &c. to be paid.

93. All debts, rents, rates, charges, and sums of money, actions, suits, proceedings, and causes of action, suit, or proceeding, which at the time of the gas transfer are due or owing from, or are pending or existing against, the Gas Company, shall be paid, discharged, settled, and satisfied by the Gas Company: Provided always, that the annual feu duty and other obligations contained in the feu rights of the lands and heritages of the Gas Company, accruing due or arising after the date of the gas transfer, together with the mortgage debt of four thousand five hundred pounds in the agreement contained in the sixth schedule to this Act mentioned, and the interest from time to time upon the said mortgage debt, shall

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on and upon the transfer be charged upon and borne by the Corporation.

Actions, &c. not to abate.

94. No action, suit, prosecution, or other proceeding whatsoever commenced or liable to be commenced, either by or against the Gas Company, shall abate or be discontinued or be prejudicially affected by reason of the passing of this Act, but the same shall continue and take effect either in favour of or against the Corporation, in the same manner in all respects as the same would have continued and taken effect in relation to the Gas Company if this Act had not been passed, without prejudice, however, to any remedy which the Corporation may possess against the Gas Company under the said deed of conveyance or under this Act, or otherwise howsoever.

General powers of the Corporation as to gas.

95. Subject to the provisions of this and the incorporated Acts, the Corporation may, on and from the gas transfer, manufacture gas and light the public and other streets, thoroughfares, and places within the extended burgh, and may supply and sell gas for private purposes within the limits of this Act, and may manufacture and dispose of coke, coal, tar, pitch, asphaltum, ammoniacal liquor, oil, and all other refuse or residuary products produced by or arising from the manufacture of gas or the materials used therein, and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid, and may acquire and hold the right to use (but not exclusively) any invention under letters patent relating to gas, and may also manufacture, supply, hire, sell, and let gas meters, fittings, and gas apparatus, and generally may carry on the operations and works usually carried on by gas companies who manufacture and supply gas for public or private lighting, or which are or may become incident thereto.

Corporation may exercise powers of Gas Company's Act.

96. Upon and from the gas transfer the Corporation, in addition to all other powers conferred upon them by this Act with regard to gas, shall have and may exercise with respect to the manufacture, supply, and sale of gas, and other matters connected with or incidental thereto, the powers which were conferred on the Gas Company by the Gas Act, and in construing the Gas Act for the purposes of this Act the expression "the Company" shall be understood to mean "the Corporation."

Power as to gasworks.

97. Upon and from the gas transfer the Corporation may from time to time maintain, alter, improve, or discontinue all or any of the works for the manufacture of gas by this Act authorised to be acquired by the Corporation, together with all gasworks, retorts, gasholders, receivers, drains, sewers, mains, pipes, meters, lamps,

lamp posts, burners, stopcocks, and other works and apparatus and conveniences thereunto belonging, and may do all such acts as they think proper for making and storing gas and for supplying gas within the limits aforesaid, and may make, store, and supply gas accordingly: Provided always, nothing herein contained shall authorise the Corporation to manufacture or store gas on any other lands than those which are described in the Gas Act, and in schedule seventh to this Act.

Limits of gas supply.

98. The limits of this Act for the supply of gas by the Corporation shall be and include the extended burgh, and all places within the parishes of Kilmarnock, Riccarton, and Kilmaurs.

Power to lay pipes against buildings.

99. The Corporation, with the consent of the owner or occupier of any building, may lay any pipe, branch, or 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, alter, or discontinue and remove, any such pipe, branch, or apparatus.

Consumers may be required to consume by meter.

100. Every consumer of gas supplied by the Corporation shall, on being required by the Corporation so to do, consume such gas by meter, and all such meters shall be subject to the provisions of the Act for regulating measures used in sales of gas; and until a meter be examined and stamped under the provisions of that Act, it shall be subject to the approval from time to time of the Corporation, and may from time to time be examined and tested by them; and the Corporation may require that all meters, and the connexion pipes between them and the mains of the Corporation, shall be affixed and made by or under the superintendence of the workmen or officers of the Corporation, and no meters or any pipes connecting any meter with the mains of the Corporation shall be fixed, placed, removed, or altered, or be in any manner interfered with, except by or under the superintendence of the workmen or officers of the Corporation, unless with their consent, and meters may be provided, sold, or let to hire by the Corporation.

Notice to Corporation of putting up meters, &c.

101. Before any person connects or disconnects any meter through which any of the gas of the Corporation is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Corporation of his intention so to do; and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding two pounds.

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Repair of meters.

102. Every consumer of gas of the Corporation shall at all times, at his own expense, keep all meters belonging to him whereby any gas of the Corporation is registered in proper order for correctly registering such gas, in default whereof the Corporation may cease to supply gas through such meters; and the Corporation shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Corporation if the meter be found in proper order, but otherwise at the expense of the consumer.

Register of meters primâ facie evidence.

103. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any customer of the Corporation in respect of which any gas rate is charged and sought to be recovered by the Corporation.

Power to remove meters and fittings.

104. The Corporation, after forty-eight hours notice in writing under the hand of the town clerk or some other officer of the Corporation to the occupier, or if there is none, then to the owner of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the Corporation are laid or fixed, and through or in which the supply of gas is from any cause other than the neglect or default of the Corporation discontinued, may enter such land, house, or building, between the hours of nine in the morning and four in the afternoon, for the purpose of removing, and may accordingly remove, such pipes, meters, or fittings, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or if such person or his address is not known to the Corporation after diligent inquiry, then by being affixed on some conspicuous part of such land, house, or building.

Corporation to supply gas on request of owners or occupiers.

105. The Corporation, at the request of any owner or occupier of any premises within the limits of this Act with respect to the supply of gas, and within twenty yards of which any main of the Corporation is then laid, shall furnish to him a supply of gas sufficient for the premises, at a rate not exceeding the rate by this Act or by the Gas Act limited, and in order thereto shall provide and lay a proper and sufficient communication, service, and other pipes, from and communicating with the main up to the premises: Provided that nothing in this Act shall render it compulsory upon the Corporation to lay any service pipe in private property, or to supply gas where it would be necessary to lay the service pipe in private property, unless the owner or occupier of the private property consents thereto.

Security for payment of gas rates.

106. Any person who requests to have a supply of gas from the Corporation shall, if and when so required in writing by them, and before he is entitled to have the pipes provided and laid or to have a supply of gas provided or continued, give to them such security for the payment of rates for the gas to be supplied to him as he and the Corporation agree on, or as, in default of agreement, is determined as by this Act provided; but, except as is by this Act otherwise provided, the Corporation shall not at any time be entitled to discontinue the supply of gas to any person then having a supply unless and until he fail to give the security for two days after such security has been agreed on or determined.

Nature of security may be determined by the sheriff.

107. Where the person and the Corporation do not agree on the security to be given it shall be determined by the sheriff, and the sheriff shall, on the application of the person and the Corporation, or either of them, determine the nature and amount of the security to be given; and the security may, as the sheriff thinks fit, be the deposit with the Corporation, or with any person approved by the sheriff, or the prepayment to the Corporation, of a sum of money, or any other security which the sheriff thinks sufficient and reasonable, and the determination of the sheriff shall be binding on all parties.

Penalty for failure by Corporation to furnish supply.

108. If and whenever the Corporation, not being entitled to require or not having required any security, wilfully fail for ten days after being thereunto required in writing by any person entitled to a supply of gas under this Act, or where the security agreed on or determined is given, wilfully fail for ten days thereafter to provide and lay all proper and convenient communication, service, and other pipes, or to furnish a supply of gas, pursuant to this Act, the Corporation shall, on conviction before the sheriff, forfeit and pay to the person entitled a sum not exceeding two pounds.

Incoming tenant not liable for arrears.

109. In case any consumer of gas of the Corporation shall leave the premises where such gas has been supplied to him without paying to the Corporation the price or rate due from him for the same, the Corporation shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Penalty for injuring meters.

110. If any consumer of gas of the Corporation fraudulently or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Corporation under his control, or alters the index of any meter, or otherwise fraudulently prevents any meter from duly registering the quantity of gas used, or in any manner

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fraudulently consumes or uses the gas of the Corporation, he shall be liable to a penalty not exceeding ten pounds, without prejudice to the right of the Corporation to recover the amount of any damage or loss by them sustained.

Owners to provide lamps for common stairs, &c.

111. The owner or owners within the extended burgh of common stairs or passages or private courts, or of lands or premises having a right of access by any common stair or passage or private court within the limits aforesaid, shall, at his or their expense, when required by the Corporation, within ten days next after service of an order for that purpose, make provisions for lighting such common stair or passage or court in a suitable manner, and shall alter, repair, or renew such lamps to the satisfaction of the Corporation; and in default of compliance with any such order such owner or owners shall be liable to a penalty not exceeding five shillings for every day that he or they shall so make default.

Penalty for not keeping common stairs, &c. lighted.

112. If the lamp or lamps which may be erected in any such common stair or passage or private court, as aforesaid, is or are not regularly cleaned and lighted during such hours as are from time to time fixed by the Corporation by the occupier of any building or part of a building to which access is obtained by such common stair or passage or private court, as aforesaid, every such occupier failing to do so, whether under obligation by contract or in virtue of this provision, shall be liable to a penalty not exceeding two pounds for each offence.

Rates for supply of gas.

113. The Corporation may from time to time fix the rates to be taken by them for the supply of gas under this Act, and for the use of meters and other apparatus connected with gasworks: Provided always, that the rates for the supply of gas (exclusive of the rates or rents for the use of meters and other apparatus) shall not at any time exceed six shillings per thousand cubic feet of gas supplied by the Corporation, and so in proportion for any smaller quantity.

Quality of gas.

114. All the gas supplied by the Corporation shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, or other approved burner and chimney, a light equal in intensity to the light produced by twenty-four sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Experimental meter.

115. The Corporation shall, within one year after the gas transfer, cause to be erected in some convenient part of their works, and in such a situation as to test the whole of the gas supplied by them, an experimental meter furnished with an argand fifteen-hole

burner and a seven-inch chimney, or other approved burner and chimney, capable of burning five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas.

Experiment on illuminating power.

116. The sheriff, on receiving a requisition signed by five or more consumers of the gas supplied by the Corporation to the aggregate amount of ten pounds, within the year immediately preceding, complaining that such gas is not in their judgment and belief of the full illuminating power prescribed by this Act, may, if he thinks fit, by order in writing, appoint some competent person, not being a member or officer or servant of the Corporation, to proceed to the works of the Corporation, and the person so appointed may at any reasonable hour in the daytime, on producing the said order, enter on the premises of the Corporation, and in the presence of the manager of the gasworks or other officer of the Corporation make experiments of the illuminating power of the gas by means of the experimental meter and other apparatus above mentioned, and the Corporation and their officers shall afford all reasonable facilities and assistance to the making of such experiment.

Penalty on Corporation if illuminating power insufficient.

117. If it is proved to the satisfaction of the sheriff, after hearing the parties, that the illuminating power of the gas supplied by the Corporation did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the Corporation or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, then the Corporation shall forfeit such sum, not exceeding twenty pounds, as the sheriff may determine.

Costs of experiments.

118. The costs attending such experiment, including the remuneration to be paid to the person making the same and the costs of the proceedings before the sheriff, shall be ascertained by such sheriff, and, together with any penalty which may be imposed on the Corporation, shall be paid by the Corporation, but in the event of no penalty being imposed the costs shall be in the discretion of the sheriff.

Saving rights of holders of mortgages of the Gas Company.

119. Nothing in this Act contained shall prejudice any of the rights or remedies of any mortgage or bond creditor of the Gas Company, who shall have under this Act such and the same rights, remedies, and liens upon or against the undertaking of the Gas Company, by virtue of this Act to be transferred to the Corporation, as he would have had against the Gas Company and their undertaking if this Act had not been passed.

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Supply of gas, &c. not to disqualify.

120. No person shall be disqualified for being, continuing, or acting as a member of the Corporation by reason of his being supplied with gas, or with gas or other fittings, by the Corporation under the powers of this Act.

Rent of fittings may be recovered.

121. The Corporation may recover the price or rent of any pipe, burner, meter, lamp, or fittings supplied, sold, delivered, or let to hire by the Corporation, together with the expense of cutting off the surface pipe or gas, in the same manner as under this Act or the Gas Act arrears of gas rates are authorised to be recovered.

Power to agree for lighting of roads, &c. beyond the burgh.

122. The Corporation may from time to time contract with any commissioners, trustees, or other persons having the control of the roads and streets within the gas limits of this Act, but beyond the limits of the extended burgh, who may desire a supply of gas for such purposes, for lighting the same or any of them with gas, and for providing for that purpose lamps, lamp-posts, burners, pipes, and other apparatus, and for the repairs thereof, in such manner and on such terms as may be agreed on, and for the purposes aforesaid may in such roads and streets erect lamp-posts and other works and conveniences.

PART V.—STREETS.

Power to take lands.

123. Subject to the provisions of this Act, the Corporation may enter upon, take, and use all or any of the lands shown on the deposited plans as the property proposed to be acquired, and specified in the deposited book of reference, and may make and maintain in the lines and according to the levels shown on the deposited plans and sections the new streets, and may widen, alter, and improve the existing streets which are herein-after described, with all proper works and conveniences connected therewith, and may erect houses and buildings in the line of or near to or adjoining such new or improved streets, or any of them.

Description of new streets, and alterations of existing streets.

124. The new streets herein-before referred to and authorised by this Act to be made, and the existing streets herein-before referred to and authorised by this Act to be widened, altered, and improved, are the several new streets and existing streets shown on the deposited plans, and distinguished thereon by the numbers herein-after mentioned, comprising the following; (namely,)

1. A new street, commencing at the eastern end of the street now in course of formation called Woodstock Street at a point one hundred and forty-one yards or thereby eastwards from the junction of Woodstock Street with North Hamilton

Street, and terminating by a junction with John Finnie Street at a point fifty-seven yards or thereby northwards from the crossing of John Finnie Street and Nelson Street:

2. A street, altering and widening and improving the existing street, called Strand Street, commencing at a point twenty-nine yards or thereby northwards from the junction of Strand Street with Croft Street, and terminating by a junction with Cheapside Street at a point fourteen yards or thereby north-eastwards from the south-east corner of the Low Church steeple:

3. A street, commencing in Grange Street, at a point six yards or thereby southwards from the junction of the said street with Park Street, and terminating by a junction with street No. 2 above mentioned at a point forty-five yards or thereby northwards from the junction of the said street No. 2 with Cheapside Street:

4. A street, altering and widening and improving the existing street or lane, called College Wynd, commencing at the junction of the said wynd with Low Church Lane, and terminating by a junction with Bank Street at the present junction of the said wynd with Bank Street:

5. A street commencing by a junction with Saint Andrew's Street, otherwise known as Kirktonholm Road, at a point fourteen yards or thereby south-eastwards from the crossing of the said last-mentioned street by the Gallion Burn, and terminating by a junction with Bentinck Street at the present junction of Bentinck Street with East Netherton Street:

6. A street commencing by a junction with the south end or termination of the street forming the prolongation southwards of that part of Bentinck Street which runs from north to south, and terminating by a junction with East Shaw Street at a point one hundred and thirty yards or thereby eastwards from the junction of East Shaw Street with the east side of Glencairn Square:

7. A street commencing at the junction of Green Street with Waterloo Street, crossing the Kilmarnock Water there, and terminating by a junction with the north end or present termination of the street forming the prolongation of that part of Clark Street which runs from north to south:

All which intended streets, and alterations and improvements of existing streets, and works and conveniences connected therewith, and lands to be taken for the purposes thereof, and for the erection

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of houses and buildings as by this Act authorised, are or will be situated within the parish of Kilmarnock in the county of Ayr.

Omission or mis-statement in plans, &c. may be corrected.

125. 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 affected by such proposed correction, may apply to the sheriff for the correction thereof; and if it appears 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 any such matter is mis-stated or wrongly described.

Certificates to be deposited.

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

Limiting time for compulsory purchase.

127. The powers of the Corporation for the compulsory purchase of lands and houses for the purposes of the new streets and improvement of existing streets, and works and buildings connected therewith, by this Act authorised, shall not be exercised after the expiration of ten years from the passing of this Act.

Power to cross roads, &c. temporarily.

128. For the purposes of and during the making, widening, altering, and improving the streets, the Corporation from time to time may cross, divert, alter, or stop up temporarily, any streets, roads, approaches, drains, and sewers in any of the lands shown on the deposited plans and specified in the deposited books of reference, and which they are by this Act authorised to enter upon, take, use, or stop up respectively, which they from time to time find it expedient for any of those purposes so to interfere with.

Power to discontinue and to

129. It shall be lawful for the Corporation to discontinue as a public thoroughfare that part of Saint Andrew's Street or Kirkton-

holm Road lying to the eastward side of the said new street No. 5, herein-before described, and also to stop up any other streets, roads, wynds, closes, passages, stairs, courts, yards, and thoroughfares situated in the said parish of Kilmarnock which now run or lead into, through, or across any part or parts of the lands shown on the deposited plans as property proposed to be acquired as aforesaid for new streets, and for alterations, widenings, and improvements of existing streets, or in connexion therewith.

stop up certain streets.

130. The ground and soil of such streets or parts thereof respectively as shall be stopped up and enclosed, and as are shown on the deposited plans as property proposed to be acquired by the Corporation, shall be and are hereby vested in the Corporation for the purposes of this Act.

Soil of streets stopped up.

131. In making the streets and other works connected therewith which are herein-before authorised, the Corporation may deviate from the respective lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon: Provided that no such deviation shall extend into the lands of any person whose name is not mentioned in the deposited books of reference without his previous consent, unless his name is omitted by mistake, and the fact that the omission proceeded from mistake be certified as by this Act is provided in cases of unintentional errors in the book of reference.

Lateral deviations.

132. In making the streets and other works aforesaid the Corporation may deviate from the levels thereof as referred to the datum line shown on the deposited sections, but not to any extent exceeding three feet.

Vertical deviations.

133. Subject to the provisions of this Act, in accordance with the deposited plans, and within the limits shown on the deposited plans as property proposed to be acquired by the Corporation, it shall be lawful for the Corporation in connexion with the new streets and improvements of streets by this Act authorised, or any of them, and for the purposes thereof, to make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to such new streets or improvements of streets, or any of them, and for the purpose of such junctions or communications the Corporation may alter the lines or levels of existing streets.

Power to make minor works connected with new streets.

134. The Corporation may cause such parts of the new and of the altered, widened, or improved streets to be laid out for carriage-ways, and such parts thereof for foot passengers, as they think fit,

Corporation to form sewers, drains, &c.,

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and to maintain streets.

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 streets and pavements and sewers being completed in a suitable manner to the satisfaction of the Corporation or their proper officer, the said streets, as far as the same are not so already, shall thereupon become and be deemed to be of the number of public streets falling to be kept up and maintained in accordance with the provisions of any Act for regulating the police and statute labour of the burgh, and shall be maintained along with the foot pavements and sewers in accordance with the terms of and out of the rates levied under the provisions of any such Act or of this Act.

Power to take down buildings and lay out lands anew.

135. The Corporation may take down the whole or any part of the buildings situated on any part of the lands to be acquired by them as aforesaid under the authority of this Act, and sell and dispose of the materials thereof, and may lay out the said lands anew and in such way and manner as they may deem best, and may sell or dispose of the grounds or buildings, or any part or portion thereof, or lease or feu the same, on such terms and subject to such conditions as they may determine, or the Corporation may upon such lands as aforesaid erect buildings and houses in the line or lines of any such new or improved street or adjoining thereto, and the Corporation may let or lease the said buildings and houses when erected, or may sell and dispose thereof at or for such rents or considerations and upon such terms as they think fit; and generally the Corporation may deal with the lands, houses, and heritages acquired by them as aforesaid under this Act as proprietors thereof, subject only to the conditions and provisions of this Act.

Form in which the Corporation may take and grant conveyances.

136. 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 under the Kilmarnock Municipal Extension and Improvement Act, 1871," and may grant conveyances of property and bonds and other deeds and instruments under the same name and in the same manner, and all such conveyances, bonds, deeds, and instruments granted by the Corporation shall be deemed to be sufficiently executed if signed by a quorum of a committee of the Corporation and witnessed according to the law of Scotland.

Power to alter steps, doors, &c.

137. If in consequence of the execution by the Corporation of any of the works with reference to streets by this Act authorised, the levels of any street in the burgh shall be raised or otherwise changed, or if any alterations of any steps, doors, or entrances into any house or building, or of any pavement, sewer, drain, or culvert

adjoining or belonging to any property therein, shall thereby be rendered necessary, such alteration shall be made by and at the expense of the Corporation, and the Corporation shall also make compensation to the owners of any such house or building for any damage done thereto by any such works or alterations.

Purchase of lands by agreement.

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

Provision as to labouring classes.

139. The Corporation shall, not less than eight weeks before they take in the parish of Kilmarnock fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Corporation shall not take any such lands until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that the Corporation have made known their intention to take the same in manner herein-before required.

Rights of superiors to continue.

140. Nothing in this Act contained shall affect or prejudice the rights of the superiors of any lands to be taken by the Corporation, under the powers of this Act, for the purpose of forming new streets, or for the widening, alteration, or improvement of any existing streets, or works connected therewith, but such rights shall remain entire to such superiors, and shall attach to the lands to be so taken in the same manner as if this Act had not passed, without prejudice nevertheless to any readjustment of such rights which may be made with consent of all parties interested between the Corporation, or any parties acquiring rights from or under the Corporation, and such superiors.

PART VI.—PUBLIC PARK.

Power to acquire land for public park by agreement.

141. The Corporation may by agreement from time to time purchase and acquire lands for a public park, or for the enlargement or improvement thereof, or of the approaches thereto, in any suitable district convenient for the inhabitants of the burgh within the

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extended burgh or in the neighbourhood thereof, and may expend out of the funds authorised to be raised by this Act by means of the park rate herein-after mentioned any sum not exceeding in the whole the sum of five thousand pounds for the acquisition, laying out, and improvement of such lands as aforesaid, and when such lands shall have been acquired and laid out as a public park, the same shall thereafter be held and maintained out of the park rate in all respects by the Corporation as a place of recreation for the inhabitants of the burgh; or, in case the Corporation shall deem the same expedient, they may transfer the lands so purchased or acquired to Kay's testamentary trustees, or the Kay Park trustees, at such times and upon such terms and conditions as the Corporation and such trustees respectively may agree upon.

Lands for formation of park may be adapted.

142. If the Corporation shall at any time purchase or acquire in manner aforesaid any lands within the burgh or in the neighbourhood for the purposes of a public park, it shall be lawful for the Corporation to level, drain, sewer, pave, flag, gravel, lay out, plant, or otherwise improve such lands, and to do such other acts and things as shall appear to the Corporation necessary or desirable for the proper formation, maintenance, improvement, use, and enjoyment of such public park.

Power for Corporation and trustees to make agreements.

143. The Corporation and Kay's testamentary trustees and the Kay Park trustees respectively are hereby authorised to make all agreements which shall be necessary or desirable for giving effect to the purposes of this Act with respect to the acquiring of lands by agreement for the purposes of a public park, and with respect to the formation and maintenance of such public park; and the Corporation, Kay's testamentary trustees, and the Kay Park trustees respectively are hereby authorised to carry out all such agreements: Provided always, that any agreement between the Corporation and Kay's testamentary trustees, or the Kay Park trustees, under this Act shall not be at variance with the trust disposition and deed of settlement of the late Alexander Kay, and the provisions of this Act.

Power for Corporation to contribute.

144. It shall be lawful for the Corporation to raise and contribute towards the acquisition, formation, and maintenance of a public park, in case the same shall be undertaken by Kay's testamentary trustees and the Kay Park trustees, or either of them, all and the same sums of money which under the provisions of this Act the Corporation would themselves be authorised to raise and expend for the purposes of any public park; and it shall be lawful for Kay's testamentary trustees or the Kay Park trustees, as the

case may be, in case the Corporation shall undertake to contribute in whole or in part the annual sums requisite for the maintenance of a public park, to expend the sum directed by the said Alexander Kay to be invested for that purpose, or such part thereof as may be agreed on, in the acquisition and formation of such public park.

Power to make bye-laws for regulation of park.

145. In the event of the formation of any such public park as aforesaid, the Corporation may from time to time (but as respects any such park as may be wholly or partly vested in the Kay Park trustees, with the concurrence only of such trustees,) make byelaws for all or any of the following purposes; (that is to say,)

For appointing and regulating keepers or servants employed therein:

For regulating the days on and hours at which the park is to be opened or closed:

For regulating the conduct of persons frequenting the park:

For regulating the days on and hours at which games and gymnastics are to be permitted therein:

For regulating the days on and hours at which music of any sort is to be permitted therein:

For regulating refreshment rooms therein, and for determining the days on and hours at which they are to be opened and closed, and the nature and price of the articles and things to be sold therein:

For preventing or regulating the admission therein of dogs:

For preventing males from intruding on or using playgrounds or other places therein set apart for the use of females, and vice versâ:

For preventing or regulating the admission therein of vehicles and horses:

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things belonging to the park, and for preventing the destruction or injury of aquatic or other birds, or of other animals, or of trees, shrubs, plants, or flowers, or the plucking of flowers or leaves therein:

For enabling the servants in charge of the park to exclude therefrom persons not being clean, or not being dressed in clean or decent clothes, and to remove therefrom persons guilty of a breach of any byelaw relative thereto, or of any public law.

Parties with limited interest may sell or feu lands for public park.

146. For the purpose of facilitating the acquisition of land and property for forming such public park by agreement, it shall be lawful for the owners or other parties (including in such parties those classified in section 8 of "The Lands Clauses Consolidation (Scotland) Act, 1845," incorporated herewith,) under legal disability, or

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having only limited interests in any land or property situated within or in the neighbourhood of the burgh, to sell and convey such lands and property to the Corporation or to Kay's testamentary trustees, or the Kay Park trustees, for the purpose of forming such public park, and that either absolutely or by way of feu, lease in perpetuity, or otherwise, at such price, or subject to such feu duty, ground annual, or rentcharge, as may be fixed and ascertained in terms of this Act, and on any such conveyance being executed the same shall be as valid in all respects as if it had been executed by a party absolutely entitled to sell and convey lands.

How price to be fixed in case of lands for park sold by party under disability.

147. In case any party under legal disability, or having only a limited interest in any such land or property, and who is hereby authorised to sell such land, shall agree to sell such land or property for the purpose of a park for a gross sum, the purchase money to be paid for such land or property by the Corporation or Kay's testamentary trustees, or the Kay Park trustees, shall be ascertained and fixed in any of the methods (which the party agreeing to sell such land may select) provided by the said "Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the purchase money or compensation to be paid for any lands, or any rights or interests therein, taken from any party under any disability or incapacity, and not having power to sell or convey such lands, or rights or interests therein, except under the powers of a special Act, and the purchase money shall be disposed of in manner provided in the said "Lands Clauses Consolidation (Scotland) Act, 1845," with respect to money paid for lands acquired from parties under disability or incapacity to sell lands, or any rights or interests therein.

As to fixing amount of rentcharge for land for public park.

148. In case any party under legal disability, or having only a limited interest as aforesaid in any such lands or property, shall agree to sell and convey the same to the Corporation, or to Kay's testamentary trustees, or the Kay Park trustees, for the purpose of a public park, in consideration of an annual feu duty, rentcharge, or ground annual, such annual feu duty, rentcharge, or ground annual shall be settled in any of the methods directed in the said "Lands Clauses Consolidation (Scotland) Act, 1845," to be selected by the party agreeing to sell or convey such lands or property as before provided, in case of an absolute sale, for a gross sum, and subject also to the provisions of section four of "The Lands Clauses Consolidation Acts Amendment Act, 1860," incorporated herewith, with respect to the settlement of rentcharges, annual feu duties, or ground annuals in such cases.

Provision in case no agreement

149. In the event of no agreement being entered into between the Corporation and Kay's testamentary trustees and the Kay Park

trustees, or either of them, with regard to the acquisition, formation, and maintenance of a public park, nothing in this Act contained shall be held to restrict the power of Kay's testamentary trustees and the Kay Park trustees respectively to acquire, form, and maintain a public park, in terms of the trust disposition and deed of settlement of the said Alexander Kay, without the consent of the Corporation. A.D. 1871. made with the trustees of Mr. Kay.

PART VII.—BYELAWS.

150. With respect to byelaws to be made by the Corporation under this Act, the following provisions shall take effect; (namely,) Regulations as to byelaws.

1. Nothing in this Act shall authorise the Corporation to make any byelaw repugnant to law or to this Act:
2. All byelaws shall be reduced into writing and be under the common seal of the Corporation:
3. The Corporation may by any byelaw impose penalties for offences against the same, not exceeding in respect of any offence five pounds, so that all byelaws be so framed as to allow of less than the maximum penalty being inflicted:
4. Penalties under byelaws shall be recoverable as penalties under this Act are recoverable:
5. No byelaw shall take effect until and unless notice of the intention to enact the same shall have been given by a printed copy of the byelaw being suspended for one month at least in the Town Hall, open and patent during office hours to the inspection of the ratepayers of the burgh without payment, and the town clerk shall furnish a copy thereof to every ratepayer applying for the same, on payment of such reasonable price, not exceeding twopence for each copy, as the Corporation direct:
6. At the expiration of such period of notice as last aforesaid, all byelaws which may be enacted by the Corporation shall be printed, with the date at which they are made, and the town clerk shall keep a printed copy thereof at the Town Hall, and all persons may at all reasonable times inspect such copy without payment; and the Corporation shall cause to be delivered a printed copy, signed by the town clerk, of all byelaws for the time being in force to every person applying for the same, on payment from him of any sum not exceeding sixpence for every such copy:
7. Proper extracts from the byelaws painted or placed on boards may be set up and kept exhibited in places to which such

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extracts relate, or in such conspicuous or suitable places as the Corporation think fit:

8. A printed copy of byelaws, dated and purporting to be allowed as aforesaid, and to be signed by the town clerk, shall be primâ facie evidence of the existence and of the due making of such byelaws, without proof of the signature of the town clerk.

PART VIII.—RATES.

Rates vested in the Corporation.

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

Domestic water rate how to be levied.

152. Subject to the provisions of this Act, the Corporation are hereby authorised and required once in every year to assess and levy a rate, to be called "The Domestic Water Rate," upon and from the occupiers of all houses within the compulsory water limits, according to the full annual value of such houses, but so as not to exceed in the case of dwelling-houses with their pertinents the rate of one shilling and threepence in the pound on the rental thereof, and so as not to exceed in the case of buildings or parts of buildings appropriated and occupied as shops, warehouses, counting-houses, chambers, or offices of any description, (but excluding bakers workshops, fish shops, spirit shops, and others herein-before made chargeable by agreement,) the rate of sixpence in the pound on the rental thereof; and for the purpose of ascertaining any such rental where part only of such buildings is so appropriated and occupied, the surveyor or surveyors by this Act authorised to be appointed may and shall act as an apportioner or apportioners of value: Provided always, that the amount to be paid upon any dwelling-house and pertinents, shop, or other premises, shall not be less than the sum of five shillings in any year, unless the yearly rent of such dwelling-house and pertinents shall be two pounds or under, in which case the amount to be paid shall be a sum not exceeding three shillings per annum: Provided further, that when the rental of any building or part of a building liable to be assessed separately to the said domestic water rate shall be ascertained not to exceed the sum of ten pounds per annum, the water rate leviable upon and from such building or part of a building shall in every such case be paid by the owner.

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Public water rate to be levied.

153. Subject to the provisions of this Act, it shall also be lawful for the Corporation, and they are hereby authorised and required, once in every year in which the domestic water rate herein-before authorised and required to be levied in respect of the occupancy of dwelling-houses and their pertinents shall exceed the sum of one shilling in the pound of rental or yearly value, to assess and levy upon and from the owners of all dwelling-houses, shops, wash-houses, counting-houses, coach-houses, stables, cellars, vaults, buildings, depôts, workshops, mills, and manufactories, and of the several gardens, yards, or lands thereunto belonging, and all other lands, gardens, yards, tenements, buildings, and premises within the compulsory water limits (except as herein-after mentioned), a rate, to be called "The Public Water Rate," of one penny in the pound of the full annual value of all such property for every penny by which the domestic water rate leviable in respect of the occupancy of dwelling-houses, with their pertinents, shall exceed the said sum of one shilling in the pound, but to no further or greater extent: Provided always, that no public water rate shall be assessed or levied on or from any railway company or canal company for or in respect of the line of railway or canal belonging to such company, but such rate shall be assessed and levied on and from such companies in respect of all stations, depôts, and buildings belonging to them respectively: Provided also, that the said public water rate shall be made and levied upon the owner of any garden not attached to or occupied with a dwelling-house, and of all arable, meadow, or pasture land within the compulsory water limits, according to one fourth part only of such annual value thereof respectively: Provided further, that no person who shall be the owner or occupier of any of the aforesaid descriptions of property and premises shall be liable to be rated to either of the water rates by this Act authorised in a greater proportion than according to one fourth part only of such annual value thereof, unless the mains or other pipes of the Corporation shall be laid down and properly supplied with water within fifty yards from the outer wall, fence, or boundary of such premises: Provided further, that the said public water rate may be levied by the Corporation from the occupiers of such property and premises, and any occupier so paying the said public water rate shall be entitled to deduct from his rent the public water rate so paid by him.

Gas rate how to be levied.

154. Once in every year the Corporation may, but only in case of its being found that the rates herein-before authorised to be taken by them for the supply of gas, and for the use of meters and other apparatus connected with gasworks, are insufficient to meet the

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estimated expenditure of the year, and only to the extent and effect of supplementing such deficiency, assess and levy upon the occupiers of all lands and heritages within the extended burgh a rate, to be called "The Public Gasworks Rate," not exceeding threepence in the pound of the full annual value of all such property, for the purpose of carrying into effect the agreement with the Gas Company contained in the sixth schedule to this Act, and for the future maintenance by the Corporation of the gasworks and gas supply within the extended burgh.

As to rating Glasgow and South-western Railway Company.

155. So long as any station, depôt, workshop, or building belonging to the Glasgow and South-western Railway Company, or of which they are joint owners, shall not be supplied with water or gas by the Corporation, it shall not be lawful for the Corporation, notwithstanding anything in the three immediately preceding sections of this Act contained, to assess to the rates by those sections respectively authorised, or any of them, such station, depôt, workshop, or building at more than one half of the full annual value thereof: Provided always, that nothing herein contained shall exempt the said railway company from any rate assessed under any of the said sections in respect of any building belonging to the railway company, or of which they are joint owners, and used exclusively as a dwelling-house.

Park rate may be levied in a certain event.

156. Once in every year the Corporation may assess and levy upon the occupiers of all lands and heritages within the extended burgh a rate, to be called "The Park Rate," not exceeding one penny in the pound of the full annual value of all such property: Provided always, that previous to the levy of any such park rate, under the authority of this enactment, it shall have been decided by the voices or votes of the majority of the council of the extended burgh, at some meeting of the council duly convened for that purpose, that it is expedient to carry into effect the provisions of this Act for the making and maintenance of a public park, and that the park rate be accordingly levied for that purpose.

Street expenses.

157. The Corporation may once in every year assess and levy on the owners and occupiers in equal proportions of all lands and heritages within the extended burgh a rate, to be called "The New Streets Rate," not exceeding fourpence in the pound of the full annual value of all such property, to defray the expense of purchasing lands for the formation of the new streets and street improvements by this Act authorised, together with the cost of their construction.

Rates to be regulated by annual

158. The Corporation shall from time to time so regulate the rates to be levied for the supply of water under the provisions of this

Act that the amount of such rates with the aid of the public water rate shall be sufficient to pay the interest on money borrowed for water purposes under the authority of this Act, together with all the charges and expenses herein-before specified with regard to the estimate of costs, charges, and expenses of supplying the extended burgh with water for and during the year then current, including such sum as the Corporation shall set apart for the purpose of the water sinking fund; and if in any year the amount received shall be more than sufficient for all the purposes aforesaid, the Corporation shall make a corresponding reduction in the water rate or water rates to be in the next year assessed and levied.

expenditure, and provision for sinking fund.

159. Subject to the provisions of this Act, 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 the office of the Corporation on the twenty-sixth day of May, or, in the option of the ratepayers, by equal half-yearly instalments on the twenty-sixth day of May and twenty-second day of November in each year, or as soon thereafter as the same shall be demanded, and the said rates, or any of them, when assessed upon owners, may be levied by the Corporation from the occupiers of the property or premises in respect of which the same are payable, with relief to the latter as herein-after provided.

Assessment of rates.

160. The Corporation may appoint one or more surveyors, who shall be sworn by the provost or acting chief magistrate to administer their office faithfully according to their judgment and knowledge, and such surveyors shall, as soon as may be after the twenty-sixth day of May in each year, survey the houses, buildings, and other premises and property in respect of which the rates to be imposed under this Act are authorised to be levied, excepting the stations, depôts, and buildings belonging to any railway company or canal company; and a certificate signed by the surveyor making such survey shall be deemed sufficient primâ facie evidence of the full annual value of the said houses, buildings, and other premises and property so surveyed by him: Provided always, that the stations, depôts, and buildings belonging to any railway company or canal company shall be assessed according to the annual value thereof as fixed from time to time under the provisions of an Act passed in the seventeenth and eighteenth years of Victoria, chapter ninety-one,

Surveyors to be appointed.

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intituled "An Act for the valuation of lands and heritages in Scotland," or of any Act or Acts for amending that Act.

Unoccupied premises may be included in rates.

161. When any premises in respect of which any person may be liable to be assessed to any rate under the provisions of this Act shall at the time of assessing any such rate be unoccupied, then and in every such case it shall be lawful for the Corporation to include such premises, describing them in the column in such rate appropriated to the name of occupier as being "unoccupied;" and if any person shall afterwards occupy such property during any part of the period for which such rate may have been assessed, it shall be lawful for the Corporation to insert the name of such occupier, and to levy from him, or from the owner, if he shall be liable to pay the same, such part of the said rate as shall be proportioned to the time during which such person shall occupy such property, and every such person shall thereupon be deemed to all intents and purposes to be properly rated, and all such rates may be levied and recovered from the person who shall be liable to pay the same: Provided always, that any such person whose name shall be so inserted in such rate or book, and such owner as last aforesaid, may appeal against the same to the Corporation or to the sheriff: Provided also, that except as aforesaid no rate leviable under this Act shall be payable by any person whatsoever in respect of unoccupied premises.

Owner may be rated without stating his name.

162. If the name of any owner liable to be rated under the provisions of this Act shall not be known to the Corporation or to the person assessing any rate, after due inquiry, it shall be sufficient to rate such owner in the rate book of the Corporation as the owner of the property to be rated by the designation of "the owner," without stating his name.

Form of rate.

163. Every such rate shall be fairly transcribed in a book to be kept for that purpose, and may be in the form of the eighth schedule to this Act annexed, or to the same effect, and every such rate shall contain an account of every particular set forth at the head of the respective columns, so far as the same can be ascertained, and notice shall be given to every person rated of the rate charged upon him, and that he may appeal to the Corporation against the same within fourteen days after such notice, failing which the rate will be held to be correct.

Rate to be open to inspection of ratepayers.

164. The proposed rate, immediately after the same is assessed, shall be open to the inspection of any person interested or liable to pay such rate, at all reasonable times, and any such person may take copies or extracts from such rate without paying anything for the

same; and any person having the custody of such rate who refuses or does not permit any person so interested or rated as aforesaid to take copies or extracts from such rate shall for every such offence be liable to a penalty not exceeding five pounds.

Rates may be amended.

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

Any person aggrieved may lodge objections and be heard.

166. If any person shall consider himself to be improperly or unduly rated, he may within fourteen days from the date of the notice being given of such rate lodge with the collector written objections signed by him, and the Corporation, or a committee named by them, shall proceed on such days and at such places as shall be fixed by them, and of which notice shall be given to such persons by the collector not less than forty-eight hours previously, to consider such objections, and shall dispose thereof summarily and without written pleadings.

Appeal to sheriff against rates.

167. If any person who shall have lodged objections as aforesaid shall think himself aggrieved by the determination of the Corporation or their committee, he may appeal to the sheriff in fourteen days after the date of such determination, and the sheriff shall thereupon summarily call before him the collector or town clerk, and such person, and shall without written pleadings inquire into and decide all disputes and questions competently raised by such appeal, and may, if he sees cause, award expenses to either party.

Decisions as appealed from to be final.

168. It shall not be lawful for any person to object to or resist payment of any assessment of which he has received notice as

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aforesaid, except by lodging objections with the town clerk or collector, and thereafter appealing to the sheriff in manner hereinbefore provided; and the determination of the Corporation or their committee, if not appealed from, or the decision of the sheriff on appeal, shall be final, and shall not be subject to suspension, reduction, advocation, or appeal, or to any other form or stay of execution.

Second notice of every rate to be given to defaulters.

169. If any person to whom notice shall be given by the collector do not pay the rates due by him at the time and place stated therein, or, in the case of appeal, any rate to which he may be found liable under the same, the collector, before taking any legal proceedings for recovery thereof, shall give a new notice to such person requiring him to make payment thereof within fourteen days thereafter.

Recovery of rates.

170. It shall be lawful for the collector, on the expiration of the time specified, in his own name, but on behalf and at the risk and expense of the Corporation, to recover any arrears of rates due by any person, or by any number of persons, either according to the ordinary procedure before any competent court, or by obtaining from the sheriff or magistrates a summary warrant to recover such arrears, with the addition of ten per centum thereon, in lieu of any costs which have been or may require to be incurred, from the person or persons respectively liable in payment of the same, which warrant the sheriff or magistrates shall grant on production of an extract from the rate made up in pursuance of the provisions herein-before contained of the entries therein relating to such person or persons, showing the amounts respectively due by him or them; and a certificate by the collector that he had given to each such person or persons the second notice herein-before directed, requiring him or them to make payment of the amount due by him or them within fourteen days thereafter, that the said period had expired, 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.

Regulating sales of effects for payment of assessments.

171. 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 who shall grant the warrant may direct, or, failing such directions, as the collector may fix.

Collector to account for surplus proceeds of such sales.

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

Providing appeal against any oppressive proceedings of collector.

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

Rate books to be evidence.

174. In any proceeding 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

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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.

175. The several rates and charges levied or received by the Corporation under the authority of this Act, or otherwise, shall be applied in manner herein-after provided with respect to the several and separate accounts directed to be kept by the Corporation.

Extent to which occupier is liable in default of owner.

176. Where under the provisions of this Act any money is, in default of payment thereof by the owner of any building or lands, recoverable from the occupier thereof, the occupier shall be liable from time to time to the extent of the amount of the rent for the time being due from him to such owner, or of the proportion of rent in respect of any current period (the burden of proving which amount shall be on the occupier), but only as from the service on the occupier of a demand of payment of rent to the Corporation, and notice not to pay the same to the owner; and every such occupier shall be entitled to deduct any money paid by him (together with all costs, charges, and expenses incurred by him in respect of the payment thereof to the Corporation, or in respect of the recovery thereof by the Corporation) out of the rent due or becoming due from him to such owner.

Notice of rate to be given.

177. Notice of every rate made under this Act having been made, and of the place where the rate is deposited, shall be given by the Corporation, by placards posted in some public places within the burgh within seven days next after the rate is made, but it shall not be necessary in any case to prove that such notice has been given.

Rate to be sealed by Corporation.

178. Every rate made under the authority of this Act, when transcribed into a book kept for the purpose, as herein-after provided, shall be sealed with the common seal of the Corporation, and no allowance, publication, or other formality whatever, other than such as is expressly prescribed by this Act, shall be requisite to the validity of any such rate.

Power for surveyor to examine lands, &c. for purposes of valuation.

179. For the purpose of every valuation or survey by this Act authorised, the surveyor or surveyors appointed by the Corporation, with his or their assistants, may at all reasonable times, until such valuation or survey is completed, enter, view, examine, and admeasure all and every part of the property to be valued or surveyed for the purposes of this Act, and do any act or thing necessary for making such valuation or survey; but any valuation made previously to the appointment of such surveyor or surveyors, if tendered to

him or them, and if in his or their judgment a just and true valuation, may be used by him or them. A.D. 1871.

PART IX.—BORROWING POWERS.

Power to borrow for waterworks.

180. The Corporation from time to time, under the authority of this Act, may borrow at interest, in addition to any money which they have borrowed, or are otherwise authorised to borrow, all such sums as they think requisite for the purposes of the Corporation waterworks, not exceeding in the whole fifty-five thousand pounds, on the security of the Corporation waterworks, and of the several water rates and charges by this Act authorised, and may mortgage the same accordingly: Provided always, that the power to borrow on mortgage, or to raise money by means of the funded debt, for the Corporation waterworks, shall not be exercised until an agreement with the Water Company has been entered into by the Corporation as by this Act authorised for the purchase of the undertaking by the Water Act authorised.

Power to borrow for gasworks.

181. The Corporation from time to time, under the authority of this Act, may borrow at interest, in addition to any money which they have borrowed, or are otherwise authorised to borrow, all such sums as they think requisite for the purposes of the gasworks by this Act authorised to be acquired and maintained by them, and for the purposes of gas supply, not exceeding in the whole fifty thousand pounds, on the security of the gasworks, and of the gas rates and charges by this Act authorised, and may mortgage the same accordingly.

Power to borrow for street improvements.

182. The Corporation may from time to time, under the authority of this Act, borrow at interest, in addition to any money which they have borrowed, or are otherwise authorised to borrow, all such sums as they think requisite for the purposes of the new streets and street improvements by this Act authorised to be made, not exceeding in the whole seven thousand five hundred pounds, on the security of the lands acquired or to be acquired for such new streets, and of the new streets rate by this Act authorised, and may mortgage the same accordingly.

Corporation may re-borrow.

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

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Form of mortgage.

184. Every mortgage to be granted by the Corporation shall be by deed duly stamped, in which the consideration shall be duly stated, and may be in the form contained in the ninth schedule to this Act, or to the like effect, with such modifications thereof as render the same applicable to the special purpose for which the money is borrowed: Provided that 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 "street improvement mortgage."

Mortgages may be accompanied with interest warrants.

185. It shall be lawful for the Corporation to issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form contained in the 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 their treasurer, or to any person on their behalf, of any such interest warrant, duly stamped as a receipt, shall be a valid and sufficient discharge to the Corporation for the interest in respect of which the same was issued.

Corporation may borrow on credit of a cash account.

186. It shall be lawful for the Corporation to accept and take from any bank or banking company credit on a cash account, to be opened and kept with such bank or banking company in the name of the Corporation, according to the usage of bankers in Scotland, to the extent of the aggregate amount of the several sums which the Corporation are by this Act authorised to borrow, or any part thereof, and to make and grant mortgages of the property and works vested in and to be acquired and constructed by the Corporation in virtue of this Act, and the several rates and charges leviable by them under the provisions of this Act, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always, that the whole sum due and owing by the Corporation on such cash account, and for money borrowed by them on mortgage as aforesaid, shall not, when taken together, exceed the aggregate amount of the several sums by this Act authorised to be borrowed.

Manner in which mortgages and orders on

187. 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 treasurer, 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 treasurer: Provided always, that no member of the town council or treasurer shall by his subscription of any such mortgage, draft, or order be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or of any sums whatsoever in respect thereof.

bank account to be signed and executed.

188. It shall be lawful for the Corporation, and they are hereby required, annually after the expiration of five years from the water transfer, to set apart as a sinking fund from and out of the waterworks fund, other than the borrowed money, or money raised by the funded debt, the following sums; (that is to say,) for five years from and after the expiration of the first-mentioned period of five years, a sum not less than one pound per centum per annum on the amount borrowed for the purposes of defraying the expense of acquiring the undertaking of the Water Company, or of constructing the additional waterworks by this Act authorised, or of acquiring any lands or property connected with such undertaking and works, or either of them, as by this Act authorised, and after the expiration of ten years from the water transfer a sum not less than one pound ten shillings per centum per annum on the amount so borrowed as aforesaid; and such sinking fund shall be from time to time applicable to the redemption of the waterworks mortgages and funded debt, and to no other purposes whatsoever.

Water sinking fund.

189. It shall be lawful for the Corporation, and they are hereby required, annually after the expiration of three years from the passing of this Act, to set apart as a sinking fund from and out of the gasworks fund, other than the borrowed money, or money raised by the funded debt, the following sums; (that is to say,) from and after the expiration of the first-mentioned period of three years a sum not less than one pound per centum per annum on the amount borrowed for the purposes of defraying the expenses of acquiring and maintaining the undertaking of the Gas Company, as by this Act authorised, or connected therewith, and after the expiration of eight years from the passing of this Act a sum not less than one pound ten shillings per centum per annum on the amount so borrowed as aforesaid; and such sinking fund shall be from time to time applicable to the redemption of the gasworks mortgages and funded debt, and to no other purposes whatever.

Gas sinking fund.

190. It shall be lawful for the Corporation, and they are hereby required, annually after the expiration of seven years from the passing of this Act, to set apart as a sinking fund from and out of

Street improvement sinking fund.

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the street improvements fund, other than the borrowed money, or money raised by the funded debt, the following sums; (that is to say,) from and after the expiration of the first-mentioned period of seven years a sum not less than one pound per centum per annum on the amount borrowed for the purpose of defraying the expenses of acquiring the lands and constructing the new streets and street improvements by this Act authorised, or connected therewith, and after the expiration of fourteen years from the passing of this Act a sum not less than one pound ten shillings per centum per annum on the amount so borrowed as aforesaid; and such sinking fund shall be from time to time applicable to the redemption of the street improvements mortgages and funded debt, and to no other purposes whatever.

Protection of lender from inquiry.

191. No person lending money to the Corporation shall be bound or entitled to inquire as to the observance by the Corporation of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application, of such money or any part thereof.

Application of money raised and borrowed.

192. The several sums raised and borrowed by the Corporation on mortgage, or by means of the funded debt, under the authority of this Act, shall be applied as follows; (that is to say,) the moneys to be borrowed or raised on the security of the Corporation waterworks and of the several water rates and charges by this Act authorised, or any of them, or so much thereof as shall be required, shall be applied for carrying into effect any agreement to be made with the Water Company under the provisions of this Act for the purchase of their undertaking, and for carrying into effect the additional waterworks by this Act authorised, and towards any extensions and enlargements of the Corporation waterworks, or any part thereof; the moneys to be borrowed or raised on security of the gasworks and of the gas rates and charges and revenues by this Act authorised, or any of them, shall be applied for carrying into effect the agreement with the Gas Company in the sixth schedule to this Act, and towards any extensions and enlargements of the gasworks for the time being belonging to the Corporation; the moneys to be raised or borrowed on the security of lands acquired or to be acquired for the new streets and street improvements, and of the new street rates by this Act authorised shall be applied for carrying into effect the new streets and street improvements by this Act authorised: Provided always, notwithstanding any such direction as aforesaid concerning the application of borrowed moneys, the Corporation may apply the money to be raised or borrowed for all or any of the said purposes, or any other funds of the Corporation, in payment of the costs, charges, and expenses of and incident to the preparing for,

obtaining, and passing this Act, or otherwise in relation thereto; but the Corporation shall, as between the said several accounts, allocate such portions of the moneys so paid to each of the said accounts as they may deem equitable.

Saving for existing mortgages of Corporation.

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

Saving for existing mortgages of Gas and Water Companies.

194. Notwithstanding the gas transfer and water transfer by this Act authorised, all mortgages before these transfers granted by the Gas Company or the Water Company respectively shall remain valid and binding upon the undertaking of the Gas Company and the undertaking of the Water Company respectively in the hands of the Corporation as if these transfers had not been made, and all such mortgages may be freely transferred, and the form of transfer given in the eighth schedule to this Act may be used for that purpose, with such variations as circumstances may require: Provided always, that it shall be lawful for the Corporation by agreement, but not otherwise, with the holders of any such mortgage as aforesaid, to substitute for such mortgage a gas mortgage or water mortgage, as the case may be, issued by the Corporation under the authority of this Act.

Repeal of powers of borrowing unexercised by Gas and Water Companies.

195. Save as aforesaid it shall not be lawful for the Corporation to exercise the borrowing powers or any of them conferred by the Water Act or by the Gas Act respectively; and to the extent to which such powers respectively have not been exercised before the gas transfer and the water transfer respectively the same shall be and are hereby repealed.

Corporation may fund debt, and issue certificates of funded debt.

196. It shall be lawful for the Corporation from time to time, in lieu of continuing on mortgage the sums which they are authorised to borrow by this Act, to resolve to fund the whole of such sums or such part thereof as they shall from time to time think fit, and on any such resolution being passed the amount stated therein shall be denominated "The Kilmarnock Municipal Corporation Funded Debt" ("Gasworks") or ("Waterworks") or ("Street Improvements"), as the case may be, and it shall be lawful for the Corporation to issue to any person, company, trustees, or corporation paying to them any portion of the said sums a certificate of such person,

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company, trustees, or corporation being the holder of funded debt to the amount so paid, and every such certificate may be according to the form in the ninth schedule to this Act annexed, or to the like effect, and shall be subscribed at a meeting of the Corporation by two members of the council and the town clerk: Provided always, that after the conversion of any part of the said sums borrowed on mortgage into funded debt, it shall not be lawful for the Corporation to issue mortgages for, or again to borrow, the sum so converted, and the power of borrowing by the Corporation shall, to the extent of the sums so from time to time converted into funded debt, be extinguished.

Register of holders of funded debt to be kept.

197. The Corporation shall from time to time cause the names of the several parties who may be interested in such funded debts as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for that purpose, and to be called the "Register of Holders of Funded Debt," and such book shall be accessible at all reasonable times to the several holders of such debt or of mortgages granted by the Corporation.

Transfer of funded debt.

198. The interests of the several holders of such funded debt, or any part of such interests, may be transferred or transmitted in the same manner and subject to the same regulations and provisions, mutatis mutandis, as or according to which any mortgage to be granted by the Corporation may be transferred or transmitted under the provisions of this Act, or of "The Commissioners Clauses Act, 1847," (the provisions of which Act shall to that extent and for that purpose be herewith incorporated,) and the Corporation shall cause an entry to be made in a book to be kept by the town clerk for that purpose of every such transfer or transmission, and for every such entry the town clerk may demand any sum not exceeding two shillings and sixpence.

Annuity to be paid.

199. The several holders of the said funded debt shall not be entitled to repayment of the capital thereof, but shall receive an annuity thereon at any rate not exceeding five pounds per centum per annum which shall be fixed by the Corporation in any resolution to be passed by them as aforesaid, and specified in the certificates issued to the holders of the said funded debt, which annuity shall be payable half-yearly on the fifteenth day of May and the eleventh day of November in every year.

Security of holders of funded debt.

200. The several holders of such funded debt shall be creditors of the Corporation for the payment of the said annuity, and shall be deemed to hold by virtue of this Act a mortgage which shall rank pari passu with the other mortgages made and granted under

the provisions of this Act, and shall confer the like powers and privileges.

Arrears may be enforced by appointment of judicial factor.

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

Powers and duties of judicial factor.

202. 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 and charges by this Act authorised to be levied, 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 out of such rates and revenues; and such judicial factory shall continue not only until all arrears of mortgages and annuities of the funded debt 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

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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 chartered banks in Scotland; and upon payment and consignation as aforesaid of such mortgages, annuities, interest, and expenses, it shall be lawful for the Corporation to apply to the Court of Session or Lord Ordinary as aforesaid for the recall of the appointment of the judicial factor, who may recall such appointment accordingly.

Mortgages and funded debt to be personal estate.

203. All mortgages and certificates of funded debt to be granted by the Corporation under the authority of this Act, and all money to be advanced and lent on the security of the rates and charges leviable by them, shall be movable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Discharge of mortgages.

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

PART X.—ACCOUNTS, AUDIT, &c.

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

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

1. After the water transfer, a separate and distinct account, to be called "The Waterworks Account," of their receipts, credits, payments, and liabilities in relation to the execution of this Act with respect to water, and for or on account of the water rates levied and charges for water supplied under this Act, and those receipts and credits shall form their waterworks fund:
2. A separate and distinct account, to be called "The Gasworks Account," of their receipts, credits, payments, and liabilities in relation to the execution of this Act with respect to gas, and for and on account of the gas rates levied 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 new streets and street improvements, and for or on account of the new streets rate, and any moneys arising from the sale, leasing, or otherwise by the Corporation of property connected with or embraced in such new streets and street improvements, and those receipts and credits shall form the 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 the Police Act and this Act, or of any other Act relating to the Corporation:

And the said several accounts shall be kept, laid open to inspection, and published in the same manner and under the same penalties as the accounts of the municipal revenues of the burgh are now by law required to be kept, laid open to inspection, and published.

Application of revenue.

206. Subject to the provisions of this Act, 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 street and street improvement purposes respectively (not being money raised by borrowing or by means of the funded debt, for the application of which provision is herein-before made) in manner and order following, and not otherwise; (that is to say,)

1. In so far as regards moneys received on account of water after the water transfer:

(First.) In payment of such portion of the costs, charges, and expenses preliminary and incidental to the preparing, applying for, obtaining, and passing of this Act, or otherwise in relation thereto, as the Corporation may allocate to the waterworks account, and of the expenses of and incidental to the raising, levying, and recovering rates, rents, charges, and revenues, and the borrowing of moneys for water purposes under this Act:

(Secondly.) In payment of the expenses of managing and maintaining the Corporation waterworks:

(Thirdly.) In payment of interest on money borrowed on the security of the undertaking of the Water Company, issued before the commencement of this Act:

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(Fourthly.) In payment of interest on money secured on waterworks mortgages or waterworks funded debt annuities:

(Fifthly.) In setting apart annually the sinking fund for paying off the waterworks mortgages or waterworks funded debt:

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

(Seventhly.) The surplus (if any) from time to time shall be so applied as to facilitate the reduction of the domestic water rate, when circumstances shall permit the same to be done.

2. As regards moneys received on account of gas:

(First.) In payment of such portion of the costs, charges, and expenses preliminary and incidental to the preparing, applying for, and obtaining and passing of this Act, or otherwise in relation thereto, as the Corporation may allocate to gasworks account, and of the expenses of and incidental to the raising, levying, and recovering the rates, rents, charges, and revenues, and the borrowing of moneys for gas purposes under this Act:

(Secondly.) In payment of the expenses of managing and maintaining the gasworks of the Corporation:

(Thirdly.) In payment of the interest on mortgages secured on the undertaking of the Gas Company before the commencement of this Act:

(Fourthly.) In payment of interest on money secured on gasworks mortgages or gasworks funded debt annuities:

(Fifthly.) In setting apart annually the sinking fund for paying off the gasworks mortgages or gasworks funded debt:

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

(Seventhly.) The surplus (if any) from time to time shall be applied in reduction of the price of gas for private purposes within the extended burgh.

3. As regards moneys received on account of streets and street improvements:

(First.) In payment of such portion of the costs, charges, and expenses preliminary and incidental to the pre-

paring, applying for, obtaining, and passing of this Act, or otherwise in relation thereto, as the Corporation may allocate to streets and street improvement account, and of the expenses of and incidental to the raising, levying, and recovering the new streets rate, and the borrowing of moneys for streets and street improvements, under this Act:

(Secondly.) In payment of the interest on mortgages secured by street improvement mortgages and street improvement funded debt annuities:

(Thirdly.) Towards constructing the new streets and street improvements, and in other respects carrying the Act into execution with respect to streets:

(Fourthly.) In setting apart annually the sinking fund for paying off the street improvement mortgages and street improvement funded debt:

(Fifthly.) In paying off the principal moneys secured by streets improvement mortgages, or raised by street improvement funded debt:

(Sixthly.) In paying off the principal moneys borrowed by and secured upon any other mortgages of the Corporation.

Application of sinking fund.

207. 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 for the repayment 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, but including securities the principal and interest whereof may be secured or guaranteed by the Government of India.

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

208. The gas and water undertakings respectively by this Act authorised to be acquired by the Corporation, and all other undertakings and property by this Act transferred to and vested in 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.

209. The books of the Corporation containing the several accounts by this Act authorised and required to be kept separate and

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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 treasurer 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 treasurer shall for any such default forfeit the sum of five pounds.

Auditor to be appointed.

210. The sheriff of Ayrshire shall, on application made to him by the Corporation (which application the Corporation are hereby required to make), appoint an auditor (being a person skilled in accounts and not being a member or officer of the Corporation) to audit the accounts of the Corporation; and in case the office of such auditor shall, before such accounts have been audited by him, become vacant by death, or from any other cause, the sheriff shall from time to time appoint an auditor to supply the vacancy.

Auditor to audit accounts and to report.

211. It shall be the duty of such auditor once in every year to audit the accounts of the Corporation, and for that purpose the treasurer 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, together with the report of the Corporation, at the first general meeting of the Corporation thereafter, and the Corporation shall pay to such auditor for his trouble in making such audit such a sum as the sheriff shall appoint.

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

212. 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 the twenty-sixth day of May, or some other convenient day in each year, under the several distinct heads of receipts and expenditure, with a statement of the balance of such account duly audited and certified by the auditor and two or more members of the Corporation, and shall cause such account to be printed and lodged free of charge with the town clerk of the burgh on or before the first day of January then next, which shall be open to public inspection at all reasonable hours, on payment of one shilling for every such inspec-

tion, and shall cause such account to be inserted in one of the newspapers published in the county of Ayr.

PART XI.—MISCELLANEOUS PROVISIONS.

Validity of meetings of council and committees.

213. Until the contrary is proved, every meeting of the Corporation, or of any committee of the Corporation, shall be deemed to have been duly convened and held, and all members attending such meeting shall be deemed to have been duly qualified.

Power to order prosecutions, &c.

214. The Corporation may direct any prosecution or proceeding against any person for any offence against this Act, or any matters arising under this Act.

Liability to rates, &c. not to disqualify.

215. 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 rate, 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.

216. If any person against whom the Corporation have any claim or demand becomes bankrupt, the town 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 town clerk and not of the Corporation.

Books and papers of Corporation on deaths of officers, &c.

217. In case of the death of any officer or servant of the Corporation, or of the police commissioners, or of the town improvement trustees respectively, 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.

218. Any notice, order, resolution, declaration, requisition, demand, or other instrument, made, given, delivered, or served under this or any other Act in this Act incorporated or referred to, 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 town clerk or of the surveyor, 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

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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.

219. Any notice to, or demand on, the Corporation under this Act may be served on the Corporation by being delivered to the town clerk, or by being sent through the post in a registered letter directed to the town 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.

220. 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 shall include costs.

221. Any 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 magistrate, and shall be included in the warrant of distress for the recovery of such money.

Penalty on an officer or servant taking unauthorised fees.

222. If any officer or servant of the Corporation demands or takes on account of anything done by virtue of his office, or for forbearing to 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, he shall be liable to a penalty not exceeding twenty pounds.

Penalty on pulling down notice boards.

223. 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.

As to recovery of fines.

224. 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 before recited Act of the tenth and eleventh years of the reign of Her present Majesty, chapter two hundred and seven, 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 said recited Act.

Penalties on repetition of offences.

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

Proceedings when offender refuses to state his name.

226. If any person charged with any offence against this Act or any byelaw thereunder refuses to disclose his name, all the necessary proceedings may be had and carried on against him for the recovery of any penalty, forfeiture, or damage imposed or incurred, by the description of his person and of the offence committed, without stating his name, or if one only of his names is known, all such necessary proceedings may be had and carried on against him by such name only.

Punishment of abettors, &c.

227. Where the doing of any act or thing is made punishable by this Act, or by any byelaw thereunder, the causing, procuring, aiding, or abetting such act or thing to be done shall be punishable in like manner, if the case permits, and if an intention to the contrary does not appear in this Act.

General saving of rights.

228. Notwithstanding anything in this Act contained,—

(1.) The Corporation shall continue and be seised and possessed of and entitled to all rights, interests, and property of or to

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which they are at the commencement of this Act seised, possessed, or entitled, as if this Act had not been passed:

(2.) All acts, matters, and things before the commencement of this Act done under the powers and authorities of any Acts by this Act repealed in whole or in part, or under any Act or authority, 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 Corporation or the police commissioners, or the town improvement trustees respectively, by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the said Acts, or any of them, may be continued, commenced, or prosecuted by or against the Corporation:

(4.) All mortgages and securities granted under the Gas Act, or under the Water Act, may be transferred as if this Act had not been passed, and the form of transfer given in the ninth schedule to this Act may be used for that purpose, with such variations as circumstances may require:

(5.) All rates and rents at the commencement of this Act due or accruing due to the Corporation, and the police commissioners, and the town improvement trustees, may from and after the commencement of this Act be collected and recovered by Corporation:

(6.) All books and documents relating to the Corporation, or to the police commissioners, or to the town improvement trustees, shall be receivable in evidence as if this Act had not been passed.

Saving rights, &c. of Corporation.

229. Nothing in this Act shall take away or abridge any right, power, or authority which the Corporation have or may enjoy independently of this Act.

Copies of Act as printed by Queen's printers,

230. The Corporation shall cause copies of this Act, with an index to the contents thereof in each copy, to be printed by the Queen's printers, and to be at all times, after the expiration of one month from the commencement of this Act, kept in the office of the

clerk to the Corporation, open to the inspection of any person on payment of a fee not exceeding one shilling, and to be at all times as aforesaid sold at that office, to all persons applying for the same, at a price not exceeding two shillings and sixpence; and if at any time the Corporation fail to comply with the requisitions of this section they shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding one pound for every day during which such failure continues.

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with index, to be kept and sold.

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

Expenses of Act.

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The FIRST SCHEDULE.

PART I.

ACTS, and PORTIONS of ACTS, relating to the Town and Burgh of Kilmarnock, which are repealed by the foregoing Act.

Date of Act.	Title of Act.	Extent of repeal.
*42 Geo. 3. c. 48. (1802.)	"An Act for opening several new streets in the town of Kilmarnock and county of Ayr; for altering and widening some of the streets, lanes, and passages within the said town; for building two new bridges over the Water of Kilmarnock; for removing the present slaughter-houses in the said town and building new ones, and a town hall and guard-house; for enlarging and repairing the gaol or Tolbooth; for enlarging the burial-ground of the said town; for paving the said town and places adjoining thereto, and removing nuisances and annoyances therein; and for extending the jurisdiction of the magistrates of the said town over certain adjacent lands."	The whole Act.
*53 Geo. 3. c. 8. (1813.)	"An Act for altering and enlarging the provisions of an Act of His present Majesty, for improving the town of Kilmarnock in the county of Ayr."	The whole Act (except such provisions thereof as are set forth in Part II. of this Schedule).
10 & 11 Vict. c. 207. (1847.)	"An Act for amending the Acts relating to the Police and Improvement of the Burgh of Kilmarnock, and for other purposes in relation thereto."	Section 2, and from section 5 to section 27, inclusive, section 32, and Schedules (A.) and (B.) to the Act.

* By section 4 of the 10th & 11th Vict. cap. 207. (the Kilmarnock Police and Improvement Act, 1847), the above Acts were repealed "in so far as inconsistent with the provisions of that Act."

The FIRST SCHEDULE.

PART II.

PARTS and PROVISIONS of FORMER ACTS relating to the Town and Burgh of Kilmarnock, which are continued and made applicable to the extended Burgh by the foregoing Act.

The following provisions of the Act fifty-third George the Third, chapter eight, intituled "An Act for altering and enlarging the provisions of an Act of "His present Majesty, for improving the town of Kilmarnock in the county of "Ayr:"

Provision for upholding the bridge in repair, &c.

"And whereas the said trustees are proprietors of and seised in three shops on the ground floor of the Town House built by the said trustees, and as it will require a certain sum of money annually to uphold and keep in repair the present bridge, and to manage the affairs of the trust created by the said Act after the aforesaid pontage duties shall cease and determine: Be it further enacted, that the said trustees and their successors shall be entitled to hold the southmost of the said three shops in perpetuity, and to apply the rents and profits arising therefrom during continuance of the pontage duties towards the extinction of the said debt, and thereafter in maintaining and upholding the said bridge, and the said shop itself in sufficient and complete repair, and in discharge of the annual expenses incident to the execution of the trust."

The following provisions of the Act 10 & 11 Vict. cap. 207., intituled "An "Act for amending the Acts relating to the Police and Improvement of the "Burgh of Kilmarnock, and for other purposes in relation thereto" (in the foregoing Act referred to as "the Police Act"):—

All the parts, provisions, and schedules of the said Act which are not expressly repealed by Part I. of this Schedule.

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The SECOND SCHEDULE.

Parts of Sections and Clauses of "The General Police and Improvement (Scotland) Act, 1862," which are incorporated with the foregoing Act and made applicable to the extended Burgh.

Part	II.	sec.	1,	clauses	85 and 94.
,,	,,	,,	2,	,,	96 to 100, 102, and 104 to 108.
,,	III.	,,	2,	,,	115 and 117, and 119 to 121 and 124.
,,	IV.	,,	1,	,,	126 to 131 (the whole section).
,,	,,	,,	2,	,,	136.
,,	,,	,,	5,	,,	160 to 164.
,,	,,	,,	7,	,,	196 to 198.
,,	,,	,,	10,	,,	217 to 220.
,,	V.	,,	1,	,,	233 to 247 (the whole section).
,,	,,	,,	2,	,,	248 to 258 ,,
,,	,,	,,	3,	,,	259 to 277 ,,
,,	,,	,,	5,	,,	311 to 326 ,,
,,	,,	,,	6,	,,	327 to 330 ,,
,,	,,	,,	7,	,,	331 to 334 ,,
,,	,,	,,	9,	,,	336 to 342 ,,
,,	,,	,,	11,	,,	344 to 347.
,,	,,	,,	13,	,,	358 to 363 (the whole section).
,,	,,	,,	14,	,,	364 ,,
,,	,,	,,	15,	,,	367.
,,	VI.	,,	2,	,,	384 to 389 (the whole section).
,,	,,	,,	3,	,,	390 to 391 ,,
,,	,,	,,	4,	,,	393.
,,	,,	,,	6,	,,	408 to 432.
,,	,,	,,	6,	,,	434 to 438.
,,	VII.			,,	448 and 449.

The THIRD SCHEDULE.

The Limits and Boundaries of the Burgh of Kilmarnock as altered and extended by the foregoing Act.

From the point on the south of the town of Kilmarnock at which the Kilmarnock Water joins the River Irvine, in a straight line to a point on the Irvine Road where the road to Loanfoot Farmhouse leaves the same; thence in a straight line to the point at which the road to Hillhead leaves the Kilmaurs Road; thence in a straight line to a point on the Glasgow Road where the road to South and North Knockinlaw leaves the same; thence in a straight line to a point on the Kilmarnock Water which is distant seventy-five yards northwards

from the point where the road from Beansburn to Darkpath Toll crosses the Kilmarnock Water; thence in a straight line to the bridge over the Mill Burn on the Mauchline Road; thence down the Mill Burn to the point at which the same joins the river Irvine; thence in a straight line to the Bellsland Bridge, on the road from Riccarton to Galston; thence in a straight line to the point called Witch Knowe at which two roads meet; thence in a straight line to the bridge over the Maxholm Burn on the Ayr Road; thence down the Maxholm Burn to the point at which the same joins the river Irvine; thence down the river Irvine to the point first described, at which the Kilmarnock Water joins the river Irvine.

The FOURTH SCHEDULE.

Boundaries of Wards into which the Burgh of Kilmarnock, as altered and extended by the foregoing Act, shall be divided.

First Ward.

That part of the burgh included within a line drawn from the point where the road to Hillhead leaves the Kilmaurs Road, to a point on the Glasgow Road where the road to South and North Knockinlaw leaves the same; thence in a straight line to a point on the Kilmarnock Water distant seventy-five yards northwards from the point where the road from Beansburn to Darkpath Toll crosses the Kilmarnock Water; thence in a straight line to a point in the parish road passing South Dean, which point is four hundred and thirty yards north-eastwards from the junction of said parish road with Muirs Brae; thence down the said parish road and Muirs Brae to the bridge over the Kilmarnock Water near Craighead; thence down said water to the north end of the factory mill; thence along the centres of Green Street, New Street, and East and West George Streets, to the junction of the last-mentioned street with Langlands Street and John Finnie Street; thence in a line across the Glasgow and South-western Railway till it reaches Hill Street; and thence along the centres of Hill Street and Kilmaurs Road to the point first described.

Second Ward.

That part of the burgh included within a line drawn from the point where the road to Hillhead leaves the Kilmaurs Road to a point on the Irvine Road where the road to Loanfoot Farmhouse leaves the same; thence in a straight line to the junction of the Water of Kilmarnock with the river Irvine; thence up the Kilmarnock Water to the Saint Marnock Street Bridge; thence along the centre of Saint Marnock Street to its junction with John Finnie Street; thence along the centre of John Finnie Street to the junction of the last-mentioned street with Langlands Street and West George Street; thence in a line across the Glasgow and South-western Railway till it reaches Hill Street, and thence along the centre of Hill Street and Kilmaurs Road to the point first described.

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THIRD WARD.

That part of the burgh included within a line drawn from the centre of John Finnie Street, at its junction with Langlands Street and West George Street, along the centres of West and East George Streets, New Street, and Green Street, to the north end of the factory mill; thence down the Water of Kilmarnock to the Flesh Market Bridge; thence along the centre of Market Lane to King Street; thence along the centre of King Street to Saint Marnock Street; thence along the centre of Saint Marnock Street to John Finnie Street; and thence along the centre of John Finnie Street to the point first described.

FOURTH WARD.

That part of the burgh included within a line drawn from the Green Bridge up the Water of Kilmarnock to the bridge near Craighead; thence along Muir's Brae to its junction with the parish road leading to Southdean; thence along said parish road to a point four hundred and thirty yards north-eastwards from the junction of said road with Muir's Brae; thence in a straight line to the bridge over the Millburn on the Mauchline Road; thence down the Millburn to the point at which the same joins the river Irvine; thence down the said river to the road near Richardland Brewery; thence along the centre of said road and East Netherton Street to its junction with Titchfield Street; thence along the centres of Titchfield Street and King Street till opposite to Market Lane; thence along the centre of the said lane to the Flesh Market Bridge; and thence up the Kilmarnock Water to the Green Bridge.

FIFTH WARD.

That part of the burgh included within a line drawn from the junction of Titchfield Street with East Netherton Street, along the centre of said last-mentioned street and the road near Richardland Brewery to the river Irvine; thence up said river to the point at which the Millburn joins the same; thence in a straight line to the Bellsland Bridge, on the road from Riccarton to Galston; thence in a straight line to the point called Witch Knowe at which two roads meet; thence in a straight line to the bridge over the Maxholm Burn on the Ayr Road; thence down the Maxholm Burn to the point at which the same joins the river Irvine; thence down the river Irvine to the point at which the Kilmarnock Water joins the same; thence up the Kilmarnock Water to the bridge at St. Marnock's Street; and thence along the centres of St. Marnock's Street, King Street, and Titchfield Street to the point first described.

The FIFTH SCHEDULE.

THE AGREEMENT between the Kilmarnock Water Company and the Commissioners of Police for the Burgh of Kilmarnock, referred to in the foregoing Act.

It is mutually contracted and agreed between the Kilmarnock Water Company (herein-after called the Water Company), incorporated by "The Kilmar-

nock Water Company's Act, 1866," on the one and first part, and the Commissioners of the Police of the burgh of Kilmarnock, acting under and in virtue of the Act (local and personal) tenth and eleventh of Victoria, chapter two hundred and seven, and "The General Police and Improvement (Scotland) Act, 1862," or some of its provisions, and the other Acts or portions of Acts incorporated with those above specified, on the other and second part, in manner under written; (that is to say,)

First. The said Company have agreed to sell, and do hereby agree to sell, on the terms after mentioned, and the second parties have agreed and do hereby agree, subject to the conditions of their obtaining an Act of Parliament, as after mentioned, to purchase all the present waterworks, lands, reservoirs, buildings, mains, pipes, machinery, apparatus, plant, and implements of trade, powers, rights, and privileges whatsoever of the said Company, as also whatever portion (if any) of the paid-up capital of the said Company as shall not be expended at the term of entry hereinafter mentioned, free from all mortgages, charges, and incumbrances whatsoever, except the annual feu duties and other obligations contained in the feu rights of said lands and heritages, and the existing contracts of the said Company, and the said parties respectively shall perform all acts and execute all deeds necessary to carry out such sale or purchase.

Second. The consideration for the said purchase shall be thirty thousand nine hundred and forty-four pounds sterling, consisting of the following sums; videlicet, nineteen thousand eight hundred pounds, being the amount of the paid-up capital at the last balance of the Company, with ten per centum premium thereon, equal to twenty-one thousand seven hundred and eighty pounds; also ten per centum premium on three thousand two hundred pounds, the unpaid portion of preference shares, amounting to three hundred and twenty pounds; also the sum of three thousand four hundred and forty-four pounds, being the amount carried over from revenue to capital; also the sum of five thousand four hundred pounds borrowed by the said Company on mortgage bonds, as shown in said balance. But in respect that none of said mortgages fall due before the first day of August one thousand eight hundred and seventy-one, and only one before the first day of August one thousand eight hundred and seventy-two, it is hereby provided and declared that if the mortgagees shall refuse to receive payment of the sums respectively due to them, the said second parties shall be bound to take over said mortgage debts, and in such case they shall be entitled to retain payment of the said sum of five thousand four hundred pounds on getting the mortgagees to free and relieve the said Company of said mortgages, and of all interest subsequent to the twenty-sixth day of May preceding the term of entry.

Third. The purchase shall be completed, if the said second parties shall so require, by the execution of a conveyance on the terms of entry, and the term of entry shall be at the first day of August one thousand eight hundred and seventy-one, when the payment of the purchase money shall be made if the Bill after mentioned shall have been passed into an Act of Parliament, and if not, then not later, the said term of payment, than the first day of August one thousand eight hundred and seventy-two. And in

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respect the Company are not to receive payment of the said price till the first day of August, while the second parties are to draw the rates from the twenty-sixth day of May, it is hereby declared that the said second parties shall be bound to pay interest from the twenty-sixth day of May till the first day of August, at the rate of five per centum on the said purchase price, less the sum of five thousand four hundred pounds in the event of the second parties taking over said debt. And if the purchase money be not paid on the said last-mentioned term of entry, then the said purchase and this agreement shall be held to be cancelled, and to be void and null, as if it had never been entered into.

Fourth. Until the said first day of August one thousand eight hundred and seventy-one, or in the event of the said Bill not being then passed into an Act, until the said alternative term of entry, being the first day of August one thousand eight hundred and seventy-two, the said Company will carry on their business as heretofore, at their own expense and risk, and for their own benefit, and will maintain and keep in as good order as at present (reasonable tear and wear being allowed) all the purchased premises, and any extensions or additions thereto.

Fifth. At the said term of entry, and upon payment of said price and penalty and interest, as before and after mentioned, the said Company will deliver over the purchased premises to the second parties, with the whole works, in as complete working condition as at present (damage by inevitable accident and reasonable tear and wear excepted), and so that the supply of water to the community may not in any way be interrupted.

Sixth. Until the said term of entry the said Company will make all such extensions of and additions to their works and plant as they in their discretion shall consider proper and sufficient for the due carrying on as heretofore and development of the business, and will provide the funds out of the unexhausted capital referred to in Article First hereof, for all expenditure on that behalf.

Seventh. The said Company shall keep proper and sufficient accounts and vouchers of said expenditure, and at the said term of entry the second parties shall, over and above the price herein-before stipulated, pay to the said Company the amount of such expenditure (if any), so far as not defrayed from the unexhausted capital above mentioned.

Eighth. The said Company, so far as they are concerned, and so far as their concurrence may be necessary, and the said second parties, will use their utmost endeavours to pass the Bill now promoted or about to be promoted in Parliament by the said second parties for confirming and giving effect to this agreement.

Ninth. The said Bill shall, inter alia, contain a clause not only confirming this agreement and making the same binding on the said Company and the said second parties, but also, if desired by the Company, such provisions as may be proper and sufficient for enabling the said Company, after the sale of their undertaking, to realise their assets and discharge their liabilities, and divide their surplus assets among their shareholders according to their several and respective rights, and to wind up their

affairs, and for their eventual dissolution; and the said Bill shall also (subject to the approval of Parliament) contain clauses to enable the said second parties to raise the said purchase money on security of rates to be levied by them, and all such other clauses as may be necessary for giving effect to and fully carrying out this agreement.

Tenth. In case the said Bill shall not be passed into an Act before the said first day of August one thousand eight hundred and seventy-two, or of Parliament not confirming this agreement before that date, then the same shall be void and of no effect; and farther, in the event of said Bill passing, and the said second parties failing to make payment of said price in terms of Article Third hereof, then and in that case the said Company's Act before referred to shall in no respect be held to be repealed or interfered with, but the same and the whole provisions thereof shall subsist and be in full force as if said Bill had not passed into a law; and declaring that in the event of such failure to pay the said price the said second parties hereby bind and oblige themselves to make payment to the said Company of the sum of one thousand pounds sterling as a solatium or compensation to them for the loss and injury occasioned to them in and through the consequences of the non-fulfilment by the said second parties of their obligation to pay said price; and on the other hand, should the said Company fail to give delivery of the purchased premises and otherways to implement their part of the agreement, then they shall be bound to make payment to the said second parties of the like sum of one thousand pounds sterling as a solatium or compensation to them for the loss and injury sustained to them in and through the consequences of the non-implement of the first parties of their obligation.

Eleventh. The said Bill shall be prosecuted solely by the solicitors and agents of the said second parties, and the same, so far as relates to the sale of the said Company's works, shall be submitted to and revised by the agent of the first parties, who shall be empowered, if deemed expedient by the Company, at any time during the progress of the Bill in Parliament, to employ a solicitor or counsel in London to watch the clauses of the Bill bearing on the purchase of the said works, before being passed into an Act, to see that the interests of the Company are sufficiently protected, but which expenses of watching the said Bill in Parliament shall not exceed sixty pounds.

Twelfth. The whole costs, charges, and expenses which have already been or shall or may hereafter be incurred either by the solicitors and agents of the said second parties or by the solicitors and agents of the first parties, as well as in connexion with and incidental to the promotion and prosecution of as in negotiations for and incidental to the said Bill and this agreement, and the transfer and conveyance of the purchased premises to the second parties, including the stamp duties and revising fees of said agreement and deed of transfer, with the revising fee of said Act, so far as relates to the sale of the said Company's works, and fee to the solicitors or counsel in London, if incurred, shall be wholly borne and paid by the said second parties.

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Thirteenth. If at any time any questions shall arise between the said Company and the said second parties as to the intent, construction, effect, and meaning of this agreement or implement thereof, every such question shall (unless it can be otherwise satisfactorily arranged and disposed of) be and is hereby submitted and referred to the determination of Neil Colquhoun Campbell, Esquire, Advocate, Sheriff of the county of Ayr, whom failing, of Adam Paterson, Esquire, Dean of the Faculty of Procurators in Glasgow, the decision of either of whom shall be final and conclusive, and binding on both parties.

In witness whereof these presents, written upon this and the six preceding pages of stamped paper by Daniel McPherson, apprentice to Thomas Bishop Andrews, solicitor in Kilmarnock, are subscribed in duplicate by Peter Ritchie, the chairman, and James Murchie, another of the directors of the said Kilmarnock Water Company, as specially authorised by and acting and taking burden on them for the whole shareholders thereof, the common seal of the Company being also adhibited hereto, at Kilmarnock, the sixteenth day of December one thousand eight hundred and seventy, before these witnesses, John Torrance and John George Hamilton, both solicitors in Kilmarnock, and are subscribed also in duplicate by John Dickie, Esquire, Provost of Kilmarnock, and James Brown and Allan Andrews, two of the said Commissioners of Police, acting by direction and on behalf of the Commissioners, also at Kilmarnock, the said sixteenth day of December one thousand eight hundred and seventy, before these witnesses, the said Thomas Bishop Andrews and John George Hamilton, the witnesses, being witnesses also to the signing of the marginal addition on page sixth hereof, written as aforesaid, and declaring that the word "than," occurring on the ninth line of Article Third hereof, was written upon an erasure, and that the words "of entry" are inserted by interlineation, so as to read between the words "term" and "being," occurring on the fourth line of Article Fourth hereof, before subscription.

(Signed) Peter Ritchie.
James Murchie.
John Dickie.
James Brown.
Allan Andrews.

Kilmarnock Water Company.

(Signed) John Torrance, witness.
J. G. Hamilton, witness.
T. B. Andrews, witness.
J. G. Hamilton, witness.

The SIXTH SCHEDULE.

AGREEMENT between the Kilmarnock Gaslight Company and the Commissioners of Police of the Burgh of Kilmarnock, referred to in the foregoing Act.

It is mutually contracted and agreed between the Kilmarnock Gaslight Company (herein-after called "the said Company"), incorporated by "The Kilmarnock Gaslight Act, 1855," on the one and first part, and the Commissioners of Police of the burgh of Kilmarnock, acting under and in virtue of the Act (local and personal) tenth and eleventh of Victoria, chapter two hundred and seven, and "The General Police and Improvement (Scotland) Act, 1862," or some of its provisions, and the other Acts or portions of Acts incorporated with those above specified, on the other and second part, in manner underwritten; that is to say,

1. The said Company have agreed to sell, and do hereby agree to sell, on the terms after mentioned, and the second parties have agreed and do hereby agree, subject to the condition of their obtaining an Act of Parliament as after mentioned, to purchase all the present gasworks, lands, buildings, mains, pipes, machinery, apparatus, plant, and implements of trade, powers, rights, and privileges whatsoever of the said Company, as also whatever portion (if any) of the paid-up capital of the said Company shall not be expended at the term of entry herein-after mentioned, free from all mortgages, charges, and incumbrances whatsoever, except the debt of four thousand five hundred pounds after mentioned, and the annual feu duty and other obligations contained in the feu rights of said lands and heritages, and the ordinary contracts for gas and all existing contracts for the sale of the secondary or crude products of gas; and the said Company and the said second parties respectively shall perform all acts and execute all deeds necessary to carry out such sale and purchase, and all such existing contracts for gas and secondary or crude products of gas shall also be taken up by the said second parties, who hereby agree to the same.

2. The consideration for the said purchase shall be forty thousand five hundred pounds sterling, consisting of the sum of thirty-six thousand pounds for and in respect of the paid-up capital of the said Company, and of the sum of four thousand five hundred pounds borrowed by the said Company on mortgage or bond, of which the said second parties agree to free and relieve the said Company, the said Company, however, being liable to pay the interest thereon until the date of transfer after mentioned.

3. The purchase shall be completed, if the said second parties shall so require, by the execution of a conveyance, on the term of entry, and the term of entry shall be, and the payment of the purchase money shall be made on the fourteenth day of June eighteen hundred and seventy-one (being the last day of the financial year eighteen hundred and seventy-one of the said Company), if the Bill after mentioned shall have been then passed into an Act of Parliament,

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and if not, then not later, the said term of payment, than the fourteenth day of June eighteen hundred and seventy-two, and if the purchase money be not paid on the said last term of entry, then the said purchase and this agreement shall be held to be cancelled and void and null, as if it had never been entered into.

4. Until the said fourteenth day of June eighteen hundred and seventy-one, or in the event of the said Bill not being then passed into an Act, then until the said alternative term of entry, being the fourteenth day of June eighteen hundred and seventy-two, the said Company will carry on their business as heretofore, at their own expense and risk and for their own benefit, and will maintain and keep in as good order as at present (reasonable tear and wear being allowed) all the purchased premises, and any extensions thereof and additions thereto.

5. Until the said term of entry the said Company will make all such extensions of and additions to their works and plant as they in their discretion shall consider proper and sufficient for the due carrying on as heretofore and development of their business, and will provide the funds out of the unexhausted paid-up capital referred to in Article First hereof for all expenditure in that behalf.

6. If at any time or times before the said term of entry the said second parties shall require the said Company to make any extension of or addition to their works or plant, not provided for by the preceding article hereof, and furnish to the said Company the funds for all the expenditure in that behalf, the said Company shall duly make all such extensions and additions required, provided they are satisfied that such extensions or additions would be to the permanent advantage of the Company, but not otherways.

7. All extensions and additions under the sixth article hereof shall be made only with the approval and under the direction of an engineer to be appointed jointly by the said first and second parties.

8. The said Company shall keep proper and sufficient accounts and vouchers of all their expenditure under the fifth and sixth heads or articles hereof.

9. At the said term of entry the said second parties shall, over and above the price herein-before stipulated, pay to the said Company the amount of the expenditure of the said Company, under the fifth head or article hereof, so far as not defrayed from the unexhausted capital above mentioned, and also of such part (if any) of their expenditure under the sixth head or article hereof as is not covered by the funds furnished as thereby provided by the said second parties, with interest at the rate of five per cent. per annum on all moneys so expended in excess by the said Company, under the sixth head or article hereof, from the respective times of the outlay thereof.

10. At the said term of entry, and upon payment of said price, the said Company will deliver over the purchased premises to the said second parties, with the ordinary, proper, and sufficient store of gas in the said Company's gas-holders, of at least as good quality as the gas now supplied by the said Company, and with the whole of the gasworks in as complete working condition as at

present (damage by inevitable accident and reasonable tear and wear excepted), and so that the supply of gas may not in any way be interrupted.

11. The stock of meters, retorts, pipes, and other apparatus, so far as these are unfixed or unlaid, and the stock of oils and chemical products, whether now belonging to the said Company, or to be hereafter provided or produced by them prior to the term of entry, as well as the stock of coals and manufactured gas then on hand, and the outstanding accounts that may be due to the Company at the term of entry, and the balance, if any, that may then be at the credit of the "reserve account" of the said Company, are not included in the purchased premises; but on the said term of entry the Company will sell and the said second parties will purchase the coals then belonging to the said Company, and stored at their works in West Langlands Street, Kilmarnock, at the invoice price at which the same were purchased by the said Company, with the cost of carriage and storing added; and at the said term the said Company will also sell and the said second parties will purchase by agreement, and failing such agreement, then at a valuation, the said stock of meters, retorts, pipes, and other apparatus, so far as these are unfixed or unlaid, and the stock of oils and chemical products then belonging to the said Company.

12. The valuation under the eleventh article shall be made by George Robertson Hislop, of the Paisley Gasworks, whom failing, James Hislop, of the Ayr Gasworks.

13. Within one month after the making of the said valuation the said second parties will pay to the said Company the amount thereof, with interest at the rate of five per centum per annum thereon, computed from the said term of entry to the time of the actual payment of the amount of such valuation.

14. The said second parties will, as soon as can be after the said term of entry, if required by the Company, collect and recover all gas rates or rents due at that date to the said Company, and all such gas rates or rents then current; and will from time to time, at the end of every calendar month from the said term of entry, pay to the said Company the amount of the gas rates or rents due at the time of such completion, or the fair proportion of the gas rates or rents then current, and respectively so collected and recovered, less a commission at the rate of five per centum for the trouble and expense of the collection, and less also all expenses reasonably and properly incurred in enforcing the recovery, provided that authority to that effect shall have been given by the said Company.

15. The said Company, so far as they are concerned, and so far as their concurrence may be necessary, and the said second parties, will use their utmost endeavours to pass the Bill now promoted or about to be promoted in Parliament by the said second parties for confirming and giving effect to this agreement.

16. The said Bill shall, inter alia, contain not only a clause confirming this agreement and making the same binding on the said Company and the said second parties, but also, if desired by the Company, such provisions as may be proper and sufficient for enabling the said Company, after the sale of their undertaking, to realise their assets and discharge their liabilities, and divide

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their surplus assets among their shareholders according to their several and respective rights, and to wind up their affairs, and for their eventual dissolution; and the said Bill shall also (subject to the approval of Parliament) contain clauses to enable the said second parties to raise the said purchase money on security of rates to be levied by them, and all such other clauses as may be necessary for giving effect to and fully carrying out this agreement.

17. In case the said Bill shall not, from whatever cause, be passed before the said fourteenth day of June eighteen hundred and seventy-two, or of Parliament not confirming this agreement before that date, then the same shall be void and of no effect; and further, in the event of said Bill passing, and the said second parties failing to make payment of said price in terms of Article Third hereof, then and in that case the said Company's Act before referred to shall in no respect be held to be repealed or interfered with, but the same and the whole provisions thereof shall subsist and be in force as if said Bill had not passed into law; and declaring that in the event of such failure to pay the said price, the said second parties hereby bind and oblige themselves to make payment to the said Company of the sum of one thousand pounds as a solatium or compensation to them for the loss and injury occasioned to them in and through the consequences of the non-fulfilment by the said second parties of their obligation to pay said price; and on the other hand, should the said Company fail to give delivery of the purchased premises, and otherways to implement their part of the agreement, then they shall be bound to make payment to the said second parties of the sum of one thousand pounds as a solatium or compensation to them for the loss and injury occasioned to them in and through the consequences of the non-fulfilment by the said first parties of their obligation.

18. The said Bill shall be prosecuted solely by the solicitors and agents of the said second parties, and the costs, charges, and expenses which have already been or shall or may hereafter be incurred, as well in connexion with and incidental to the promotion and prosecution of as in negotiations for and incidental to the said Bill and this agreement, and the transfer and conveyance of the purchased premises to the said second parties, shall be wholly borne and paid by the said second parties.

19. The said Company reserve power, should they deem it necessary to exercise it, and that at any time during the progress of said Bill in Parliament, to employ a solicitor in London to attend to the interest of said Company as regards any clause or clauses in said Bill bearing upon the purchase of the works by the said second parties from said Company, and the expense thereof, and of any proceedings incident thereto, not exceeding sixty pounds, shall be borne by the said second parties.

20. If at any time any questions shall arise between the said Company and the said second parties as to the intent, construction, effect, and meaning of this agreement or implement thereof, every such question shall (unless it can be otherwise satisfactorily arranged and disposed of) be and is hereby submitted and referred to the determination of Neil Colquhoun Campbell, Esquire, Sheriff of the county of Ayr, whom failing, Adam Paterson, Esquire, Dean of the Faculty of Procurators, Glasgow, the decision of either of whom shall be final

and conclusive, and binding on both parties. In witness whereof these presents, written upon this and the four preceding pages of stamped paper by Robert Bowie, apprentice to J. and J. Sturrock, writers in Kilmarnock, are subscribed in duplicate (one word in the nineteenth line from the top of page second of this duplicate being deleted before subscription) by Peter Sturrock, coalmaster, Kilmarnock, the chairman, and James Donald, merchant there, another of the directors of the said Kilmarnock Gaslight Company, as specially authorised by and acting and taking burden on them for the whole shareholders thereof, the common seal of the Company being also adhibited hereto, at Kilmarnock, the tenth day of December eighteen hundred and seventy, before these witnesses, David Reid and William Rankin, both clerks to A. and J. Hamilton, writers in Kilmarnock, and are subscribed also in duplicate by John Reid, shawl printer, Kilmarnock, and John Lawson, draper there, two of the said Commissioners of Police, acting by direction and on behalf of the Commissioners, at Kilmarnock, on the same day, before these witnesses, John Sturrock, writer in Kilmarnock, and Robert Bowie, above designed.

(Signed) P. Sturrock.
James Donald.
John Reid.
John Lawson.

Kilmarnock Gaslight Company.

(Signed) David Reid, witness.
William Rankin, witness.
John Sturrock, witness.
Robert Bowie, witness.

The SEVENTH SCHEDULE.

Limits of Lands for Manufacture and Storing of Gas.

The plot of ground part of the lands of Langland, bounded on the south by Park Street and the properties of John Clark, Robert Howie, and Mrs. Robert Clelland, on the west by the properties of Andrew Barclay and John Clark, on the north by West Langland Street and the property of Messrs. James Paton and Sons and the late James Dunlop of Annanhill, and on the east by Langland Street and the property of the said James Dunlop; and also the plot of ground bounded on the north by West Netherton Street, on the east by High Glencairn Street and the property of William Tait, on the south by the properties of William Tait and John Watson, and on the west by a road commonly called Garden Lane, all within the town of Kilmarnock.

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The EIGHTH SCHEDULE.

FORM of RATE.

An Assessment to the domestic water rate [*or* public water rate, *or* other rate, *as the case may be*] for the municipal burgh of Kilmarnock, for the year from the twenty-sixth day of May one thousand eight hundred and
to the twenty-sixth day of May one thousand eight hundred and
, at the rate of in the pound.

Number in the rate.	Name of person rated.	Name of the owner of the property rated.	Description and situation of property.	Full annual value.	Rate at in the pound.

The NINTH SCHEDULE.

No. 1.—FORM of MORTGAGE.

KILMARNOCK CORPORATION WATERWORKS [*or* GASWORKS, *or* STREET IMPROVEMENTS, *as the case may be*].

Mortgage No. £

By virtue of "The Kilmarnock Municipal Extension and Improvement Act, 1871," we, "the Corporation of Kilmarnock," in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer 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* street improvements, *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 endorsed hereon, and signed by the said mortgagee or his foresaids, and by the treasurer 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 treasurer, nor tested; and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of [*specify rate*] per centum per annum), the said 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 aforesaids 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*].

No. 2.—Form of Interest Warrant.

Kilmarnock Corporation Waterworks (*or* Gasworks, *or* Street Improvements, *as the case may be*).

Mortgage No. . Dated 18 .

Interest Warrant

For	pounds	shillings and	pence	£	: :
			Less income tax		: :
				£	: :

Payable on 18 , at the .

Treasurer.

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No. 3.—Form of Certificate of Funded Debt.

This is to certify that *A.B.* [*name and designation*] is the holder of pounds of "The Kilmarnock Municipal Corporation Funded Debt" ("Gasworks"), *or* ("Waterworks"), *or* ("Street Improvements"), *as the case may be*, created by and under the provisions of "The Kilmarnock Municipal Extension and Improvement Act, 1871," and is entitled to receive an annuity on the said sum at the rate of per centum per annum.

Signed this day of one thousand eight hundred and

No. 4.—Form of Discharge.

Received from the treasurer to the Corporation of Kilmarnock, acting on their behalf, the sum of , being the principal sum contained in the within mortgage (all interest due thereon having been previously paid), and the said mortgage is now delivered up as paid.

Dated this day of one thousand eight hundred and

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