



CHAPTER lxxiii.

An Act for extending the municipal and police boundaries of the burgh of Ayr; for authorising the widening and improvement of existing streets, the construction of additional waterworks, and the extension of the limits of water supply; and for other purposes. [16th July 1885.] A.D. 1885.

WHEREAS the General Police and Improvement (Scotland) Act 1862 has been adopted in the burgh of Ayr (herein-after called "the burgh"), and the provisions of that Act are now in force within the burgh:

And whereas by the Ayr Burgh Act 1873 (herein-after called "the recited Act"), the municipal boundaries of the burgh were enlarged and made co-extensive with the parliamentary boundaries thereof: 36 & 37 Vict.
c. 200.

And whereas by the recited Act the undertaking of the Ayr Water Company was transferred to and vested in the provost, magistrates, and councillors of the burgh, who by means thereof are now supplying water to the burgh and places adjacent:

And whereas the population of the burgh has, since the passing of the recited Act, greatly increased, and spread beyond the boundaries then fixed, and it is expedient that those boundaries should be extended, and that provision should be made for dividing the extended burgh into wards:

And whereas a small portion of the lands proposed to be included within the municipal boundaries is situate within the parish of Maybole, and it is expedient that such portion of the said parish should, for certain purposes, form part of the parish of Ayr:

And whereas it is expedient that the provost, magistrates, and councillors of the extended burgh (herein-after called "the Corporation") should be authorised to execute certain street improvements as in this Act provided, and that powers should be conferred upon them for the better regulation and maintenance of streets and footpaths:

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And whereas it is expedient that the Corporation should be authorised to construct additional waterworks, and to borrow a further sum of money, and that the limits of supply of water fixed by the recited Act should be extended :

And whereas plans and sections, showing the lines and levels of the works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk for the county of Ayr in his office at Ayr, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

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

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

I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Ayr Burgh Act 1885.

Commence-
ment of Act.

2. This Act shall commence and come into operation on and from the date of the passing thereof, and shall be carried into execution by the Corporation.

Provisions of
Police Act to
apply to
extended
burgh.

3. The provisions of the General Police and Improvement (Scotland) Act 1862, except in so far as inconsistent with or varied by this Act, shall on and from the commencement of this Act be held to have been adopted in and shall apply to the extended burgh ; and the expression “the commissioners,” in those provisions as thus applied shall mean the Corporation.

Incorporation
of Acts.

4. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Act) are incorporated with this Act, viz. :—

The Lands Clauses Consolidation (Scotland) Act 1845 ;

The Lands Clauses Consolidation Acts Amendment Act 1860 ;

Sections eighteen to twenty-two inclusive and section twenty-four of the Railways Clauses Consolidation (Scotland) Act 1845, and the provisions of the last-mentioned Act with respect to the temporary occupation of lands near the railway during the construction thereof ; but such last-mentioned provisions shall

apply only in the case of the reservoir by this Act authorised and the works immediately connected therewith;

The Waterworks Clauses Act 1847, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit;

The Waterworks Clauses Act 1863; and

The clauses of the Commissioners Clauses Act 1847, with respect to the appointment and accountability of the officers of the commissioners, and with respect to the mortgages to be executed by the commissioners, with the exception of the provisions respecting the form and execution of mortgages, and of clauses eighty, eighty-four, eighty-six, and eighty-seven.

5. In this Act the several words and expressions, to which meanings are assigned by the Acts wholly or partially incorporated herewith, have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Interpretation.

The expression "the burgh" or "the existing burgh" means the burgh of Ayr as existing previously to the commencement of this Act;

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

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

The expression "extended limits of supply" means the extended limits of water supply as defined in the Second Schedule to this Act annexed;

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

The expressions "the provost," "the magistrates," "the town council," "the dean of guild," and "the town clerk" mean respectively the provost, the magistrates, the town council, the dean of guild, and the town clerk of the extended burgh;

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

The expression "the county" means the county of Ayr;

The expression "the sheriff" means the sheriff of the county, and shall, except as regards the division of the extended burgh into wards, and the alteration and re-arrangement of wards and drainage districts, include his substitutes;

The expression "the Valuation Acts" means the Public Act of the seventeenth and eighteenth years of the reign of Her

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present Majesty, chapter ninety-one, intituled "An Act for the Valuation of Lands and Heritages in Scotland," and any Acts amending that Act;

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

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

The word "dwelling-house" (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 which shall be used or occupied in connexion therewith, as a shop, warehouse, counting-house, chambers, or office of any description, or as a stable, or coach-house, and any garden, vinery, or greenhouse, attached or belonging thereto respectively, unless in the cases in which a supply of water is given by agreement;

The word "street" shall extend to and include any public road, bridge, lane, square, court, alley, close, wynd, vennel, thoroughfare, or passage;

In the Acts, or any of them, incorporated wholly or partially with this Act, the expressions "the promoters of the undertaking," "the company," "the commissioners," and "the undertakers," respectively mean the Corporation; and the expression "the undertaking," or "the waterworks," extends to and includes the waterworks and works connected therewith belonging or which shall belong to the Corporation under the recited Act and this Act; and in the said sections of the Railways Clauses Consolidation (Scotland) Act 1845, as incorporated with this Act, the expression "the railway" means the several works authorised by this Act, and the expression "the centre of the railway" means any part of those works as delineated on the deposited plans.

II.—MUNICIPAL.

Limits of
extended
burgh.

6. The extended burgh shall comprise the district the boundaries of which are described in the First Schedule to this Act annexed, in addition to the existing burgh.

Deposit of
map of burgh.

7. An ordnance survey map or plan, certified and signed by the provost and the town clerk, showing the existing municipal and parliamentary boundary, and also the limits of the extended burgh as fixed by this Act, shall, within four weeks after the commencement of this Act, be deposited with the town clerk, and with the sheriff clerk of the county, at their offices respectively, and shall be open at all reasonable times to the inspection of any ratepayer

without charge, and a copy thereof certified by the town clerk shall be sent as soon as may be after such deposit to the Director General of Her Majesty's Ordnance Survey. A.D. 1885.

8. Nothing in this Act contained shall interfere with the county of Ayr, or the parliamentary burgh of Ayr, or the limits thereof, or the electors thereof, so far as regards the election of members to serve in Parliament for the said county and burgh; and the said county and burgh respectively shall, for parliamentary purposes, remain in all respects the same as if this Act had not been passed. Act not to affect election of members to serve in Parliament.

9. The right of electing the town council in the extended burgh shall be in and belong to all such persons as have, or shall have, the qualifications specified and described in the third section of the Municipal Elections Amendment (Scotland) Act 1868, as amended by the Municipal Elections Amendment (Scotland) Act 1881; and for the purposes of that section the extended burgh shall be held to be a royal burgh contributing to return a member to Parliament, the municipal boundaries of which have been extended by a local Act of Parliament beyond the parliamentary boundaries thereof. Qualification of electors.

10. The assessor for the burgh under the Valuation Acts shall, in making up the valuation roll for the burgh for the year from Whitsunday, one thousand eight hundred and eighty-five, to Whitsunday, one thousand eight hundred and eighty-six, include therein the district annexed, and the assessor for the extended burgh shall annually thereafter make up a valuation roll for the extended burgh, and the procedure and right of appeal and forms shall be the same as are provided by the said Acts in relation to the existing burgh; and for all municipal and police purposes, and for all assessments imposed or which may be imposed within the extended burgh, by any legally appointed assessing body under this Act or any other Act, the said roll shall be deemed to be the valuation roll under the Valuation Acts, and the expense of making up such roll shall be paid out of the assessments authorised to be levied by the Corporation under the powers of the Valuation Acts and this Act: Provided always, that no lands or heritages shall be assessed in the county for the same purposes as those for which they are assessable under this Act, although such lands and heritages may be included in the valuation roll made up for the county. Valuation roll.

11. From and after the commencement of this Act the district annexed shall be and the same is hereby disjoined from the county for all the purposes of this Act; and the provost, the magistrates, the dean of guild, and the town council, respectively, shall have and possess, and may exercise in and over the extended burgh, and the inhabitants thereof, and the buildings, roads, and bridges therein, District annexed to burgh disjoined from county, and powers and jurisdiction of Corpora-

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tion, &c.,
extended
over same.

all the jurisdictions, powers, rights, and authorities which the provost, the magistrates, the dean of guild, and the town council respectively of the existing burgh now have and possess, and may exercise in and over the existing burgh, and the inhabitants thereof, and the buildings, roads, and bridges therein, whether at common law or by statute, or royal charter or otherwise, including all powers of imposing, levying, and recovering rates, taxes, and assessments; and the powers, rights, authorities, and jurisdictions now possessed and exerciseable in or with respect to the district annexed, by the county road trustees, the county road board, and the justices of the peace of the county, and by all persons holding offices under those respective bodies, shall cease and determine.

Annual pay-
ment to
Carrick dis-
trict com-
mittee of
county road
trustees.

12. The Corporation shall pay to the Carrick district committee of the county road trustees of the county of Ayr, at the term of Whitsunday in each year in all time coming, the sum of six pounds sterling, in full compensation for all loss which may be sustained by the said trustees, by reason of the annexation to the burgh of a portion of the parish of Maybole, forming part of the district of Carrick, under the provisions of this Act.

Continuance
in office of
town council.

13. The town council shall continue to consist of the same number of members as at present, and shall continue in office, subject to the provisions of the statutes regulating the election and retirement of councillors, and the order of their retirement shall not be affected.

Division of
burgh into
wards.

14. The extended burgh shall, for the election of town councillors, be divided into six wards, being the number of wards into which the burgh is at present divided; and, as soon as conveniently may be after the commencement of this Act, the provost, the sheriff, and a person to be appointed by one of Her Majesty's Principal Secretaries of State, or any two of those persons, shall divide the extended burgh into six wards, to be designated by the same respective numbers as the existing wards, and for that purpose may alter the existing wards, or such of them as they may deem expedient, to the same effect and in the way and subject to the procedure provided by the sixteenth section of the Municipal Elections Amendment (Scotland) Act 1868.

Future
elections of
councillors.

15. On the first Tuesday in November, one thousand eight hundred and eighty-five, and the first Tuesday in November in every year thereafter, the qualified electors in the wards numbered as aforesaid into which the extended burgh shall be divided shall proceed in the usual manner to return members to the town council in lieu of those who retire by rotation and otherwise from the wards at present designated by the same respective numbers.

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

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Parochial arrangements not to be affected.

17. Nothing in this Act shall affect or alter the powers, duties, jurisdictions, rights, or obligations of any school board having or which may have schools or other buildings within the district annexed, or their rights of property or of levying assessments under the Education (Scotland) Act 1872, and any Acts amending that Act, but nothing herein contained shall prevent the same being dealt with under the powers of the Education (Scotland) Act 1878.

Act not to affect school boards.

18. Nothing in this Act shall affect the teinds payable out of the district annexed, or the rights, privileges, or emoluments of the ministers, kirk sessions, schoolmasters, or session clerks of the parishes within the same.

Teinds not to be affected.

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

Tenure and records not to be affected.

20. No part of the district annexed nor any persons therein shall be subject to any thirlage to which such district or persons were not subject previously to the commencement of this Act.

Thirlage not to be affected.

21. Nothing in this Act shall alter, diminish, or affect the existing authority or jurisdiction of the sheriff.

Jurisdiction of sheriff not to be affected.

III.—STREET IMPROVEMENTS AND NEW WATERWORKS.

22. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the widenings and improvements of streets herein-after described, with all proper carriageways, footways, and other works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans, and described in the deposited books of reference, as may be required for those purposes, and for providing space for the erection of shops, houses, and other buildings fronting on the said widened streets. Provided that no land shall be taken under this power at a greater distance from the centre of such streets than eighty-five feet. The widenings and

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

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A widening and improvement of the street called High Street, in the royal burgh and parish of Ayr, on the eastern side of that street, commencing at a point at or near the northern side of the close or passage called No. 160, High Street, and terminating at a point at or near the centre of Mill Street ; and

A widening and improvement of the street called Kyle Street, in the said royal burgh and parish, on the eastern side of that street, commencing at a point at or near the northern side of the close or passage called No. 1, Kyle street, and terminating at a point at or near the southern boundary of the property called No. 35, Kyle Street.

Power to
make new
waterworks.

23. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the waterworks herein-after described, and may enter upon, take, and use such of the lands, lochs, and streams delineated on the said plans, and described in the deposited books of reference, as may be required for that purpose. The works herein-before referred to and authorised by this Act are—

First. A reservoir, being an enlargement of the loch known as Loch Finlas, in the parish of Straiton and county of Ayr, to be formed by an embankment across the present outlet of that loch called the Garpel Burn, at a point about one hundred and seventy yards north-eastward from the north-eastern side of the island in the said loch called M'Dill's Isle ; which reservoir will commence at a point on the stream connecting Derclach Loch and Loch Finlas, and will terminate at the said intended embankment, and will be situate wholly in the parish of Straiton and county of Ayr ;

Second. A conduit or line of pipes, commencing in the intended reservoir herein-before described, at the point where the said intended embankment will cross the said Garpel Burn, and terminating at or near the south-western corner of the ground occupied by the existing filters and pure water tank of the Corporation, known as Barrhill filters, which intended conduit or line of pipes will be situate in the parishes of Straiton, Dalmellington, Dalrymple, and Ayr, all in the county of Ayr ;

Third. A conduit or line of pipes, commencing by a junction with the conduit or line of pipes herein-before described, at a point about one hundred yards north-westward from the north-western corner of Dalrymple Railway Station, and about eighty-four yards south-eastward from the south-eastern corner of Carcluie

farmsteading, and terminating at or near the eastern end of the embankment between the two existing reservoirs belonging to the Corporation known as the Carcluie Reservoirs, all in the parish of Ayr, and county of Ayr;

Fourth. Filters and pure water tanks, at or near the north-western corner of the field numbered 283 on the Ordnance Survey map, in the parish of Dalrymple, and county of Ayr:

Together with all proper embankments, dams, weirs, bridges, roads, approaches, ways, wells, tanks, basins, gauges, filter-beds, standpipes, sluices, outlets, outfalls, drains, discharge-pipes, adits, shafts, tunnels, aqueducts, culverts, cuts, channels, conduits, mains, pipes, junctions, valves, engines, buildings, apparatus, and other conveniences in connexion with the said works, or any of them, or necessary or convenient for diverting, impounding, taking, collecting, storing, conducting, distributing, and regulating the supply of water for the purposes herein-after mentioned, and for compensating all persons whose supply of water may be affected by or in consequence of the works herein-before described, or the other powers of this Act, and for inspecting, maintaining, repairing, altering, cleansing, managing, and using the said several works.

24. In the construction of the conduit or line of pipes marked No. 2 on the deposited plans and sections, being the work secondly described in the immediately preceding section of this Act, the following provisions for the protection of the Glasgow and South-western Railway Company (herein-after called "the Company") shall be observed and have effect (that is to say):

For protection of Glasgow and South-western Railway Company.

(1.) The said conduit shall not be carried along the roadway of the bridges which cross over the railway of the company near Downieston, near Smithston, and at Dalrymple Station, but shall be carried over and across the said railway, at each of these places, only by means of a wrought-iron box girder placed outside the parapet on the south-western side of the said bridges, by and at the expense of the Corporation; and the Corporation may, for the purpose of such wrought-iron box girders, make use of the wing-walls of the said bridges; provided that, if required by the company's engineer, the Corporation shall strengthen or make such additions to the said bridges and wing-walls as may, in the opinion of the said engineer, be reasonably necessary:

(2.) The wrought-iron box girders and the necessary accompanying masonry supports therefor shall be executed by the Corporation, and all works of the Corporation upon, across, over, or adjoining the works or lands of the company, or in the opinion of the engineer of the company affecting or liable

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to affect the same, shall be executed according to plans, sections, and specifications first approved of by him, and in all respects under his superintendence, and to his reasonable satisfaction; and the pipes to be laid along or upon the said bridges shall be made of an extra thickness, and tested by extra pressure in the pipemaker's yard, to the reasonable satisfaction of the said engineer:

- (3.) The Corporation shall not acquire any portion of the lands or property of the company, but only the right, servitude, or privilege of making and maintaining the said conduit as hereby provided; and the compensation payable by the Corporation to the company in respect thereof shall, in case of difference, be settled by arbitration in terms of the Lands Clauses Consolidation (Scotland) Act 1845:
- (4.) Before the Corporation enter upon or interfere with any property belonging to the company, they shall give the company one month's notice of their intention to enter upon or interfere with the same:
- (5.) The said works shall be carried on, completed, and maintained at the sole risk of the Corporation, who shall be liable for all damages which may be occasioned to the railways or works of the company connected therewith or affected thereby, or to the traffic thereon, by or in consequence of the operations of the Corporation, whensoever such damages may occur:
- (6.) The said works shall be constructed, and any repairs necessary for their maintenance shall be executed, at such times as may be fixed by the engineer of the company, and so that the traffic on the company's railway shall not be interrupted; but in case that traffic shall be interrupted the Corporation shall pay to the company the actual loss and damage which they may sustain or incur by such interruption; and in default of payment of any such loss and damage, on demand being made on the Corporation, the company may sue for and recover the same, with full expenses against the Corporation, by action in the Court of Session, or before the sheriff of the county of Ayr:
- (7.) If any difference arise between the Corporation and the company, as to the true intent and meaning of this section and the mode of giving effect thereto, the same shall be settled by arbitration in terms of the Railways Clauses Consolidation (Scotland) Act 1845, with respect to the settlement of disputes by arbitration.

Omission or
mis-state-
ment in plans
or books of

25. If there be any omission, mis-statement, or erroneous description of any lands or the buildings thereon, or of the owners, lessees, or occupiers of any lands or buildings, shown on the deposited plans

or specified in the deposited books of reference, the Corporation may, after giving ten days notice to the owners, lessees, and occupiers affected by such proposed correction, apply to the sheriff for the correction thereof; and if it appear to the sheriff that such omission, mis-statement, or erroneous description arose from accident or mistake, he shall certify the same accordingly, (and shall in such certificate state the particulars of the omission, and in what respect any such matter is mis-stated or erroneously described, and the decision of the sheriff in such matter shall be final.

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reference
may be
corrected.

26. The certificate of the sheriff shall be deposited in the office at Ayr of the sheriff clerk of the county, and a duplicate thereof shall be deposited with the session clerk of the parish and the town clerk of the royal burgh in which the lands or buildings are situate, in respect to which, or to the owners, lessees, or occupiers whereof, the omission, mis-statement, or erroneous description occurred, and such certificate and duplicate shall be kept by such sheriff clerk, session clerk, and town clerk respectively along with the other documents to which they relate; and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate; and the Corporation may purchase, take, and use, for the purposes of this Act, any lands in accordance with such certificate, as if such omission, mis-statement, or erroneous description had not been made.

Certificates
to be de-
posited.

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

Period for
compulsory
purchase of
lands.

28. If the works by this Act authorised shall not be completed within ten years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the said works, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed: Provided always, that nothing herein contained shall restrain the Corporation from extending their mains and pipes from time to time, whenever it shall be necessary so to do, for the purpose of supplying water within the limits of supply as defined by this Act.

Period for
completion
of works.

29. For the purposes and during the execution of the several works which the Corporation are by this Act authorised to make, and subject to the provisions of this Act, the Corporation may from time to time alter or stop up, temporarily, any streets, roads, lanes, paths, bridges, passages, sewers, drains, watercourses, gas-pipes, water-pipes, and electric apparatus, in any of the lands shown on

Power to
alter roads,
&c. tempo-
rarily.

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Lateral and
vertical
deviations.

30. In executing the several works by this Act authorised, the Corporation may, subject to the provisions of this Act, deviate from the respective lines of the said works shown on the deposited plans, to any extent within the limits of deviation shown thereon; and the Corporation may, so far as regards the said widenings and improvements of streets, deviate from the respective levels of those works, as referred to the datum line shown on the deposited sections thereof, to any extent not exceeding three feet; and they may, so far as regards the said waterworks, deviate from the respective levels of those works, as referred to the datum line shown on the deposited sections thereof, to any extent in the case of the conduits or lines of pipes, and to any extent not exceeding five feet in the case of the other works: Provided always, that none of the said works shall, by means of any such deviation, 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 be omitted by mistake, and the fact that the omission proceeded from mistake be certified as is by this Act provided in cases of accidental errors in the books of reference: Provided also, that the Corporation shall not, in the exercise of the power of lateral deviation hereby given, construct the embankment herein-before mentioned of a greater height above the general surface of the ground than two feet above the height of the said embankment, as shown on the deposited sections.

Power to
make minor
works.

31. Subject to the provisions of this Act, 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 works which they are hereby authorised to make, and for the purposes thereof, to make junctions and communications with any existing streets which may be intersected or interfered with by the same or be contiguous thereto, and for the purpose of such junctions or communications the Corporation may alter the lines or levels of existing streets, and may remove, stop up, or appropriate all or any part of any streets, lanes, paths, passages, sewers, drains,

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watercourses, electric apparatus, and gas or water pipes, or other property within the limits of lateral deviation defined on the deposited plans, making full compensation to all persons injuriously affected by the exercise of the powers of this section: Provided that nothing in this section shall extend to authorise any interference with electric apparatus or other property of Her Majesty's Postmaster General: Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882, to which the provisions of section 15 of that Act apply.

32. In addition to the lands authorised to be taken compulsorily for the purposes of their waterworks, the Corporation may purchase by agreement lands, not exceeding in the whole ten acres, for the purposes of depôts, pipe yards, and other buildings and conveniences in connexion with such waterworks: Provided that no buildings shall be erected on the lands so purchased except buildings required for purposes of the waterworks.

Lands for extraordinary purposes.

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

Power to take servitudes by agreement.

34. Sections 44, 45, 46, and 48 of the recited Act, relating to the widening and improvement authorised by that Act, shall apply to the widenings and improvements authorised by this Act, save that the titles to property acquired by the Corporation for the last-mentioned purposes shall be taken in the name of the Corporation acting under this Act.

Sections 44, 45, 46, and 48 of recited Act to apply to improvements under this Act.

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

Restriction as to houses of labouring class.

(a.) They shall have obtained the approval of Her Majesty's Secretary of State for the Home Department (herein-after in

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—

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

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

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

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

Provided that the Secretary of State may dispense with the last-mentioned requirement, [subject to such conditions (if any) as he may see fit.

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

(5.) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions, or displace, or cause to be displaced, the persons residing in any house or houses in contravention of the requirements of the scheme, they shall be liable to a penalty of five hundred pounds in respect of every such house, which penalty shall be recoverable by the Secretary of State by action in the Court of Session, and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

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

(6.) For the purpose of carrying out any scheme under this section, the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase such further lands as they may require, and for the

purpose of any such purchase section 90 of the Public Health (Scotland) Act 1867 shall be incorporated with this Act, and shall apply to the purchase of lands by the Corporation for the purposes of any scheme under this section, in the same manner in all respects as if the Corporation were a local authority within the meaning of the Public Health (Scotland) Act 1867, and the scheme were one of the purposes of that Act; and the Secretary of State, and any person appointed by him to hold inquiry, shall have and may exercise, for the purpose of any scheme under this section, all the powers vested in them respectively under the last-mentioned Act as if such scheme were one of the purposes of that Act.

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

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

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

(8.) The Corporation shall pay to the Secretary of State a sum, to be fixed by him, in respect of the preparation and issue of any provisional order in pursuance of this section, and any expenses incurred by him in relation to any inquiry under this section, including the expenses of any witnesses summoned by the person holding the inquiry, and a sum to be fixed by him not exceeding three guineas a day for the services of such person.

(9.) For the purposes of this section the expression "labouring class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants, whose income does not exceed an average of thirty shillings

A.D. 1885. a week, and the families of [any such persons who may be residing with them.

Power to take water and supply same within extended limits.

36. The Corporation may, by means of the works by this Act authorised, divert, impound, take, appropriate, store, use, and distribute the waters of the said Derclach Loch and Loch Finlas, and of the stream connecting these lochs, and of all streams, springs, and waters arising within the said lochs and stream, and within the site of the reservoir herein-before described, and other works authorised by this Act, and may from such works supply water within the extended limits of supply, set forth in the Second Schedule to this Act annexed, and (subject to the provisions herein-after contained) to any places adjacent or near to those limits or to any of the water-works of the Corporation; and the Corporation may, if they see fit, raise the level of the water in the said intended reservoir to the extent of eight feet above the present level of the water in Loch Finlas.

Payments to be made by Corporation for altering and maintaining sluices, &c. at issue of Loch Doon and provision for regulation thereof.

37. Whereas the waters which the Corporation are by this Act authorised to impound and appropriate flow at present down the Garpel Burn into Loch Doon, and the waters of that loch flow into the River Doon through lands belonging or reputed to belong to the Most Honourable Archibald Marquess of Ailsa, and to Alexander Frederic McAdam, Esquire, of Craigengillan: And whereas the said Marquess claims that the issue of the waters from Loch Doon into the said river has for time immemorial been regulated by means of sluices maintained by him and his predecessors: And whereas the Most Noble William John Arthur Charles James Duke of Portland is the owner or reputed owner of the estate and mills of Skeldon, and other properties on the banks of the said river, and of certain salmon fishings therein: And whereas the Corporation have agreed to make the payments herein-after provided, in order to secure a sufficient supply of water for the use of the mills and other properties on the banks of the said river, and the passage of salmon between the same and Loch Doon: And the said several parties have agreed that the said sluices should be repaired, altered, maintained and regulated, and that a salmon-pass, or passes, should be constructed in manner herein-after provided: Therefore the Corporation shall pay to the said Duke or his successor in the estate of Skeldon, the said Marquess or his successor in the estates of Cassilis and Culzean, and the said Alexander Frederic McAdam, or his successor in the estate of Berbeth, the sum of seven hundred and fifty pounds, or such less sum as may be necessary for repairing and altering the said sluices, and constructing a salmon-pass or passes at the issue of Loch

Doon into the River Doon, to the satisfaction of the said Marquess or of his successor aforesaid, the said sum being payable on the completion of the said works, with interest from that date till paid, and any excess in the cost thereof above that sum being paid by the said Duke or his successor aforesaid; and the Corporation shall likewise, in all time thereafter, pay to the said Marquess, or to his successor aforesaid, the sum of ten pounds at the term of Whitsunday in each year, to be applied in maintaining the said sluices and pass or passes, which sluices and pass or passes shall be maintained and regulated by the said Duke, the said Marquess, and the said Alexander Frederic McAdam, and their respective successors aforesaid, so that at all times a supply of water may be sent down the River Doon sufficient for the use of the owners and occupiers of the mills and other properties on the banks of that river, and for the passage of salmon between the same and Loch Doon.

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38. The Corporation shall, as soon as the waterworks authorised by this Act are completed so far as to be able to afford the supply of compensation water herein-after mentioned, cause to be discharged from the reservoir by this Act authorised, down the stream called the Garpel Burn, a regular and continuous flow of not less than two hundred and fifty thousand gallons in every day of twenty-four hours; and if the Corporation shall commence to discharge from and out of the said reservoir the due quantity of water in manner aforesaid, and at all times while and so long as they shall continue to discharge the said quantity of water, and shall pay the sums herein-before provided towards the expense of repairing, altering, and maintaining the sluices at the issue of Loch Doon, the same shall be deemed to be full compensation to all millowners and other persons interested in the waters flowing down the said stream called the Garpel Burn, in the loch called Loch Doon, and in the waters flowing down the River Doon, for the water intercepted and appropriated for the purposes of this Act.

Compensation water.

39. The Corporation may from time to time, subject to the provisions of this Act, lay down, maintain, use, extend, alter, renew, re-lay, re-place, enlarge, and increase the number and size of the works (other than reservoirs), and the mains, pipes, and other conveniences from time to time in use or required for conveying and distributing water for the purposes of their undertaking: Provided always, that such extension, enlargement, or increase shall be executed only on lands or property belonging to the Corporation, or which may be acquired by them by agreement, or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes.

Corporation may enlarge or increase number of pipes.

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Pressure.

40. The water to be supplied from any main or pipe of the Corporation need not be supplied in any case at a level above, or at a greater pressure than can be supplied or afforded by gravitation from, the pure water tanks in the fourth place herein-before authorised.

Regulations
for prevent-
ing waste
of water.

41. For the purpose of preventing the waste, misuse, undue consumption, or contamination of the water supplied by the Corporation, the Corporation may, from time to time, but only within the district in which they are bound to afford and do in fact afford a constant supply, make rules and regulations prescribing the size, nature, strength, materials, mode of arrangement, and repair of the pipes, valves, cocks, cisterns, waterclosets, and other apparatus to be used, and prohibiting any arrangement and use of any pipes, valves, cocks, cisterns, waterclosets, and other apparatus, which in their judgment may tend to any such waste, misuse, undue consumption or contamination.

Conditions
of supply.

42. The Corporation shall not be bound to supply any water unless the pipes, valves, cocks, cisterns, waterclosets, or other apparatus to be used, be made of such size, nature, strength, and materials, and be so arranged and repaired, as the Corporation may from time to time prescribe or approve, and (if so required by the Corporation) stamped with a stamp provided by the Corporation indicating their approval: Provided always, that any rules and regulations made by the Corporation, in the exercise of the powers conferred on them by this section and the immediately preceding section, shall not be operative unless the same shall have been approved of and confirmed by the sheriff.

Supply of
water may
be cut off if
apparatus
defective.

43. If the apparatus in any house or premises be out of repair, or be so used or contrived as that the water supplied by the Corporation is or is likely to be wasted, misused, unduly consumed, or contaminated, it shall be lawful for the Corporation (without prejudice to any other remedy in respect thereof) to cut off, shut off, or lock up such apparatus or the communication of the service-pipe leading thereto, and to cease to give a supply of water to such house or premises so long as the defect or cause of damage remains or is not remedied: Provided that the Corporation shall not exercise the powers granted by this section except under an order by the sheriff stating the reason why and the time at which such powers are to be exercised.

Corporation
may repair
apparatus on
failure by
owner or
occupier.

44. If any of the apparatus shall be out of order, the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same; and if such owner or occupier fail to make the requisite

repairs within twenty-four hours after notice in writing so to do, the Corporation may repair, renew, and make watertight all such apparatus, and shall be entitled to recover, in the name and at the instance of their clerk or treasurer, from the owner or occupier so failing, the cost of such repair or renewal, together with any penalty which may have been incurred for wilful waste of water, or for suffering such apparatus to be out of repair, in the manner by the Acts herewith incorporated provided for the recovery of penalties, or by action in any court of competent jurisdiction. A.D. 1885.

45. Subject to the provisions of this Act, the Corporation may from time to time enter into and carry into effect such contracts and arrangements with any corporation, local authority, parochial board, body, or person, with respect to the supply of water, in bulk or otherwise, within the extended limits of supply, or any places adjacent or near to those limits, or to any of the waterworks of the Corporation, as the Corporation may think fit; and every such contract and arrangement may be for such period, and on such terms (pecuniary or otherwise) and conditions as the Corporation may think fit; and they may from time to time vary or rescind any such contract or arrangement: Provided always, that the Corporation shall not supply water under any such contracts or arrangements if and so long as their doing so would prevent them from giving, throughout the extended limits of supply, a sufficient supply of water for domestic purposes: Provided also, that, unless where otherwise provided by agreement in writing between the parties, any party using water supplied by the Corporation for other than domestic purposes shall be held to have entered into a contract or arrangement for such supply, upon the terms of the table of rates and conditions of supply prescribed from time to time by the Corporation, and exhibited for public inspection in the office of the town clerk, and the town clerk shall furnish a copy of the said table to any such party on application. Power to supply water by agreement.

46. The Corporation may from time to time purchase or hire and sell or let meters and fittings, upon and subject to such terms (pecuniary or otherwise) as the Corporation think fit. Power to sell or let meters.

47. The waterworks by this Act authorised shall form part of the waterworks of the Corporation; and the provisions of the recited Act and of this Act, so far as relating to waterworks and water supply, shall be read and construed together. Provisions of recited Act and this Act as to water to be read together.

IV.—STREETS AND FOOTPATHS.

48. The Corporation may from time to time cause all or any of the streets within the extended burgh, or any part of such streets Powers of Corporation over streets and the improvement thereof.

A.D. 1885. respectively, to be raised, lowered, altered, formed, and repaired, in such manner and with such materials as they think fit.

Frontage
proprietors
to provide
footways in
front of their
properties.

49. The owners of all houses and buildings, and of all lands and other heritages on which buildings are not erected, within the extended burgh, which are adjoining to or fronting any street, shall, at their own expense, when required by the Corporation, cause footways in front of their respective properties on the sides of such streets to be formed, of such width, at such levels, with such materials, and in such manner, as the Corporation shall direct; and shall also, at their own expense, if the Corporation should at any time so require, cause the footways fronting their respective properties, whether formed previously or subsequently to the commencement of this Act (unless the same shall have been originally formed in manner required by the Corporation), to be reconstructed, of such altered width, levels, and materials, and in such manner, as the Corporation shall direct; and in case any such owner shall refuse or neglect or delay to comply with any such requirement, within fourteen days after notice has been given to him by the Corporation, the Corporation may cause the work ordered to be done to be executed, and the expense incurred by the Corporation in respect thereof shall be repaid to them by such owner.

V.—DRAINAGE.

Power to
alter and
re-arrange
drainage dis-
tricts.

50. Subject to the approval of the sheriff, the Corporation may from time to time, alter and re-arrange the boundaries of the drainage districts into which the burgh is at present divided for the purposes of the Police Act, and divide the extended burgh, if and as occasion shall require, into new or re-arranged drainage districts for the purposes aforesaid, and may from time to time amalgamate two or more of such drainage districts as they may consider expedient, having regard in such arrangement, division or amalgamation, to the nature of the ground, to the main lines of sewers by which such drainage districts are or shall be drained, and to the equal benefit as far as may be of all the lands or premises to be comprised in any such drainage district: Provided always, that the Corporation shall from time to time cause the burgh surveyor to define the said several drainage districts on a plan of the burgh, in the same manner as is provided by section one hundred and eighty-five of the Police Act with reference to the original division of burghs into drainage districts.

VI.—ASSESSMENTS.

Streets im-
provement
rate.

51. The Corporation may, once in every year, assess and levy, on and from the owners and occupiers of all lands and heritages within

A.D. 1885.
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the extended burgh, according to the valuation roll in force therein for the time being, a rate to be called "the streets improvement rate," not exceeding twopence in the pound of the full annual value of all such property, for defraying the expense of purchasing lands for the widenings and improvements of streets by this Act authorised, and the cost of executing the said widenings and improvements; and the enactments and provisions of the Police Act with respect to the levying, payment, and recovery of the assessment for police purposes thereby authorised to be levied, and with respect to the exceptions and exemptions from such assessment, shall be applicable to the levying, payment and recovery of the streets improvement rate, save only that the streets improvement rate by this Act authorised shall, except in the case of lands and heritages let at a rent under four pounds per annum, be assessed and levied in equal proportions upon owners and occupiers, instead of solely upon occupiers as provided by that Act.

52. Sections ninety-three to ninety-nine inclusive of the recited Act, with reference to the assessments in respect of the widening and improvement by that Act authorised, shall apply to the assessments in respect of the widenings and improvements of streets authorised by this Act.

Sections 93 to 99 of recited Act to apply to streets assessment under this Act.

53. Section eighty-eight of the recited Act is hereby repealed as from the commencement of this Act; and in lieu of the domestic water rates by that section provided the Corporation may, for and in respect of the supply of water for domestic purposes (which shall include one or more waterclosets) to any dwelling-house or part of a dwelling-house within the extended limits of supply, and which is connected by means of service-pipes or other apparatus with the mains of the Corporation, or in which the water supplied by the Corporation is used, charge and recover from the occupier of such dwelling-house, or part of a dwelling-house, or in the case of any dwelling-house, or part of a dwelling-house, the yearly rent or value of which does not exceed four pounds, from the owner or the occupier thereof, any rates not exceeding two shillings per pound of the yearly rent or value of such dwelling-house or part of a dwelling-house.

Domestic water rate.

54. The several rates and charges levied or received by the Corporation under the authority of this Act for street improvement purposes and water purposes shall be applied in the manner provided by section one hundred and twenty-two of the recited Act (so far as the provisions of that section are applicable) with respect to the several and separate accounts therein directed to be kept by the Corporation, save only that the surplus (if any) of moneys received

Application of rates.

A.D. 1885. — on account of streets improvement shall be applied in reduction of the police assessments leviable by the Corporation under the Police Act, instead of being carried to the credit of the common good as provided by the said section of the recited Act.

VII.—BORROWING POWERS.

Power to
borrow for
street im-
provements.

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

Power to
borrow for
waterworks.

56. The Corporation may from time to time borrow, in addition to any money which they have borrowed or are otherwise authorised to borrow, any sums which may be required for paying off any mortgages now affecting their existing waterworks, and redeeming the annuities granted by them under the recited Act to the shareholders of the Ayr Water Company, and for executing the waterworks authorised by this Act, and for the general purposes of their waterworks undertaking, not exceeding in the whole one hundred and fifty thousand pounds, and may make and grant mortgages of the several water rates and charges by this Act authorised, in security of the money so borrowed and interest thereon.

Corporation
may re-
borrow.

57. If, after having borrowed the sums of money by this Act authorised, or any part thereof, the Corporation shall pay off the same, or any part thereof, otherwise than by means of the sinking funds herein-after mentioned, or by the sale of superfluous lands, it shall be lawful for the Corporation again to borrow the amount so paid off, upon the same securities as those upon which the moneys so paid off were secured, and so from time to time: Provided that for the purpose of repayment by means of the sinking funds herein-after provided the moneys originally borrowed and the moneys re-borrowed shall be deemed the same loan, and shall be repaid within the period prescribed for repayment in the case of the original loan.

Corporation
may borrow
on credit of a
cash account.

58. The Corporation may accept and take from any bank or banking company credit on a cash account, to be opened and kept with such bank or banking company in the name of the Corporation, according to the usage of bankers in Scotland, to the extent of the

aggregate amount of the several sums which the Corporation are by this Act authorised to borrow, or any part thereof, and to make and grant mortgages in manner by this Act provided, 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 sums 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. A.D. 1885.

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

60. 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 Fourth Schedule to this Act, or to the like effect, signed by the treasurer, the town clerk, and the chamberlain of the Corporation, 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 to any person on their behalf, of any such interest warrant duly stamped (where necessary) as a receipt, shall be a valid and sufficient discharge to the Corporation for the interest in respect of which the same was issued. Mortgages may be accompanied with interest warrants.

61. 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 the treasurer, the town clerk, and the chamberlain of the Corporation; and all drafts or orders on the cash account before mentioned shall be signed by the treasurer, the town clerk, and the chamberlain of the Corporation: Provided always, that none of the said persons shall, by his subscription of any such mortgage, interest warrant, 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. Manner in which mortgages and orders on bank account to be signed and executed.

A.D. 1885.

Discharge of mortgages.

62. 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 Fifth 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.

Application of certain sections of Ayr Burgh Act 1873.

63. The provisions of sections one hundred and seventeen, one hundred and eighteen, and one hundred and nineteen of the recited Act, with reference to mortgages granted by the Corporation under the authority of that Act, shall apply to the mortgages to be granted, and mutatis mutandis to the funded debt to be created and issued by the Corporation under the authority of this Act.

Power to create funded debt.

64. The Corporation may from time to time, in lieu of borrowing or continuing on mortgage any moneys which they may borrow or have borrowed under the authority of this Act, create and issue funded debt, to be called "Ayr Corporation Waterworks Funded Debt," or "Ayr Corporation Streets Improvement Funded Debt," as the case may be; and may issue to any person, by whom any such moneys are or have been advanced, a certificate that such person is a holder of funded debt to the amount so advanced; and every such certificate may be according to the form in the Sixth Schedule to this Act, or to the like effect, and shall be under the seal of the Corporation, and signed by the treasurer, the town clerk, and the chamberlain of the Corporation: Provided that, after the creation and issue of any of such funded debt, it shall not be lawful for the Corporation to grant mortgages for or again to borrow the amount so created and issued; and the powers of borrowing by the Corporation shall to the extent of the funded debt so from time to time created and issued be extinguished.

Registers of holders of funded debt.

65. The Corporation shall from time to time cause the names of the several holders of funded debt, with the amounts held by them respectively, to be entered in books to be kept for that purpose, and to be called respectively the "Register of Holders of Ayr Corporation Waterworks Funded Debt," and the "Register of Holders of Ayr Corporation Streets Improvement Funded Debt," and such books 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.

66. The interests of the several holders of 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 under this Act may be transferred or transmitted, and the Corporation shall cause an entry to be made, in books to be kept for that purpose, of every such transfer or transmission, and for every such entry their clerk may demand any sum not exceeding two shillings and sixpence. A.D. 1885.

67. The several holders of funded debt shall be entitled to interest thereon at a rate to be specified in the certificates issued to the holders of such funded debt, and payable half yearly; and the holders of the said funded debt shall not be entitled to demand repayment of the principal sums due to them, but the same may be redeemed by the Corporation in whole or in part (by means of the sinking funds herein-after provided or out of surplus revenue and not otherwise) on payment to the holders of the said funded debt of the principal sums due to them respectively, and any arrears of interest thereon: Provided that six months notice of their intention to redeem shall be given by the Corporation to the holders of the funded debt or part thereof intended to be so redeemed, and such holders respectively shall be bound to accept such redemption money when tendered by the Corporation, and to deliver up any certificates of the funded debt so redeemed. Interest on funded debt and redemption thereof.

68. The several holders of funded debt shall be creditors of the Corporation for the payment of the said interest, and shall be deemed to hold in security for such payment a mortgage of the several water rates and charges, or of the streets improvement rate, as the case may be, by this Act authorised, and the interest of such funded debt shall rank *pari passu* with the interest on any moneys borrowed or owing by the Corporation on mortgage of such water rates and charges, or of such streets improvement rate, as the case may be, under the powers of this Act. Security of holders of funded debt.

69. The Corporation shall annually, after the expiration of five years from the time at which they shall borrow any money or create and issue any funded debt for the purposes of the waterworks by this Act authorised, set apart as a sinking fund, out of the rates and charges and other moneys received by them from or on account of the said waterworks (other than money borrowed) such equal sums as shall, by accumulation, with compound interest thereon at the rate of three and a half per centum per annum, be sufficient to pay off the money so borrowed, and to redeem the funded debt so created and issued, within sixty years from the time of borrowing such money or creating and issuing such funded debt. Waterworks sinking fund.

70. The Corporation shall annually, after the expiration of five years from the time at which they shall borrow any money, or Streets improvement sinking fund.

A.D. 1885. — create and issue any funded debt, for the purposes of the widening and improvement of streets by this Act authorised, set apart as a sinking fund, out of the streets improvement rate, such equal sums as shall, by accumulation with compound interest thereon at the rate of three and a half per centum per annum, be sufficient to pay off the money so borrowed, and to redeem the funded debt so created and issued, within sixty years from the time of borrowing such money, or creating and issuing such funded debt.

Investment
of sinking
funds.

71. All the moneys so set apart may be invested in the public funds, or on heritable security, or by way of deposit in any bank in Scotland incorporated by Act of Parliament or by royal charter, and shall be applicable to the payment of the respective moneys borrowed by the Corporation on mortgage or cash credit or cash account, or to the redemption of the funded debt created and issued by them, for the respective purposes herein-before mentioned, and to no other purpose whatever; and the Corporation may so apply any part thereof in such order and manner as they may deem proper: Provided always that whenever any moneys borrowed are paid off, or any funded debt is redeemed, out of either of the sinking funds herein-before provided, the Corporation shall thenceforth, until the whole of such moneys and funded debt are paid off and redeemed, pay annually into such sinking fund, in addition to the sum required to be set apart as aforesaid, a sum equal to the annual interest of the moneys applied in paying off such borrowed moneys or redeeming such funded debt: Provided also, that whenever and so long as the yearly income arising from either of the said sinking funds shall be equal to the annual interest of the borrowed moneys and funded debt then outstanding to which such sinking fund is applicable, the Corporation may, in lieu of investing as aforesaid such yearly income, apply the same in or towards payment of the interest on such borrowed moneys and funded debt.

Application
of moneys
borrowed.

72. Subject to the provisions of this Act, the several sums borrowed by the Corporation on mortgage or cash account and raised by the creation and issue of funded debt under the authority of this Act shall be applied as follows (that is to say): The moneys so borrowed and raised on the security of the several water rates and charges by this Act authorised, or so much thereof as shall be required, shall be applied in paying off the mortgages or cash accounts affecting their waterworks undertaking or the said water rates and charges, and redeeming the annuities granted by them under the recited Act to the shareholders of the Ayr Water Company, and executing the waterworks authorised by this Act, and towards any

extensions and enlargements of the distributive waterworks of the Corporation, or any part thereof; and the moneys so borrowed and raised on the security of the streets improvement rate by this Act authorised shall be applied in carrying into effect the said widenings and improvements of streets, and paying for the property which may be purchased in connexion therewith, and in the payment of mortgages and of any cash credit or cash account granted, obtained, or opened in respect of the said improvements and property: Provided, that the Corporation shall not apply any money borrowed under this Act to the management or maintenance of any of the works acquired or constructed by them, or to any purposes to which capital is not properly applicable.

73. No person lending money to the Corporation shall be bound 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.

Protection of
lender from
inquiry.

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

Saving
existing
mortgages of
Corporation.

75. Notwithstanding anything contained in the recited Act, or in any Public Act of Parliament affecting the burgh, all the accounts of the Corporation, whether relating to their common good, their municipal, police, street, bridge, or improvement affairs, their water or cemetery undertakings, or otherwise, shall be closed and balanced on the thirty-first day of May in each year, instead of on the several days now appointed in respect to those several purposes.

Accounts.

76. 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.

Costs of Act.

A.D. 1885.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIPTION OF BOUNDARIES OF THE DISTRICT BY THIS ACT ANNEXED TO THE BURGH OF AYR.

The area lying to the northward, eastward, and southward of the existing boundaries of the burgh of Ayr, as defined by the Ayr Burgh Act 1873, and comprehended within a line commencing at the western extremity of the present northern boundary of the burgh, and drawn thence in a straight line northward to the Bell Rock at low-water mark, being the western extremity of the boundary between the united parishes of Monkton and Prestwick and the parish of Newton-upon-Ayr; thence in an easterly direction along that boundary to the boundary between the said united parishes and the parish of St. Quivox; thence in a straight line in a southerly direction to the point where the boundary between the parishes of St. Quivox and Newton-upon-Ayr joins the stream called the Newton Burn near Braehead; thence along the said stream in a south-westerly direction for a distance of about four hundred and twenty yards; thence in a straight line in a southerly direction to the southern side of the road leading from Castlehill to Belmont and Shawfield, at the point where that road turns southward about two hundred yards north-westward from Castlehill Stables; thence in a southerly direction along the eastern and south-eastern sides of the said road to a point at or near Shawfield; thence in a straight line in a south-westerly direction to the north-eastern corner of the farm-steading of Slaphouse on the western side of the road leading from Ayr to Alloway; thence in a straight line in a westerly direction for about two hundred and fifteen yards to the stream called the Slaphouse or Curtecan Burn; thence along the centre of that stream to the centre of the road leading from Ayr to Doonfoot at Pelleisle Bridge; thence along the centre of that road to the centre of the road at the Low Bridge of Doon; thence along the centre of the River Doon to the sea at low-water mark; and thence northward along low-water mark of the sea to the western extremity of the present southern boundary of the burgh, all situate within the parishes of Newton-upon-Ayr, St. Quivox, Ayr, and Maybole, in the county of Ayr.

THE SECOND SCHEDULE.

DESCRIPTION OF THE EXTENDED LIMITS OF WATER SUPPLY.

The area comprehended within a line commencing at low-water mark of the sea at the western extremity of the road called the Bell Rock Road, and drawn thence along the southern side of that road to the main road leading from Ayr

to Prestwick; thence in a southerly direction along the western side of the last-mentioned road to a point opposite the southern side of the road called Blanefield Road; thence along the southern side of Blanefield Road to the boundary between the united parishes of Monkton and Prestwick and the parish of Saint Quivox; thence in a southerly direction along the said parish boundary to the southern extremity of that boundary; thence in a straight line in a south-easterly direction to a point on the road leading from Ayr to Mauchline, about one hundred and forty yards north-eastward from the milestone indicating a distance of two miles from Ayr by that road; thence in a straight line in a southerly direction to a point on the road leading from Ayr to Dalmellington about one hundred and forty-five yards north-westward from Whitehill Smithy; thence in a straight line in a southerly direction to the centre of the River Doon at a point in line with the southern boundary of the policies of Monkwood; thence in a straight line in a westerly direction to the River Doon at the point where the stream called the Culroy Burn joins that river; thence in a northerly direction along the centre of the said river to a point therein about one hundred and forty yards westward from the Mansion House of Doonholm; thence along the southern side of the road which skirts the southern side of Doonside Policies and passes Doonside Stables to Doonside gatehouse on the high road leading from Ayr to Maybole; thence in a straight line in a westerly direction to the farmsteading of Newark Mains; thence along the southern side of the road leading from Newark Mains to the western side of the road leading from Ayr to Fisherton, at Burton; thence along the western side of the last-mentioned road in a north-easterly direction to the southern side of the approach to Greenan; thence along that approach and to low-water mark of the sea at the Deil's Dyke; and thence northward along low-water mark of the sea to the herein-before mentioned point of commencement of the said line; which area is situate within the united parishes of Monkton and Prestwick, and the parishes of Newton-upon-Ayr, St. Quivox, Ayr, Dalrymple, and Maybole, and the royal burgh of Ayr, all in the county of Ayr.

THE THIRD SCHEDULE.

FORM OF MORTGAGE.

AYR CORPORATION WATERWORKS [OR STREETS IMPROVEMENT,
as the case may be].

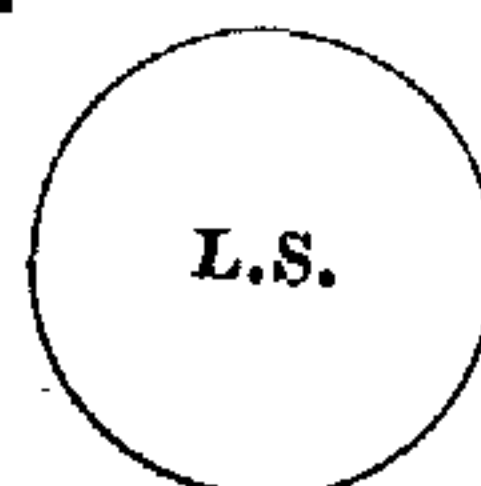
Mortgage No. £ .

By virtue of the Ayr Burgh Act 1885, we, the Corporation of Ayr, in consideration of the principal sum of [specify amount] paid by [name and designation of mortgagee] to the chamberlain to the said Corporation, for the purposes of the said Act, do hereby grant and assign to the said [name of mortgagee], and his executors, administrators, and assignees [or as the case may be], such proportion of the several water rates and charges [or streets improvement rate, 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 water rates

A.D. 1885. — and charges [or streets improvement rate], to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [date], or shall thereafter, in virtue hereof remain as a loan to the said Corporation until the expiration of such further term of years, and at such rate of interest, as shall be specified in a minute or minutes to be indorsed hereon, and signed by the said mortgagee or his foresaids, and by the treasurer, town clerk, and chamberlain of the said Corporation, 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 parties, nor tested; and the said Corporation, for and in respect of interest on the said principal sum from the day of to the said date of repayment first above mentioned (being at the rate of [specify rate] per centum per annum), 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 foresaids 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, assignation, or minute of postponement or renewal thereof.

In witness whereof [testing clause according to law of Scotland].

[Signed by the treasurer, the town clerk, and the chamberlain of the Corporation].



THE FOURTH SCHEDULE.

FORM OF INTEREST WARRANT.

AYR CORPORATION WATERWORKS, [or STREETS IMPROVEMENT, as the case may be].

Mortgage No. 18

INTEREST WARRANT.

For	pounds	shillings and	pence	£
		Less Income Tax		
				£

Payable on 18 at the

Treasurer.
Town clerk.
Chamberlain.

THE FIFTH SCHEDULE.

A.D. 1885.

FORM OF DISCHARGE.

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

Dated this _____ day of _____ one thousand eight hundred and _____

THE SIXTH SCHEDULE.

FORM OF CERTIFICATE OF FUNDED DEBT.

Ayr Corporation Waterworks [or Streets Improvement, as the case may be]
Funded Debt.

No. _____

This is to certify that [insert name and designation] is the holder of [specify amount] pounds of the Ayr Corporation Waterworks [or Streets Improvement, as the case may be] Funded Debt, created under the provisions of the Ayr Burgh Act 1885, and is entitled to receive interest on the said sum at the rate of [specify rate] per centum per annum.

Signed and sealed this _____ day of _____ 18 _____

L.S.

Treasurer.

Town Clerk.

Chamberlain.