



ANNO QUADRAGESIMO SECUNDO

# GEORGI II. REGIS.

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## Cap. 48.

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. [7th May 1802.]

**W**HEREAS the Town of *Kilmarnock* is the largest Town in the County of *Ayr*, and is a great Thoroughfare to Travellers of every Description, yet the Approach and Access to the Town from almost every Quarter is extremely dangerous and inconvenient, and many of the Streets are very narrow and incommodious, and from the Increase of Population the Demand for Houses and other Buildings render it expedient to open certain new Streets and Passages in the said Town:  
[Loc. & Per.] 8 R And

And whereas the River or Water of *Kilmarnock* runs through Part of the said Town, and often rises to so great a Height as to stop all Communication between One Part of the Town and the other, which renders it expedient that Two new Bridges should be built over the said River, and Authority given for levying certain Rates of Pontage on all Persons passing over the said Bridges: And whereas the present Slaughter-house belonging to the Town of *Kilmarnock* is erected in an improper Situation, being in the Centre of the Town, and often injurious to the Health of the Inhabitants; and the Town-hall and Guard-house, as well as Gaol or Tolbooth belonging to the said Town, are extremely bad and inconvenient, and that it will be a great Advantage and Accommodation to the Inhabitants of the Town and Neighbourhood if a new Slaughter-house, Town-hall, and Guard-house were built, and the Gaol properly repaired: And whereas from the Increase of Inhabitants in the Town and Neighbourhood thereof, the Burying Ground is too small, and that it would be an Advantage to the Police if the Jurisdiction of the Magistrates of *Kilmarnock* was to be extended over the Street called *Netbertown Holm*, or *Glencairn Street*, and to the Buildings which have been erected on the Lands of *Grange*, and to such of the intended new Streets as are beyond their present Jurisdiction; all which will be attended with great Utility and Advantage to the Publick in general, and to the Inhabitants and Proprietors of Houses and Ground in the said Town of *Kilmarnock* and Neighbourhood thereof in particular, but which cannot be done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the Marquis of *Titchfield*, *James Walker* Esquire, Writer to the Signet, the Two Magistrates of *Kilmarnock* and the Town Treasurer for the Time being, the Factor on the Estate of *Kilmarnock* for the Time being, *Robert Morrice* of *Craig*, Esquire, *Mungo Fairlie* of *Holmes*, Esquire, Colonel *Stair Park Dalrymple* of *Langlands*, *James Fairlie* Esquire, residing in *Kilmarnock*, *John Parker* of *Barleith*, Esquire, Merchant there, *William Parker* of *Asloss*, Esquire, Merchant there, *Robert Borland* Esquire, residing there, *Alexander Fowlds* of *Skirnieland* Esquire, Merchant there, and *Thomas Greinshields*, Brewer there, shall be and they are hereby appointed Trustees for executing this Act, (Five of whom are declared to be in all Cases a *Quorum*); and the said Trustees are hereby authorized and empowered by themselves, Agents, Servants, Workmen, and others to be employed by them, but upon the Conditions after-mentioned, to open and form a new Street in the said Town of *Kilmarnock*, from the Corner of the Kiln possessed by *Alexander Fowlds* Merchant there, and running in a straight Line until it reaches the Water of *Kilmarnock* near to the West Corner of the Slaughter-house, and from thence along the new Bridge to be built over the said Water to the Cross or great Square between the Stair of the present Council House of *Kilmarnock*, and the West Corner of the House belonging to *John Orr* Baker; and also to open another new Street from the Cross of *Kilmarnock*, to run through the Houses belonging to *John Fulton* Merchant, and between the West Corner of the House pertaining to *Hugh Baird* Baker, and the East Corner of the House belonging to Mistress *Agnes Galt*, and from thence to run in a straight Line until it joins the Mason Lodge, or near

Trustees.

to it, and where it will fall into and join the intended other new Street from *Gallow Know* as after mentioned; and likewise to open another new Street, to run from the Kiln belonging to *William Fulton* along the Corner of *John Buntine's* Property in *Croft*, in a straight Line to a certain Square, and from thence along the Foot of the Garden belonging to *Alexander Robertson* Coppersmith, until it joins the new Line of Road through the Foot of *Andrew Kellie's* Garden, and which the Trustees for the High Roads in the County of *Ayr* lately agreed to lay off; and which new Street and Road shall be continued from the above mentioned Kiln belonging to *William Fulton*, in a Southerly Direction, across the Strand through the Houses of *Alexander Bryson*, in a straight Line to the West Corner of the Houses belonging to *Robert Jeffrey*, and from thence in another straight Line across *Town-end Street*, until it joins at Right Angles another intended new Street from *Irvine Toll Bar* as after mentioned; and also to open another new Street from or near to the Corner of the old Houses which pertained to the deceased *Charles Hamilton*, to be carried over the Water of *Kilmarnock* by a Bridge to be built as after mentioned, and to run nearly in a straight Line along the South Side of the House commonly called *Kilmarnock House*, belonging to the Marquis and Marchioness of *Titchfield* and their Trustees, until it terminates nearly opposite to the Toll Bar on the Road leading to *Irvine*; all which new Streets above-mentioned are to be Fifty Feet broad or thereby, and also to open and form a cross Street or Lane not exceeding Thirty Feet in Breadth, from the Corner of the Garden belonging to *John Wyllie*, through the Houses belonging to *Robert Tannock*, and from thence crossing the said Square at Right Angles until it join the present Road from *Rackhead* to the Road leading to *Stewarton*; and likewise to open a Lane about Thirty Feet in Breadth, to run from the North East End of *Back Street* in a straight Line until it joins the North Corner of the Meal Market, and from thence in a parallel Line with the Wall of the Meal Market, until it joins the *High Street*; and also to open a Street not exceeding Fifty Feet in Breadth from the West Corner of the House pertaining to the before mentioned *Hugh Baird*, through the Cross between the East End of the House belonging to *John Goldie*, and the West End of the House belonging to *Peter Bishop*, and leading towards the *Low Green*; as also to form another Street not exceeding Fifty Feet in Breadth, from the South West End of the intended new Bridge near *Charles Hamilton's* old Houses along the Water Side leading to *Barbadoes Green*, and also from the North West End of the said Bridge to the Foot of *Town-end Street*; and likewise to widen the Street leading from the Cross to the Low or Parish Church of *Kilmarnock*, and for that Purpose to pull down and remove the Houses belonging to the Heirs of *James Breakenridge*, and to *William Gregory*, and *Adam Lymburner*; and also to widen some of the other Lanes or Passages within the said Town of *Kilmarnock*, where they are very narrow and inconvenient; all which shall be done and executed in the several Lines of Direction above-mentioned, or as near thereto as can conveniently be done.

II. And be it further enacted, That the said Trustees shall have full Power and Authority, and they are hereby empowered and authorized to build Two new Bridges over the Water of *Kilmarnock*, the One at or near to the said Slaughter-house, and the other at or near to the old Houses, which formerly belonged to the deceased *Charles Hamilton*; and also

Trustees may  
build Bridges.

also to make and form the Streets and Approaches to the said Bridges of such Breadth as the said Trustees may think necessary, the same always never exceeding Fifty Feet in Breadth, and also to do all Matters and Things which may be necessary and convenient for erecting, supporting, and maintaining the said Bridges, and banking the said River so as to prevent Injury to the said Bridges, and the flooding or overflowing of the Grounds adjacent thereto, they the said Trustees always making Satisfaction to the Owners and Occupiers of any Lands, Houses, Hereditaments, or Stone Quarries which may be used or prejudiced by building the said Bridges, or taking Stones for the same, and making the said Roads, Streets, and Banks, for the Damages done thereby; such Damages to be ascertained in Manner after mentioned, with Power to the said Trustees to erect a Turnpike or Toll Gate on each of the said Bridges, and to levy the following Pontages at the same; (that is to say),

For every Coach, Berlin, Landau, Chariot, Chaise, Curricule, Hearse, Chair, or other such Carriage, drawn by Two Horses, or Beasts of Draught, the Sum of Sixpence Sterling:

For every Waggon, Wain, Cart, or other such Carriage, drawn by One Horse or Beast of Draught, the Sum of Two-pence Sterling:

For every Horse or Beast of Draught above Two, drawing any Coach, Berlin, Landau, Chariot, Chaise, Curricule, Hearse, Chair, or other such Carriage, the Sum of One Penny Halfpenny Sterling:

For every Horse or Beast of Draught above One, drawing any Waggon, Wain, Cart, or other such Carriage, the Sum of One Penny Halfpenny Sterling:

For every Waggon, Wain, Cart, or other such Carriage, laden with Coal for Exportation, the Sum of One Penny Sterling:

For every Horse, Mare, Gelding, Mule, or Ais, laden or unladen, and not drawing, the Sum of One Penny Sterling:

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence Sterling *per* Score, and so in Proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Six-pence Sterling *per* Score, and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll or Pontage Duty; and if any Person or Persons subject to the Payment of any of the Tolls or Pontage Duties aforesaid shall refuse to pay the same, it shall be lawful to the Person or Persons appointed to collect the said Tolls or Pontage Duties by himself or themselves, or taking such Assistance as he or they shall think necessary, to stop and prevent the Passage of the Person or Persons so refusing, or of the Horse, Beast, Cattle, or Carriage, for or in respect of which such Tolls or Pontage Duties ought to be paid, until full Payment thereof, or to seize and distrain any Horse or other Cattle, together with any Harness, Bridle, Saddle, or other Accoutrements, or any Part thereof, upon or in respect whereof any such Toll or Duty is by this Act imposed, and to detain and keep such Horses, Cattle, or other Things, so seized and distrained, until such Tolls or Pontage Duties, with the reasonable Charge of such Distress, and of detaining and keeping the same, shall be paid, or it shall be lawful for the Person or Persons so seizing and distraining at any Time after the Expiration of Four Days, after the Day of making such Seizure and Distress, at his or their Election to sell by

by publick Roup or Auction, all or any of the Horses, Cattle, or other Things so seized and distrained, returning the Overplus of the Money to arise by such Sale, and what shall remain unsold, (if any be), upon Demand, to the Owner thereof, after such Toll or Pontage Duty, and all reasonable Charges occasioned by such Distress and Sale shall be deducted.

III. Provided always, and be it enacted, That no Person or Persons having Occasion to pass through the said respective Toll Gate, and return again before Twelve of the Clock at Night on the same Day, with the same Horses or Carriages, shall be liable or obliged to pay the said Tolls or Pontage Duties more than Once, and every Person paying the same shall receive a Ticket for the Day, which shall entitle him or her to pass the said respective Toll Gate for the Day on which it is given out.

Tolls to be  
paid only  
Once a Day.

IV. Provided always, and it is hereby expressly provided and declared, That no Toll or Pontage Duty shall be demanded or taken at either of the said Turnpikes or Toll Gates for Carriages going for or returning with Stone, Brick, Lime, Sand, Timber, or other Materials, for repairing the said Bridge, or for making or amending any of the Highways within the Parish of *Kilmarnock*, or for building or repairing any Bridges upon the said Highways, nor for any Carriages going for or returning with any Dung, Lime, Mould, or Compost, to be laid upon Grounds, Arable, Meadow, or Pasture, or with Hay or Corn in the Straw, to be laid up in the Houses, Barns, or Yards of the Inhabitants of the Parish of *Kilmarnock*, or returning back from conveying the same; nor shall any Toll or Pontage Duty be demanded or taken by virtue hereof from any Person or Persons residing in the said Parish of *Kilmarnock*, who shall in Carriages, on Horseback, or on Foot, pass through the said Turnpikes or Toll Gates to or from the Parish Church, or any Chapel, or other Place of religious Worship, in the Town of *Kilmarnock*, on *Sundays*, or on any other Day when Divine Worship is directed by the Government or the established Church; or who shall attend the Funeral of any Person who shall die and be buried in the said Parish; or for any Horse, Mare, Gelding, or other Cattle belonging to any Person residing in the said Parish of *Kilmarnock*, going to or returning from Pasture, Watering Places, or Smithies within the said Parish, nor for any Person riding or driving such Horse, Mare, Gelding, or other Cattle, to or from such Pasture, Watering Place, or Smithies; nor for any Carts, Waggons, Wains, or Horses carrying Corn to any Mill, or Flour or Meal from any Mill, and belonging to the Inhabitants of the Parish of *Kilmarnock*, or bringing any Coal or Grain into the said Town for the Use of any of the Inhabitants thereof; nor for any Horses or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters or Expresses under the Authority of His Majesty's Post Masters General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; nor shall any Toll or Duty be demanded or taken for Soldiers or their Horses passing, who are upon their March or upon Duty, or for Carts, Carriages, or Waggons attending them, or conveying Arms or Artillery, or for any Horses or Carriages employed in carrying or conveying any Elector to or from any Election of a Knight of a Shire to serve in Parliament for the County of *Ayr*;

Exemptions  
from Toll.

[*Loc. & Per.*]

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and

and if any Person shall take the Benefit of any of the said Exemptions, not being legally entitled to the same, such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings.

Trustees may  
lower the  
Tolls.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time as often as they shall think fit, to lessen, vary, or alter the several Tolls or Pontages hereby granted or made payable, or any of them, and to raise the same again so as they do not exceed the Tolls or Pontages by this Act granted or made payable as aforesaid, and so as the Reduction be made with the Consent of the several Persons who shall be entitled to Five Sixths of the Money then due on the Credit of the said Tolls; but no such Reduction or Alteration shall be made, unless Fourteen Days Notice in Writing be given for that Purpose, by affixing the same upon the Toll Houses or Turnpike Gates then erected in pursuance of this Act, and by inserting such Notice in One or more of the *Glasgow* Newspapers.

To prevent  
the evading  
the Tolls.

VI. And be it further enacted, That if any Person or Persons shall at any Time or Times unload, or cause to be unloaded, any Grain, Goods, Wares, Merchandize, or other Thing whatsoever, or take off any Horse or Beast of Draught from any Coach, Waggon, Cart, or other Wheel Carriage, within Five hundred Yards from either End of the said intended Bridges, and carry or cause to be carried such Grain, Goods, Wares, Merchandize, or other Things so to be taken off and unladen either over the said Bridges, or across the said River, either on Foot or on Horseback, or on any Waggon, Cart, or other Carriage, with an Intent to avoid any of the Tolls or Pontage Duties hereby granted or imposed, every Person so offending, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings Sterling.

For shutting  
up Fords.

VII. And, for the better preventing the evading the Tolls and Pontage Duties granted by this Act, be it further enacted, That it shall and may be lawful to and for the said Trustees, or such Person or Persons as they shall appoint, after the said Bridge is completed, and the Passage by the same opened, to destroy, suppress, or shut up any Ford or Fords across the said River between the *Green Bridge* and the lower End of *Barbadoes Green*; and also to shut up the Passage alongst the Old and Flesh Market Bridges, excepting for Foot Passengers only.

Trustees may  
compound  
with Travel-  
lers.

VIII. And be it further enacted, That it shall and may be lawful, to and for the said Trustees, to compound or agree, by the Year or otherwise, with any Person or Persons using the said Bridges, or travelling through the Toll Gates so to be erected, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon, Cart, or other Carriage, or with any Horse, Ass, Mule, or other Beast of Draught or Burden, or with Foot Passengers, for any Sum or Sums of Money to be paid Quarterly or otherwise, from Time to Time, after such Agreement shall be made.

Agreements  
and Composi-  
tions to be en-  
tered into  
Books.

IX. And it is hereby further enacted, That all Agreements and Compositions made by the said Trustees, with any Person or Persons whatsoever, shall be entered at length in a Book or Books, to be kept for that Purpose  
by

by the Clerk or Treasurer appointed by the said Trustees; which Books shall and may be seen by any Person whatsoever, having Interest, without Fee or Reward.

X. Provided always, and be it enacted, That in case any Composition Money agreed to be paid as aforesaid, shall not be paid within Fifteen Days next after the same shall become payable according to such Composition or Agreement, that then it shall be lawful, for any Two or more of the Justices of the Peace for the said County of *Ayr*, by Warrant under their Hand, to empower the Person or Persons authorized by the said Trustees to receive such Composition Money, (Oath being first made that the same has been demanded and remains unpaid, which Oath the said Justices are hereby empowered and required to administer), to levy such Composition Money, by Distress and Sale of the Goods of the Person or Persons having so compounded, returning the Overplus (if any be), upon Demand, after Deduction of the Charges occasioned by such Distress and Sale.

Recovery of  
Composition  
Money.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees, on giving Fourteen Days previous Notice in One or more of the *Glasgow* Newspapers, to let the said Tolls or Pontage Duties from Time to Time, by Way of publick Roup or Auction, for the best Rent or Price that can be got for the same, to such Person or Persons as shall give sufficient Security for the Payment thereof, to be approved of by the said Trustees, provided that the Lease of the said Tolls or Pontage Duties be not made for a longer Time than Three Years.

Trustees may  
let the Tolls.

XII. And be it further enacted, That the Tolls or Pontage Duties hereby granted, shall cease and determine, as soon as the Expences of carrying into Execution all the Purposes of this Act shall be completely satisfied and paid.

Tolls to cease  
when the Pur-  
poses of the  
Act are com-  
pleted.

XIII. And be it enacted, That the said Trustees shall and may from Time to Time choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Toll or Pontage Duties aforesaid, and such other Officer or Officers as the said Trustees shall think necessary, and also One or more fit Person or Persons to be Overseer or Overseers, Surveyor or Surveyors of the said Bridges, to view the Condition thereof, and to see that the necessary Repairs be executed, and that the Money by this Act raised be duly applied in Terms of the Orders of the said Trustees, and from Time to Time to remove such Clerks, Treasurers, Collectors, Surveyors, or other Officers, or any of them, as they shall see Occasion, and to appoint new Ones in case of Death or Removal; and such Person or Persons as is or are hereby made liable to pay the said Tolls or Pontage Duties, shall pay the same after the Rates aforesaid, to such Collector or Collectors, or other Officers as shall from Time to Time be appointed for that Purpose, and the Person or Persons so appointed to collect and receive the said Tolls and Pontage Duties as aforesaid, shall, upon Oath if thereunto required before One or more Justice or Justices of the Peace of the said County, on the First *Friday* in every Month, or oftener if required, give in to the Trustees, or their Treasurer or Treasurers for the Time being, a true, exact, and perfect Account in Writing under their  
respective

Appointment  
of Officers.

respective Hands with the Vouchers thereof, of all Monies which he, she, or they shall to such Time have received, paid, and disbursed by virtue of this Act, or by Reason of their respective Offices; and in case any Money shall remain in his, her, or their Hands, the same shall be paid to the said Trustees, or to the said Treasurer or Treasurers for the Time being, and shall be laid out, disbursed, and applied according to the true Intent and Meaning of this Act, and not otherwise; and in case the said Collector or Collectors of the said Tolls and Pontage Duties shall not give and make such an Account and Payment as aforesaid, that then any Two or more Justices of the Peace of the said County of *Ayr* shall and may make Inquiry of and concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witnesses or Witnesses upon Oath, (which Oath the said Justices are hereby authorized and empowered to administer); and if any Person or Persons shall be thereof convicted by such Justices, they shall, upon Conviction, commit the Party or Parties to the Common Gaol of the said County, therein to remain until he, she, or they have made a perfect Account and Payment as aforesaid, or until he, she, or they have compounded and agreed with the said Trustees, and have paid such Composition to the said Treasurer or Treasurers for the Time being; which Composition the said Trustees, at a Meeting assembled, are hereby authorized and empowered to make, and the said Trustees shall and may, out of the Money arising from the said Tolls or Pontage Duties, make such Allowance to the said Treasurer or Treasurers, Collector or Collectors, Surveyor or Surveyors, Clerk or Clerks, or other Officers appointed as aforesaid, for and in Consideration of his or their Care and Pains respectively taken in the Execution of his or their respective Office or Offices, and to such other Person or Persons as have been, or shall be, assisting in and about the said Bridge to be made, built, or repaired, or in making and preparing Surveys, Draughts, and Plans for the said Bridge, or otherways as to the said Trustees shall seem reasonable.

Officers to  
give Security.

XIV. And be it enacted, That the said Trustees shall take from such Person or Persons as shall be, from Time to Time, respectively nominated and appointed Treasurer or Treasurers, Collector or Collectors of the Toll and Pontage Duties hereby granted and made payable, such sufficient Security for the faithful Discharge of his or their Office or Offices, as shall be approved of by the said Trustees.

For providing  
Materials.

XV. And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, or the Contractor or Contractors employed to build or repair the said Bridge, and such other Person or Persons as they or either of them shall employ or appoint for that Purpose, and they are hereby respectively authorized and empowered, from Time to Time, to cut, dig, gather, take, and carry away Stones, Gravel, Sand, Earth, or other Materials, proper for building or repairing the said Bridge, or the making or repairing the Ways, Roads, or Passages, to, from, or over the same, and for building the said Toll House in, upon, out of, or from any Waste Grounds, Rivers, or Brooks in the said Parish of *Kilmarnock*, without paying or making any Satisfaction for the same, they the said Surveyors or Contractors, or any Persons employed by them, filling up the Pits or Holes, and levelling the Ground from which such



Materials shall be so taken, or railing or fencing the same, so as such Pits or Holes be not dangerous to Passengers or Cattle; and also in, upon, or out of the Lands or Grounds in the said Parish of *Kilmarnock*, belonging to any Person or Persons, or Bodies Corporate or Politick whomsoever (not being the Ground whereon any House or Buildings stand, or a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of inclosed Ground which before the Commencement of this Act has been planted, set apart, or used as a Plantation or Nursery for Trees), such Surveyor or Surveyors, Contractor or Contractors, or any other Person or Persons employed by them, having an Order from the said Trustees for so doing, and filling up the Pits or Holes, and levelling the Ground from which such Materials shall be so taken, and paying to the respective Owners and Occupiers of such Lands or Grounds the Damages they shall respectively thereby sustain, and in case of any Difference concerning the Amount of such Damages, any Two or more Justices of the Peace for the said County of *Ayr*, shall and may, on Fourteen Days Notice thereof, to be given by the said Surveyor or Surveyors, Contractor or Contractors, to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, or Occupiers, to the said Surveyor or Surveyors, Contractor or Contractors respectively, or to be left at the respective Places of Abode, with some or One of their respective Families, hear, settle, and determine the Matters in Dispute, and ascertain what Damages shall be paid, and the Order and Determination of the said Justices shall be final and conclusive to all Parties.

XVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of this Act, to dig, gather, take, and carry away Materials for building or repairing the said Bridges, to or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupiers of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two Justices of the Peace, acting for the said County of *Ayr*, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupiers shall attend pursuant to such Notice, such Justices, shall, if they think fit, authorize such Surveyor or other Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Occupier shall, without sufficient Excuse, neglect or refuse to appear by himself or his Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Occupier or his Agent had attended, leaving the Amount of the Recompence for the Damage done, to be afterwards settled in the Manner before mentioned.

Notice to be given to Occupiers of Lands.

XVII. And, for preventing wilful and malicious burning, or otherways damaging or destroying the said Bridges or Centres thereof, be it further enacted, That if any Person or Persons shall wilfully and maliciously burn, blow up, pull down, or otherwise destroy the said Bridges or Centres, or either of them, or any Part thereof, or attempt so to do, or shall wilfully and maliciously, and without Authority from the said Trustees, remove, destroy, or take away any Materials or Works thereunto belonging, or anyways direct or procure the same to be done, whereby the said

Punishing Persons damaging the Bridges.

[*Loc. & Per.*]

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Bridges,

Bridges, Centres, or Works thereof may be damaged, or the Lives of Passengers or Workmen endangered, such Offender or Offenders, being lawfully convicted thereof, shall be adjudged guilty of Felony.

or the Toll  
Gate, or Toll  
House.

XVIII. And be it further enacted, That if any Person or Persons shall maliciously break down, or otherwise destroy the said Toll Gates so to be erected, or any Posts, Rails, Chains, Bars, or other Parts thereof, or adjoining thereto, or damage the said Toll Houses, every Person so offending, and being thereof convicted, by the Oath of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace of the said County of *Ayr*, shall not only be condemned to pay the whole Damages and Expences sustained by the said Trustees, but also be fined a Sum not less than Five Pounds Sterling, and not exceeding Ten Pounds Sterling, and in Default of Payment, to be imprisoned for a Term not exceeding Three Months.

To prevent  
forcible Pas-  
sage.

XIX. And be it further enacted, That if any Person shall assault any Collector of the said Tolls or Pontage Duties, or by Force pass through either of the said Toll Gates, without paying the Tolls or Pontage Duties hereby granted; every such Person so offending, and being thereof convicted upon Oath, before any Two or more Justices of the Peace of the said County, shall, for every such Offence, forfeit and pay to the said Trustees, any Sum not exceeding Five Pounds nor less than Forty Shillings Sterling, to be recovered by Distress and Sale as aforesaid.

To prevent  
disposing of  
Tickets.

XX. And be it further enacted, That if any Person or Persons having paid the Tolls or Pontage Duties by this Act granted, and having a Note or Ticket signifying the Payment of such Tolls or Pontage Duties, shall give or dispose of such Notes or Tickets, or each or any of them, to any other Person or Persons in order to avoid the Payment of such Tolls or Pontage Duties, every such Person giving or disposing of such Note or Ticket, and the Person receiving the same, being convicted by the Testimony of One or more credible Witness or Witnesses upon Oath, before any Two or more Justices of the Peace for the said County, shall respectively forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings Sterling, to be levied, recovered; and disposed of as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Property of  
Bridges, &c.  
to be vested in  
Trustees.

XXI. And be it enacted, That the Right and Property of the said Bridges so to be built or repaired, with the Toll Houses and Turnpike Gates to be built and erected, and the Materials thereof, are hereby vested in the said Trustees; and they are hereby empowered to bring, or cause to be brought, Actions in their own Names, or in the Name of their Treasurers or Cl-rks, against any Person or Persons who shall damage the same, or disturb them in the Possession thereof.

For building  
Slaughter  
Houses, etc.

XXII. And be it further enacted, That it shall also be lawful to the said Trustees, and they are hereby authorized to build or cause to be built a new Slaughter House, Town Hall, and Guard House in the said Town of *Kilmarnock*, with such Offices and Appurtenances as may appear to them to be necessary and proper, and to make such Repairs, upon and Additions to the Gaol or Tolbooth of the said Town, and the Burial  
Ground

Ground belonging thereto, as may appear to them to be necessary and proper; the said Slaughter House, and Addition to the Burial Ground, being always to be built and made upon Grounds in the Neighbourhood of *Kilmarnock* belonging to the Marquis and Marchioness of *Titchfield* and their Trustees.

XXIII. And, for enabling the said Trustees to effectuate the several Purposes above mentioned; be it further enacted, That they shall have full Power and Authority, and they are hereby empowered and authorized to treat and agree with the several Owners or Occupiers, Life-renters, Lessees, and every other Person interested therein, for the Purchase of such Lands, Houses, Tenements, and other Hereditaments, as may be occupied by the Streets, Passages, or Lanes before described, or by the Bridges, Burial Ground, Town Hall, Guard House, Slaughter House, and other Buildings before mentioned, and Areas on each Side of the said Streets and Lanes, not exceeding in the Whole One hundred and seventy Feet in Breadth, whereof Fifty Feet, or thereabouts, is to be appropriated for the principal Streets as before mentioned, and Sixty Feet on each Side thereof for building Areas; and in particular to treat and agree with *Robert Arbuckle* Butcher, the Heirs of *Charles Hamilton*, *Craig*, *George Tannabile* Weaver, *William Alexander* Musician, *Hugh Shaw*, *Robert M'Kean* Blacksmith, *Baillie John Parker* Merchant, *Hugh Darby*, late Writer, and the Trustees for his Creditors, *John Kirkland* Shoemaker, *Robert Webster* Blacksmith, *Thomas Sloan* Shoemaker, *Alexander Lamont* Farmer, *William Lockhart* Taylor, the Heirs of *John Ross*, *George Thomson*, *William Findlay* Carrier, *Widow Baird*, *Robert Allason* of *Cowdam*, *John Bryan* Innkeeper, *John Morton* Shoemaker, *James Steven* in *Crookedholm*, *William Kennedy* Merchant, in *Matthew Willock* Grocer, *William Osborne* Messenger, *Robert Fleeming* Wright, *Margaret Perry* and *Robert Strathers*, *Matthew Gemmill* Carrier, *James Muir*, *Baillie John Muir* Merchant, *Baillie Alexander Fowlds* Merchant, *Thomas Wilson* Innkeeper, *John Gebbie* of *Middlebird*, the Heirs of *James Dick* Butcher, *Mary Rankin*, *Alexander Carswell* Stocking-Weaver, *Robert Borland* Flax-Dresser, *John Begbie* Innkeeper, *James Dunlop* of *Annánbill*, *Walter Barr* in *Midtown* of *Ricarton*, *John Stevenson* Shoemaker, *Mistress John Thomson* Wife of *John Thomson* Manufacturer, *Andrew Millar* Merchant, *Alexander Anderson* Merchant, *Mistress Agnes Galt*, *John Smith* Merchant, *John Wilson* Bookseller, *John Fulton* Merchant, *William Hay* Innkeeper, *James Ogilvie*, *Bryce Blair* Wheelwright, *Robert Stevenson* Glazier, *William Fulton* Merchant, the Heirs of *John Brown* Ironer, the Heirs of *John Howie* Innkeeper, the Master and other Office Bearers of the *Kilmarnock Kilwinning* Lodge of Free-Masons, *John Buntine*, *David Kennedy*, *Michael Baird* Baker, *Doctor William Muir*, *Mistress Adam*, *Mistress Hunter*, *Robert Tannock* Shoemaker, *Paton*, *M. Hacket*, *Mary Murdoch*, *John Tod*, *David Mitchell* Weaver, *William Reid* Carrier, *Alexander Robertson* Coppersmith, *Andrew Morris* Shoemaker, *Misses Morris* residing in *Glasgow*, *James Irvine* Innkeeper, *Templeton Macbowls*, *Michael Sooter* Bonnet-maker, *R. Fulton*, *Wyllie*, *Andrew Kelly* Gardener, *Mistress Baird*, *William Stewart*, *William Finnie* Merchant, *Wights*, *John Dalziel*, *George Galt*, *Colonel Dalrymple* of *Langlands*, *John Brown*, *William Hunter* Farmer, *John Tomlison*, *James Dunn* Innkeeper, *John Pattinson* at *Crookedholm*, *Alexander Bryson*, *Adam Lymeburner* Merchant in *Canada*, *Thomas Shaw* Shoemaker in *Ricarton*,  
Alexander

Trustees may agree for the Purchase of Lands.

*Alexander Alexander Wright, the Reverend Robert Jaffray Minister, Fairservice, Robert Walker Shoemaker, J. Mosman, William Steven in Loanfoot, Adam Wasan Shoemaker, John Wyllie Manufacturer, Tannoch Shoemaker, Robert Thomson Manufacturer, Mistres Tomlinson, James Maclaine junior, Manufacturer, Bellman of Fenwick, the Heirs of David Wright, the Heirs of William and Hugh Tomson, John Andrew, the Heirs of Archibald Maclybie, William Baird Weaver, Robert Maccrone Weaver, Mistres Smellie, the Heirs of Barbara M'Ghie, James Craig Weaver, William Gregory Merchant, John Samson Merchant, Hugh Baird Baker, William Muir Merchant, John Hamilton Weaver, James Hunter Baker, the Heirs of George Howie and Mistres Muir, Widow Mary Boyd, the Kirk Session of Kilmarnock, Helen Muir, Mistres Clark and Mistres Muir, John Smith in Grassmiller-side, Mistres Mason, the Heirs of William Kerr, Peter Bishop Shoemaker, Mistres Tough, James Hamilton, Janet Guthrie and John Simson, Mistres Chelland, Mistres Aird and the Trustees of the deceased John Aird, Andrew Wallace Shoemaker, James Hutchison Dyer, James Cutbatsen Tanner, the Heirs of Master Paterson of Kaimshill, David Auld Mauchline, Baillie Andrew Brown in Paisley, William Strang Shoemaker, John Smith, David Petrie Weaver, James Palmers, John Meikle, James Allan, George Smith, the Heirs of Currie, George Kilpatrick, John Taylor, Agness Harvie, James Hacket, John Paton, George Thomson, George Hutchison Innkeeper, Robert Creelman Glover, William and Thomas Waugh Hatters, the Heirs of Robert Armour, Quarter-master John Lawrie, Hugh Wyllie, the Heirs of James Brackenridge, John Walker Shoemaker, George Masterton Tanner, John Rayburn Merchant, John Smith, James Findlay, John Tannabill, David Steele, Hugh Bicket, Robert Borland, late of the Island of Jamaica, Robert Wyllie, James Thomson Tanner, the Heirs of William Robertson, the Heirs of James Hunter Weaver, Elizabeth Borland, and the Heirs of Alexander Young Carrier, who are all the Heritors, Life-renters, Occupiers, and Tenants, so far as at present are known, or can be discovered of the Lands, Houses, and other Hereditaments which are proposed to be used by the aforesaid Streets, Avenues, Lanes, and Passages, or Burial Ground, or by the Bridges, and other Buildings which are intended to be erected in Manner before mentioned, or by the Areas along the same; and to agree with the Heirs and Disponees of all or any of the aforesaid Persons, and with any other Person or Persons, Body or Bodies Corporate, who are or may be Proprietors, Life-renters, Occupiers, or Lessees of any of the said Lands, Tenements, or Hereditaments, or with the Owners, Life-renters, or Occupiers of any other Lands, Tenements, or Hereditaments which may be found necessary in the making the said intended new Streets, and Passages, and Buildings, and others before described; and the Areas on each Side thereof to be occupied for building Ground in the Lines or Directions before mentioned: Provided always, that although any of the Heritors, Occupiers, or Life-renters of any of the said Lands, Tenements, and other Hereditaments, shall, through Misinformation, have been wrong named or described, it shall not afford any Ground or Pretence for the said Heritors, or other interested, or any of them, for objecting to or interrupting the Execution of the said Works under this present Act.*

Misnomers  
not to afford  
Objections.

Persons hav-  
ing Ground  
on the Sides  
of the in-

XXIV. Provided also, and be it further enacted, That in Case any Person, having Grounds on each Side of the said intended new Streets, shall, within

within Six Months from the passing of this Act, intimate to the said Trustees or their *Quorum*, that he or she incline to build Houses on such Ground, and to pay a rateable Proportion of making, forming, and keeping up the said Streets, corresponding to the Value of such Ground, and give Security to the Satisfaction of the said Trustees, or their *Quorum* for so doing, then they shall be at Liberty to build on the said Ground for their own Behoof, any Thing herein contained to the contrary notwithstanding; upon Condition always, that such Houses so to be erected, shall be built in the same Line, of the same Height, and in Conformity to the Plan which may be adopted by the said Trustees for the Houses to be erected by them in such Streets.

tended Streets may, upon Intimation thereof build thereon in Conformity to the Plan.

XXV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors, or Curators for Infants, Minors, Ideots, Furious, or other Persons, and to and for all and every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any of the said Lands, Houses, Tenements, or other Hereditaments, to sell and convey to the said Trustees all or any such Lands, Houses, Tenements, or other Hereditaments, or any Part thereof, and all their Right to and Interest in the same, for the Purposes aforesaid; and that all Contracts, Agreements, Sales, or other Conveyances so made, shall be valid to all Intents and Purposes, any Law, Statute, or Usage to the contrary notwithstanding; and that all Trustees, Heirs of Entail, Tutors or Curators, Corporations, Proprietors, Incumbrancers, and all other Persons, are and shall be indemnified for what they shall do by virtue of or in pursuance of this Act.

Power to incapacitated Persons to sell and convey.

XXVI. Provided always, and be it enacted, That in case no Agreement shall be concluded between the said Trustees and the Heritors, Life-renters, or Lessees, or any of them, either by the Heritors and others interested, refusing or neglecting to treat and agree, or to accept of the Value and Price offered to them by the said Trustees within Ten Days after being required under Form of Instrument so to do, or from the said Persons interested being under Incapacity, or unknown, then it shall be competent to the Sheriff Depute of the County of *Ayr* for the Time being, or his Substitute, upon Application being made to him by the said Trustees, to name and appoint Seven skilful and indifferent Persons, who after being sworn by the said Sheriff faithfully to discharge their Duty, shall have full Power and Authority, and they are hereby empowered and required to value and appreciate the several Properties, One or more, specified in such Application, within Two Calendar Months after their being so appointed, and their Decision and Determination therein shall be final and obligatory on all the Parties concerned: Provided nevertheless, that it shall be optional to any Heritor, Life-renter, Lessee, or other Person interested, either to allow the Appreciation to be made as aforesaid, or within Six Days after the Nomination of Appreciators by the Sheriff is intimated to him or her, to name One Arbiter for him or herself, who, along with another Arbiter whom the said Trustees shall be obliged to name, within Six Days after being required so to do, shall have full Power, and they are hereby empowered to ascertain and determine the Value and Price to be paid to the Heritor or other Party Submitter for his or her Property, within One Month after they are named; and that such Arbiters, in case of a Difference in Opinion

If Owners refuse to sell, Appreciators to be appointed.

[*Loc. & Per.*]

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between

between themselves, shall have full Power, and be obliged within Ten Days after such Difference is declared, to name an Overseer or Umpire, with the like Powers as themselves, to be continued during Fourteen Days after he is so named, and within such Time he shall be obliged to determine.

In case of Arbiters, etc. refusing to determine, the Sheriff to nominate Two Valuators.

XXVII. And be it further enacted, That in case of the said Arbiters failing to determine, or to name an Overseer, or of the Overseer named declining to accept and act within the respective Times before limited; in either of these Events it shall be competent to and in the Power of the said Sheriff Depute, or his Substitute, and he is hereby empowered and required upon Application of the said Trustees, to nominate and appoint Three skilful and indifferent Persons for ascertaining and determining upon Oath, by the Decision of all or any Two of such Persons, the Value to be paid by the Heritor or Heritors, or other Party Submitter for their Property or Interest; and which last Decision or Determination shall also be final and binding upon all the Parties concerned, Notice in Writing being always given to the Person or Persons interested, if they can be discovered, at least Ten Days before the Time of such Valuation or Assessment, either by the Valuators or Arbiters to be named by the Sheriffs, or the Parties themselves, intimating the Time and Place of the Meeting of the Valuators, by delivering such Notice to such Person or Persons personally, or by leaving the same at his, her, or their usual Place or Places of Abode, or with some Tenant or Occupier of the said Lands, Tenements, or other Hereditaments intended to be valued, in case such Party cannot otherways be found out to be served with such Notice, and all which Decisions and Determinations to be made and pronounced either by the Appreciators to be named by the Sheriff, or the Arbiters named by the Parties themselves, or the Overseer, after being duly authenticated, shall be entered in the Records of the Sheriff Court of *Ayr*; and the same or Copies thereof signed by the Clerk of Court, shall be deemed and taken as good and lawful Evidence in all Courts of Law and Equity whatsoever: Provided nevertheless, that it shall not be lawful to, nor in the Power of the said Trustees to compel any Proprietor of Houses or Heritages in the Line of the said Streets, or within the proposed Areas intended to be built upon, to sell or dispose of the same by Valuation or otherways as hereby directed, for the Purpose or with a View of the said Trustees again selling or disposing of such Houses or Heritages as they formerly stood, but only for the Purpose of taking down the same, and disposing of or using the Ground and Areas for the Purposes of this Act; nor shall it be lawful to the said Trustees to enter upon the Premises, or to dispossess the Proprietors, Occupiers, or Lessees for the Time being of any Part of the said Houses, Tenements, or other Hereditaments, at any Time sooner than it shall become necessary to use and employ the same, for the Purpose of opening and making any of the said intended new Streets, or the Execution of the Plans of building on the Areas on each Side thereof, or building the Bridges, or any other of the Purposes above mentioned; and particularly, that it shall not be in the Power of the said Trustees to sell or dispose of any of the said Houses, Tenements, or other Hereditaments, or to cause any Part thereof to be taken down or removed, except for the Execution of the Purposes of this Act only; but such Proprietors, after the Acceptance and Receipt of the agreed or awarded Price of their  
respective

Trustees not to dispossess Persons unnecessarily.

respective Properties, shall be liable and obliged during their Possession thereof, to pay to the said Trustees such reasonable Rent or annual Consideration for the same, as shall be agreed on between them and the said Trustees, or as shall be fixed by the Arbiters who previously determined the Value and Price to be paid therefore.

XXVIII. And be it further enacted, That if any of the Owners, Proprietors, and Lessees of the said Lands, Houses, Tenements, or other Hereditaments; upon legal Tender made to him, her, or them respectively, either personally, or at their Dwelling Houses, if residing within the Town of *Kilmarnock*, or if residing without that Town, made at the Dwelling House of some Tenant or Occupier of the Premises, shall refuse or neglect to accept of such offered Price, or if the Party or Parties interested, shall not be able to make out a good Title to the Premises, to the Satisfaction of the said Sheriff Depute, or that the Subjects are incumbered or entailed, so that the Price of the same cannot be safely and legally paid to the Parties immediately interested; in any of these Events, the said Trustees are, and shall be authorized to make Payment and Consignation thereof, with the Approbation and Warrant of the said Sheriff Depute; or his Substitute, into the Bank of *Scotland*, or the Royal Bank of *Scotland*, for the Use and Behoof of the Parties truly interested, and upon Evidence being given of such Payment or Consignation in the respective Cases aforesaid, it shall be lawful to the said Sheriff, and he is hereby authorized and required, on Application of the said Trustees, to decern and adjudge the full Right and Property of the said Lands, Houses, Tenements, Leases, and other Hereditaments respectively, to belong to the said Trustees, as fully and freely as if the respective Proprietors and others interested therein, had disposed and conveyed, or had resigned the same to and in Favour of the said Trustees and their aforesaid, and it shall then, and not before, or otherwise, be lawful to and for the said Trustees to enter upon the Premises, and to convert and dispose of the same for the Purposes of this Act.

In case of Refusal, the Money to be consigned.

XXIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid, for any Lands, Tenements, or Hereditaments, purchased, taken, or used, by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied

Application of Compensation Money when exceeding 200 £.

applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of the Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the Interest or annual Produce of such Money shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200*l.*  
and above  
20*l.*

XXX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purpose aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising thereon, may be applied in any Manner herein-before directed, as far as the Case be applicable.

Where under  
20*l.* Sterling.

XXXI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rent and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit, or in case of Infancy or Lunacy then to his, her, or their Tutors or Curators to and for the Use and Benefit of such Person or Persons so entitled respectively.

If awarded  
Price not paid  
within a cer-  
tain Time,  
Award to be  
void and null.

XXXII. Provided always, and be it further enacted, That in case the Sum or Sums of Money awarded by the said Valuators or Arbiters in Manner above directed to be paid to the Owners, Occupiers, Life-renters, and others interested for the respective Interests in the Premises aforesaid, shall not be paid, tendered, or consigned as herein-before directed, within Six Calendar Months next after the same shall have been so awarded, then and in such Case, the Award and Determination of the said Arbiters,  
and



and the Order and Adjudication of the said Sheriff thereupon, shall not be binding on the said Parties, the Owners, Occupiers, and others interested in the Premises, but the same shall continue binding on the said Trustees; any Thing herein contained to the contrary notwithstanding.

XXXIII. And be it enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, after making Payment of such Sum or Sums of Money as shall be agreed upon between them and the said Owners and Occupiers, or other Persons interested therein respectively, or adjudged or awarded as aforesaid for the Purchase of the said Lands, Houses, Tenements, and other Hereditaments, Tacks, or Leases, or after Consignation thereof, in the Cases aforesaid, to order the said Houses, Tenements, and other Buildings to be taken down, and the Areas to be cleared, and otherwise to use the Property so acquired, as shall be thought proper and necessary by the said Trustees for the Purposes of this Act.

After Payment of Price awarded, Trustees may pull down Houses, &c.

XXXIV. And be it also enacted, That after the Purchase of any such Tenements, Houses, Lands, and other Hereditaments as shall be found necessary for the Execution and completing of the said new Streets or Avenues, and the Areas on each Side thereof, and other Purposes above-mentioned, the said Trustees shall be, and they are hereby authorized and empowered to sell by publick Auction, for an adequate Price, the Materials of all such Houses and Buildings, and also the remaining Ground or building Areas along each Side of the said intended new Streets, for Payment either of a reasonable Price or annual Feu Duty; and they shall be obliged to account for and apply both the Purchase Money and annual Feu Duties thereof to and for the Purposes of this Act, and none other, and they are hereby authorized and empowered to pay the Purchase Money or adjudged Value of the said Lands, Tenements, and other Hereditaments, Tacks, or Leases, out of such Sums as they may raise by voluntary Subscriptions or Pontage, or out of such other Sums as shall be raised by Way of Loan or otherwise for the Purposes of this Act.

Trustees to sell Materials, and feu or sell Areas.

XXXV. Provided also, and be it enacted, That previous Notice shall be given by the said Trustees to the Tenants and Occupiers of all such Lands, Tenements, Houses, Leases, and other Hereditaments, as are so to be converted and disposed of for the Purposes aforesaid, Three Months at least before the Term of *Whitsunday*, at which the said Tenants or Occupiers are to be removed therefrom, by affixing a Notice in Writing to that Effect, upon the most patent Door of such Houses, Tenements, and other Hereditaments, or by delivering such Notice to the principal Occupiers thereof.

Notice to be given to Tenants to quit.

XXXVI. And be it further enacted, That in the Event of any of the said new Buildings, Streets, or Areas on each Side thereof, cutting through and taking off only a Part of any of the Houses or Buildings that may be standing thereon, or of the Gardens or other Grounds occupied thereby, the Proprietors, Life-renters, and Possessors of such Houses, Buildings, and other Hereditaments aforesaid, shall be entitled, (if they so incline), to receive and be paid the full and adequate Value of the Whole of such

If Part of any Property taken, the Whole to be purchased,

[*Loc. & Per.*]

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Buildings,

Buildings, Houses, and other Hereditaments, and which the said Trustees shall be, and are hereby obliged to purchase, account for, and pay accordingly as the same shall be determined in the Manner before directed.

Extending the Jurisdiction of the Magistrates:

XXXVII. And be it also enacted, That from and after the passing of this Act, the Jurisdiction of the Magistrates, Baillies, and Council of *Kilmarnock* shall be extended over the Lands of *Netbertown Holm, Town End Glebe, and Grange*, and that the said Magistrates and Council shall have and enjoy the same Rights and Privileges over the Grounds annexed to their Jurisdiction, as they do now enjoy and exercise over and within the Limits of the present Town by any Law or established Custom: Provided always, that if any Church or Churches shall be built and endowed within the said Town, or upon any of the Grounds annexed as above mentioned, the Right of Patronage is declared to belong to the Marquis and Marchioness of *Titchfield* and their Trustees, in the same Manner as they hold and enjoy the Patronage of the Churches in the said Town at present.

Patronage of Churches to belong to the Marquis and Marchioness of *Titchfield*.

Magistrates to appoint Stent Masters:

XXXVIII. And be it further enacted, That the said Trustees shall have full Power to appoint Stent Masters, Assessors, and Collectors to assess and to levy from the Proprietors and Occupiers of the said annexed Grounds, and of all such Houses as are built or hereafter shall be built upon the aforesaid Grounds hereby annexed to and comprehended within the said extended Jurisdiction, an equal and rateable Portion of the Cess, Trades Stent, Pools Rates, Conversion of Statute Labour, and other Taxes payable by the Inhabitants of the Town of *Kilmarnock*, in the same Manner as they are now levied within the present Jurisdiction.

Cess, how to be levied.

XXXIX. Provided always, and be it enacted, That the several Lands hereby annexed to the said Town, besides the Cess to be levied by the Collectors of the Town, for and in respect of the Houses and Buildings erected thereon, shall remain liable, and to be subjected to the Payment of a rateable Proportion of the Cess or Land Tax, and other publick Burdens imposed or to be imposed on the Shire of *Ayr*, for and in respect of the Ground.

A Reservation of Tythes.

XL. Provided always, and be it further enacted, That the Tythes payable out of the Lands hereby annexed shall be, and the same are hereby saved and reserved to the true Owners thereof, in the same Manner as if this Act had never passed.

Foot Pavements to be made.

XLI. And whereas it would be greatly for the Benefit and Convenience of the Inhabitants of the said Town, and of all Persons resorting thereto, that Foot Pavements were made on the Sides of the Streets, both within the said Town, and within the Lands hereby annexed, that the Foot Pavements and Streets were properly cleansed, and that all Obstructions and Nuisances were removed, and the same prevented in future; be it therefore enacted, That the Owners or Proprietors of all Houses and other Buildings, or of Gardens or Grounds on which Buildings are not erected, which are adjoining to and fronting any Street, Square, or other publick or principal Place within the said Town, shall at his, her, or their Expence, cause

cause the Grounds before their Property respectively on the Sides of the said Streets, Squares, and other publick and principal Places, to be well and sufficiently paved with flat, hewn, or other Stones, in such Manner and in such Form as the said Trustees (after visiting and inspecting the Grounds, and hearing the Parties concerned), shall, by their Order from Time to Time, direct and appoint, the Breadth of the said Foot Pavements not to exceed Twelve Feet in Streets of Sixty Feet wide and upwards; Ten Feet in Streets from Fifty to Sixty Feet wide; Eight Feet in Streets from Forty to Fifty Feet wide; and Six Feet in all Streets below Forty Feet wide; and that the whole Foot Pavements in the same Streets should be of the same Breadth, and that it shall be in the Option of the Owners or Proprietors of Gardens or Grounds within the said Town and Liberties thereof, on which Buildings shall not be erected, either to pave opposite their Property respectively in Manner aforesaid, or to causeway the Foot Pavements before them with Whin Stones, until their said Gardens or Grounds shall be built upon, but no longer: Provided always, that such Parts of the said Foot Paths as are opposite to Wynds, Lanes, or Closets, which are Cart or Carriage Entries, may also, in the Option of the Proprietors, be paved with Whin Stones.

XLII. And be it enacted, That in case any such Owner or Proprietor shall refuse or neglect to cause such Grounds to be paved in Manner and Form so directed within such Time as he, she, or they shall be required so to do by the said Trustees, after having visited and inspected the Grounds and heard Parties concerned, that then it shall and may be lawful to the said Trustees to cause the said Foot Pavements to be made in such Manner and Form as they shall order and direct, the Breadth of the said Foot Pavements not to exceed the Breadths before specified; and to cause the same to be done at the Charge and Expence of such Owners or Proprietors respectively; and in case any such Owner or Proprietor shall refuse or neglect to pay such Charges and Expences when required, it shall and may be lawful to the said Trustees to decern such Charges and Expences to be paid by such Owner or Proprietor, either to the Tradesman by whom the Work has been done, or any other Person named by the said Trustees, with the additional Expences incurred in recovering the same.

In case Proprietors refuse, Trustees may make Foot Pavements.

XLIII. And be it enacted, That it shall and may be lawful for the said Trustees, after the Foot Pavements shall have been completed for the First Time, by virtue of this Act, to decern them to be kept in proper Repair, and to give Orders for the Charges and Expences of repairing, relaying, and maintaining the said Foot Pavements against the several Owners or Proprietors of the Houses and other Buildings, or of Gardens and Grounds on which Buildings are not erected, in the same Manner; and according to the same Proportions, as they are herein-before empowered to decern for the Charges and Expences attending the first making of the Foot Pavements aforesaid.

Foot Pavements are to be kept in Repair.

XLIV. And be it hereby enacted, That when the Floors or Stories of the aforesaid Front Houses or Buildings belong to more Proprietors than One, the several Proprietors of the same House or Building shall cause the Ground before their respective Houses or Buildings to be paved, and the Pavements to be kept in Repair in Manner aforesaid, the Expence being defrayed in Proportion to the Rents of the respective Parts of the House or Building belonging to each of them; and in case any Dispute or Difference

How Expences thereof to be defrayed.

ference shall arise amongst the several Proprietors of the same House or Building, relative to their Proportions of the aforesaid Expence, that then it shall and may be lawful for the said Trustees to determine the same according to the Rate of such Rents, and to decern for that Expence in Manner aforesaid, which Determination shall be final, conclusive, and binding on all Parties.

Tenants to retain Expences from their Rents.

XLV. And be it enacted, That the Tenants or Occupiers of the Houses or other Buildings belonging to such Owners or Proprietors (in Default of the Proprietors paying the said Expence), in case he, she, or they shall pay the Expences aforesaid (which they are hereby authorized and required to do), to the Amount of the Rents due by them respectively, shall be at Liberty, and they are hereby empowered to deduct and retain out of his, her, or their Rents, such Sums of Money as they shall respectively pay on account thereof for their respective Landlords, Owners, or Proprietors, who are hereby required to allow such Payments accordingly; any Lease or Contract to the contrary notwithstanding.

Possessors to clean Foot Pavements.

XLVI. And be it enacted, That from and after the passing of this Act, every Person or Persons who shall possess the Shops, or where there are no Shops, who shall inhabit the First Floors of the Front of any Dwelling House, or other House or Building adjoining to and fronting the Foot Pavements within the said Town, shall cause the same, along the Front of their respective Shops and Property, to be swept, scraped, and cleaned Once every lawful Day, between the Hours of Six and Nine in the Morning, and if they fail so to do, it shall and may be lawful for the Magistrates of the said Town, or any One of them, to decern in a summary Manner such Possessors and Proprietors to pay a Sum not exceeding One Shilling Sterling for each Offence, to be levied in Manner herein-after directed; and in case any Dispute shall arise among the Possessors or Occupiers of the Shops, Houses, or Property adjoining the said Foot Pavements, relative to the cleansing, scraping, and sweeping the same, it shall and may be lawful to the said Magistrates, or any One of them, to inquire into the Matter, and determine the same, which Determination shall be final; and that where the Possessors of Shops, or Inhabitants of the First Floors or Stories of Dwelling Houses, sweep, scrape, and clean the Foot Pavements in Manner aforesaid, they shall have Relief against the Inhabitants of the Upper Floors or Stories of these Houses for a Proportion of the Expence of so doing, corresponding to the Valuation of their respective Possessions, which Proportion shall, in case of Dispute, be determined and decerned for by the said Magistrates, or any Two of them, whose Decision shall be final and binding on all Parties.

Scavengers to clean Streets.

XLVII. Provided always, and be it enacted, That the public Streets, Squares, Passages, and principal Places within the Town (excepting the said Foot Pavements, and also those Parts of the said Foot Pavements which are causewayed with Whin Stones in the Cases before specified), shall be swept and cleansed by Persons to be hired by the said Trustees, and that the Expence thereof shall be defrayed from the Funds provided by this Act.

Regulating Foot Pavements.

XLVIII. And be it further enacted, That if any Person or Persons shall carry run, drive, draw, or cause to be carried, run, driven, or drawn, on any of

of the Foot Pavements within the said Town, any Beer Sledge, or Wheel Barrow, Wheel, or Wheels, or any Coach, Sedan Chair, Waggon, Cart, or Carriage whatsoever (except directly across the same on necessary Occasions), or shall wilfully ride, lead, or drive any Horse, Ass, Mule, or other Cattle (except when going directly across the said Foot Pavements to or from Stables or Cow Houses), upon any Part of the said Foot Pavements, or shall throw or cast any Dirt, Dung, Ashes, or Rubbish into or upon the same (except in Time of Frost and Snow), or shall roll any Barrels, Hogsheds, or Casks, empty or full, along the said Foot Pavements for any Distance whatever (except across them directly to or from Cellars, Shops, or Warehouses), or shall roll any such Barrel, Hogshed, or Cask along any of the publick or principal Streets, Squares, or Places in the said Town, except from Shops, Cellars, Warehouses, or other Places, directly to such Carts or Carriages as they are to be loaded upon, or from such Carts or Carriages as they have been loaded upon, directly to the Shops, Cellars, Warehouses, or other Places in which they are to be deposited (not exceeding Thirty Yards in any Case), then it shall and may be lawful for any Person or Persons who shall see such Offence committed, to seize, and for any Person or Persons to assist in seizing such Offender or Offenders, and by the Authority of this Act, without any other Warrant, to convey and deliver him, her, or them to the Custody of a Peace Officer, in order to be secured or conveyed before One of the Magistrates of the said Town, and the Party or Parties accused being brought before him, such Magistrate shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence (which Oath the said Magistrate is hereby empowered to administer), and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or the Oath of One credible Witness, he, she, or they shall forfeit and pay any Sum not exceeding One Shilling Sterling for the First Offence, Two Shillings and Sixpence Sterling for the Second, and Five Shillings Sterling for the Third, and every subsequent Offence; and in case such Offender or Offenders shall not, upon such Conviction, immediately pay such Penalty, the said Magistrate is hereby authorized and required to commit him, her, or them to Prison for any Time not exceeding Two Days unless such Penalty, and the Charges occasioned thereby, shall be sooner paid and satisfied.

XLIX. And be it enacted, That it shall and may be lawful for and in the Power of the said Trustees, or any Two of them, by an Order given under their Hands (after inspecting the Premises, and hearing the Parties concerned) to order the Proprietors of all Houses and other Buildings fronting any of the Streets of the said Town, to remove or cause to be removed and taken away, within a reasonable Time, all Outstairs, Outshots, Buildings, Erections, and other Things whatsoever which tend to obstruct free Passage in the said Streets and Foot Pavements, and if within the Time specified in such Order, the said Outstairs, Outshots, Buildings, Erections, and other Things be not taken away, the Owner or Proprietor of such House or Building to which the said Obstructions are annexed and belong, shall forfeit and pay any Sum not exceeding Ten Shillings Sterling, and so *toties quoties* for every Month after the Date of such Order, during which the said Outstairs, Outshots, Buildings, or other Things shall remain; the said Fines to be recovered and applied in Manner herein-after

Outshots and  
Outstairs to  
removed.

[*Loc. & Per.*]

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directed:

directed: Provided always, that in case the aforesaid Obstructions shall not be removed within Three Months after the Order decerning them to be removed, that it shall be lawful for and in the Power of the said Trustees, or any Two of them, to order the same to be removed *brevi manu*.

Expence of removing Obstructions to be paid by Trustees.

L. Provided always, and be it enacted, That in Cases where the said Outstairs, Outshots, Buildings, and Erections shall be removed under the Authority of this Act, for the Purposes of publick Convenience and Accommodation, that the Expence and Damage arising therefrom shall be paid by the said Trustees from the Funds granted by this Act.

Proviso as to Outstairs already made; where other Access to Houses cannot be had.

LI. Provided always, and be it enacted, That in such Cases where the Houses and other Buildings already erected on the Sides of the said Foot Pavements cannot have convenient Access and Entries made to them by any other Passages than the Outstairs already made and erected, that the Trustees shall only have it in their Power to order the said Outstairs to be altered and narrowed in such a Manner as to leave a free Passage not less than One Third of the Breadth of the said Foot Pavements opposite to the said Outstairs.

Regulations and Bye Laws to be made for removing Obstructions and Nuisances in Streets and Pavements.

LII. And be it enacted, That the said Trustees present at any Meeting called for the Purpose, shall have Power to make Regulations, (from Time to Time), consistent always with this Act and the Laws of *Scotland*, for removing Obstructions and preventing Nuisances of every Kind on the Foot Pavements, Streets, and other Places within the said Town, and to enforce the same by such pecuniary Penalties as they shall appoint, not exceeding in any Case the Sum of Five Shillings Sterling for each Transgression, to be levied and recovered in Manner herein-after directed and appointed: Provided always, that none of the said Regulations shall become valid or take Effect till they be ratified and confirmed by the Magistrates of the said Town, and published in the Newspapers, and printed and put up in the most conspicuous Places of the said Town.

Sign Posts to be taken down.

LIII. And be it enacted, That it shall and may be lawful to the said Trustees to cause to be removed and taken down all Signs, Sign Posts, Boards, Water Barges, Sheds, Dyers, Scowerers, or Barbers Poles, or any other Pole projecting into or hanging over any of the Foot Pavements, Streets, Squares, Lanes, or Passages; and that in future all Signs and Sign Boards shall be placed or affixed close on or flat to the Wall or Fronts of the Houses, Shops, Warehouses, or other Buildings whereunto they respectively belong; and that if any Person or Persons shall at any Time hereafter hang, place, or erect, or cause to be placed, hung, or erected, any Sign, Sign Post, Pole, or other Projection, Obstruction, or Annoyance whatever contrary to the Meaning of this Act, it shall be lawful for the said Trustees to order the same to be removed and taken away, and to decern in a summary Way such Person or Persons to pay any Sum not exceeding Two Shillings and Sixpence Sterling for the First Offence, and after Conviction of any such Offence to decern him or them to pay any Sum not exceeding Five Shillings Sterling for every Week such Projection, Obstruction, or Annoyance shall remain; every such Fine and Penalty to be recovered and applied in Manner herein-after directed and appointed.

LIV. And

LIV. And be it enacted, That if any Person or Persons shall place or bring out upon any Street or Side Pavement, either on Stalls or otherwise, within the said Town, any Goods, Commodities, Provisions, or other Matter or Thing whatsoever, and shall expose the same for Sale or Shew in such Streets or Side Pavements, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Shillings Sterling, and be obliged to remove such Goods, Commodities, or other Things from such Streets or Side Pavements, and if the said Penalties be not immediately paid, and the Goods or other Things removed, it shall and may be lawful for the said Trustees to cause the said Goods, Commodities, and other Things so set out or exposed, to be removed, taken away, and deposited in such Place or Places as he or they shall direct and appoint, there to remain until the Offender or Offenders shall have paid the Penalty with the Charges and Expences attending the carrying away and depositing the same as aforesaid: Provided, that nothing herein contained shall extend or be construed to extend to prevent Persons exposing and setting out such Goods and Provisions in the said Streets, Lanes, Passages, and other Places for Shew or Sale on publick Fair Days, in the same Manner and under the same Restrictions and Limitations as practised before the passing of this Act; but the aforesaid Exception shall not extend or be construed to extend to the Foot Pavements before described made or to be made on the Sides of the said Streets, Lanes, and Passages, upon which none of the said Articles shall be sold or exposed even on those Fair Days.

No Stalls to stand on Streets.

LV. And be it enacted, That the said Trustees shall and may order and direct the Houses, Buildings, Shops, or Warehouses within the said Town and Liberties thereof, to be numbered with Figures to be placed or painted on the Doors, or on such other conspicuous Part thereof as the Proprietors shall think proper, and may likewise order to be painted or otherwise inscribed on a conspicuous Part of some House or Building, at or near the End or Corner of each Street, Square, Lane, Passage, or Place, the Name of such Street, Square, Lane, Passage, or Place, and any Person or Persons who shall wilfully and maliciously destroy, injure, obliterate, or deface any such Number, Figure, Name, or Description, shall for every such Offence, forfeit and pay a Sum not exceeding Forty Shillings nor less than Ten Shillings Sterling, to be levied and recovered in Manner herein-after directed.

Streets, Houses, and Shops to be numbered.

LVI. And be it enacted, That the Water from the Roofs of all Houses or other Buildings within the said Town, fronting the publick Streets and Wynds which are Thoroughfares to the said publick Streets, shall be conveyed in Lead or other Pipe or Pipes, reaching within Six Inches of the Ground, and affixed against or on the Sides or Fronts of such Houses or Buildings; and in case the Owners or Proprietors of said Houses or Buildings shall not convey the Water from their Houses and Buildings by the said Pipe or Pipes in Manner aforesaid, that then it shall and may be lawful to the said Trustees, or any Two of them, on inspecting the Premises, and hearing Parties concerned, to decern in a summary Manner such Owner or Proprietor to pay any Sum not exceeding Two Shillings and Sixpence Sterling, for every such Offence; and if after Conviction of any such Offences, the Water from any House or

Water from Roofs of Houses, how to be conveyed.

other

other Building shall be still conveyed otherwise than in Lead, or other Pipe or Pipes so affixed and reaching as aforesaid, for the Space of One Calendar Month or more, then and in every such Case, the Owner or Proprietor of every such House or Building shall forfeit and pay the Sum of Ten Shillings Sterling, and so *toties quoties* for every Month after such First Conviction, during which the Water shall be conveyed otherwise than aforesaid, every such Fine or Forfeiture to be recovered and applied in Manner herein-after directed; and the said Penalties to be always paid according to the Proportions of their respective Rents; and in case the said Persons shall neglect for Two Months to convey their Water in Manner aforesaid, that it shall be lawful to and in the Power of the said Trustees, or any Two of them, to order the Works necessary for conveying the said Water in Manner aforesaid, to be done at the Expence of the said Persons, and to decern for the said Expences, besides the Penalties above specified.

Expences of  
Water Pipes,  
how to be  
paid.

LVII. And be it enacted, That where the Floors or Stories of any Houses or Buildings belong to more Proprietors than One, the several Proprietors of the same House or Building shall be obliged to defray the Expence of making, affixing, and keeping in Repair the said Pipe or Pipes, in Proportion to the Rents of the respective Parts of the said Front House or Building which belong to each of them as they shall stand rated in the Rent Roll before mentioned; and in case any Dispute or Difference shall occur amongst the several Proprietors of the same House or Building, relative to their Proportions of the aforesaid Expences, it shall and may be lawful to the said Trustees; or any Two of them, after inspecting the Premises, and hearing the Parties concerned, by an Order given under their Hands, to determine the same according to the Rate of such Rent in the said Rent Rolls, and to decern for that Expence in Manner aforesaid; which Determination shall be conclusive, final, and binding on all Parties.

Proviso as to  
Proprietors  
burthened  
with convey-  
ing Water by  
their Title  
Deeds.

LVIII. Provided always, and be it enacted, That where any One or more of the said Proprietors are by their Title Deeds burthened with the Expence of conveying the whole Water from the said Houses or Buildings, he, she, or they, shall continue to be subject to that Burden, but it shall and may be lawful for them, (upon obtaining an Order for that Purpose, under the Hands of the said Trustees, or any Two of them, after visiting the Premises and hearing Parties concerned), at their own Charges and Expences, to affix or cause to be affixed to those Parts of the Walls of the said Houses or Buildings which belong to the other Proprietors, a Pipe or Pipes for the Purposes aforesaid, they always indemnifying the other Proprietors for all Damages they may sustain by the said Fixtures, as the same shall be ascertained by an Order given under the Hands of the said Trustees, or any Two of them, in Manner and according to the Proportions aforesaid.

Recourse with  
regard to Te-  
nants paying  
the Expence  
of Water  
Pipes.

LIX. Provided also, and be it enacted, That when the Tenants or Occupiers of such Houses or other Buildings, shall, in Default of the Proprietors paying such Expence, have been at any Expence in conveying Water in Manner aforesaid, which they are hereby authorized and required to do to the Amount of the yearly Rents payable by them respectively, they may, and are hereby authorized and empowered to apply the



the Lead and other Materials of any Pipe or Pipes, formerly affixed to the said Houses, or the Produce thereof, towards such Expences, and shall have Power, and they are hereby authorized to deduct the Remainder of such Charges and Expences out of the next Rent due to his, her, or their Landlord or Landlords, who are hereby directed and required to allow the same in such Rent; any Lease or Contract to the contrary notwithstanding.

LX. And be it enacted, That it shall and may be lawful for the said Trustees, at all Times, to contract with or employ Scavengers, or other Persons, to cleanse and sweep the publick Streets, Squares, Passages, and principal Places within the Town, (excepting the Foot Pavements, which are to be cleansed and swept in Manner before directed), and immediately to order to be removed and carried from thence, all Soil, Dirt, Ashes, and Filth, to collect the same into Heaps, and afterwards to remove them to such Place and Places as the said Trustees shall appoint; and that it shall and may be lawful to them, to sell or dispose of as publick Property, the said Soil, Dirt, Ashes, and Filth, for Manure, to such Person or Persons as may be willing to purchase the same. Scavengers to be appointed.

LXI. And be it enacted, That all and every Persons or Person, who shall lay or place Dung, or cause it to be laid or placed on any Part of the Streets or other publick Ways of the said Town, for the Purpose of transporting it to the adjacent Grounds, shall remove and take away the same before Twelve of the Clock on the Day on which it is so laid in the Months of *November, December, January, February, and March*, and before Ten of the Clock before Noon, in the Months of *April, May, June, July, August, September, and October*; and if any Ashes or Dung of any Kind (except in Time of Frost and Snow), shall be so laid and remain upon any Part of the said Streets or publick Ways after the Hours before specified, it shall and may be lawful for the said Magistrates, or any One of them, to decern the Person or Persons so offending, to pay any Sum not exceeding Five Shillings Sterling, for each Offence, to be levied and applied in Manner herein-after directed. Dung to be removed from Streets.

LXII. And be it enacted, That the Persons employed in carrying or wheeling the said Dung into the Streets, shall be obliged to scrape, sweep, and cleanse the Foot Pavements over which the said Dung shall have been carried or wheeled immediately after they shall have finished that Work, under a Penalty not exceeding One Shilling Sterling, for each Offence, to be levied in Manner herein-after directed. Whealers of Dung to clean Foot Pavements.

LXIII. And be it enacted, That if any Person or Persons shall, at any Time or Times, obstruct, hinder, or molest any Officer or other Person who shall be employed in the Execution of his or their Duty under this Act, every Person or Persons so offending, shall forfeit and pay any Sum not exceeding One Pound Sterling for the First Offence, Two Pounds Sterling for the Second Offence, and Three Pounds Sterling for the Third and every subsequent Offence. Penalty of obstructing Persons employed in Execution of this Act.

LXIV. And be it further enacted, That it shall be lawful for, and in the Power of the said Trustees to make, or cause to be made, Common Sewers, Drains, and Water Courses within the said Town and Liberties thereof, Common Sewers to be made.

[Loc. & Per.]

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thereof, for draining and carrying the Water from the Roads, Streets, Squares, Lanes, and Passages, made or to be made in the said Town, and from the building Ground adjacent thereto, not only along and across the said Streets, Squares, Lanes, and Passages themselves, but through the Gardens or Grounds belonging to Corporations or individual Proprietors, in such Part or Parts thereof as are not built upon, and to repair, and cause to be repaired, and kept in Repair the said Common Sewers, Drains, and Water Courses, at all Times: Provided always, that when the said Common Sewers, Drains, and Water Courses shall be carried through the Gardens and Grounds belonging to Corporations or individual Proprietors, that the same shall be done in such a Manner, that the Houses and other Buildings erected on the other Parts of the said Gardens and Grounds, shall not in any Way be thereby damaged or prejudiced, and the said Common Sewers, Drains, and Water Courses, shall be covered over in a sufficient and substantial Manner, and the Top of the said Coverings shall be at least Twelve Inches below the Surface of the said Gardens or Grounds, and that all Damages done to the said Gardens or Grounds (including such Damage as may arise from the Proprietors being thereby prevented from digging proper Foundations, or building sunk Stories and Cellars on their Property respectively), and to the Fences, Trees, Bushes, and other Plants, or Crops growing thereupon, by making, digging, covering, and repairing the said Common Sewers, Drains, and Water Courses, shall be paid by the said Trustees according as the said Damage shall be ascertained, by Decrees to be pronounced by the Sheriff Depute of the County of Ayr, or his Substitutes, who shall, and are hereby authorized and required to hear the Parties, and to decern for the same in a summary Manner.

Holes made in Streets to be fenced and lighted, and Foot Pavements to be railed.

LXV. And be it enacted, That in case any Hole or Opening shall be made in any of the Streets, Lanes, Passages, Squares, or publick Places of the said Town or adjacent Streets, for the Purpose of digging Foundations for building, or for digging Wells, Drains, or any other Purposes, that the Person or Persons making or causing to be made the said Holes or Openings, and the Persons employed or concerned therein, shall at his, her, or their own Expence, cause a sufficient Rail or Fence of Ropes or other Materials to be put round the said Holes or Openings, and shall also cause a Lamp or Light to be affixed at or near the same, to be kept burning every Night that such Holes and Openings shall remain unfilled up, from Sun-setting to Sun-rising; and in case any of the said Person or Persons shall refuse or neglect to affix and keep burning the said Lamps or Lights in Manner aforesaid, it shall and may be lawful for the said Trustees to decern the Person or Persons so offending, to pay any Sum not exceeding Five Shillings Sterling, Weekly, so long as such Opening shall remain unfilled up, to be levied and applied in Manner herein after directed and appointed.

Fences to be put against Houses repairing.

LXVI. Provided always, and be it enacted, That when it is necessary to take down or unroof any Houses and Tenements fronting the Streets of the said Town for the Purposes of rebuilding or repairing them, or for any other Purposes, or when it becomes necessary to perform any other Work upon the said Houses or Tenements, whereby Risk shall arise of Stones, Slates, Timber, or any other Materials falling upon the said Foot Pavements on the Sides of the Streets, that every Person or Persons carrying on,

on, or causing to be carried on such Works, shall at his, her, or their Expence, fence round or cause to be fenced round with a sufficient Rail or Rope or other Fence, those Parts of the said Foot Pavements which are opposite to the said Houses or Tenements, and shall uphold and keep in proper Repair and Condition the said Rails, Ropes, or other Fences during the whole Time the said Works are carrying on, so as to prevent Passengers from walking along those Parts of the Pavements; and that it shall be lawful for and in the Power of the said Trustees to fine the Person or Persons refusing or neglecting so to fence round the said Pavements, in a Sum not exceeding Five Shillings Sterling, for each Day's Failure, to be levied and applied in Manner herein-after directed, and also to order the said Pavements so to be fenced in at the Expence of the Person or Persons carrying on the said Works or Repairs.

LXVII. And be it further enacted, That all the Meetings of the said Trustees shall be held within the Town House of the said Town of *Kilmarnock*, or in any other House in the said Town, to be appointed by their *Quorum*, and that they shall have Four Quarterly stated General Meetings during the Year in the same Place; *videlicet*, upon the First *Tuesday* of *June*, the First *Tuesday* of *September*, the First *Tuesday* of *December*, and the First *Tuesday* of *March* annually, at Twelve of the Clock at Noon, for putting this Act and the Powers thereby committed to the said Trustees in Execution, beginning the First of the said Quarterly Meetings upon the First *Tuesday* of *June* One thousand eight hundred and two; and that at all the Meetings of the said Trustees, the eldest Baillie of *Kilmarnock*, or other Person acting as Chief Magistrate of the said Town for the Time being, or eldest Magistrate present at such Meeting, shall preside, and in case of an Equality of Votes in any Question that may come before the said Trustees, shall have a casting or decisive Voice therein, as well as a deliberative One, and that their Preses shall cause the Whole of the said Trustees to be summoned to attend the said Quarterly Meetings, by written or printed Notices to be given to them personally, or left at their Dwelling Houses (if residing within the said Town or Neighbourhood thereof), at least Twenty-four Hours previous to the Time of the said Meeting, with full Power also to the said Trustees to nominate and appoint Treasurers, Clerks, and other Officers, and Servants proper and necessary under them, in order to the due Execution of the Act, and to appoint others when they think proper to remove and displace them or any One of them respectively; and also to limit and appoint reasonable and adequate Salaries, Wages, and other Allowances to be made and paid to such Officers and Servants, and to make such other Orders, Rules, and Regulations as the Nature of each particular Service shall seem to require, and they shall deem expedient, and from Time to Time to vary, alter, and revoke any of the said Rules and Regulations, and to do such other Acts and Things as to the said Trustees shall appear proper and necessary for putting this Act into Execution, they being always consistent with the several Powers and Regulations of this present Act.

LXVIII. And be it enacted, That the said Trustees present at such Quarterly Meetings may adjourn themselves from Time to Time as they may

Meetings, etc  
of Trustees.

Trustees may  
adjourn.

may

may think proper and necessary, for executing the Powers vested in them by this Act; and that the Clerk of the said Trustees shall give written or printed Notices to each of them of such adjourned Meetings, in the same Manner as is required for the said Quarterly Meetings; and it shall also be in the Power of the Preses of the said Trustees, of himself, to appoint other Meetings of them to be held so often and at such Times as may to him seem necessary and expedient; the whole Trustees being always summoned to attend every such Meeting in Manner above mentioned.

Appointing  
new Trustees.

LXIX. And be it also enacted, That if any of the Trustees above named should die, or be desirous to be relieved of the Trust, or become incapable to act therein, before the Purposes of the Act have been completely performed and executed, then and in any of these Cases it shall and may be lawful to and in the Power of the surviving or acting Trustees, or major Part of them, by a Deed executed by them, according to the Forms of the Law of *Scotland*, to elect and appoint any other fit Person or Persons to be a Trustee or Trustees for the Purposes aforesaid, in the Room and Place of such of them as shall so die, or be desirous to be relieved from, or become incapable to act in the Trust by this Act given; and such new Trustee or Trustees after being so elected and appointed, shall have as ample Power and Authority for executing the Purposes of this Act, as if they had been originally named therein.

Trustees may  
borrow Money.

LXX. And whereas the said Trustees and several other Persons have agreed to raise a Sum of Money by voluntary Subscription towards defraying the Expence of carrying the Purposes of this Act into Execution, but which, with the Tolls and Pontages to be levied in Manner above mentioned, will not be adequate to these Purposes, be it therefore enacted, That the said Trustees shall be, and they are hereby authorized and empowered to borrow and take up at Interest, from any Person or Persons willing to advance the same, any Sum or Sums of Money not exceeding Ten thousand Pounds Sterling, either on the Security of the Tolls and Pontages before granted, or on the Security of the Ground and Areas to be acquired by them in Manner above mentioned, and which Money so to be borrowed shall be applied for the Purpose of carrying this Act into Execution, and to no other Use or Purpose whatsoever.

When Money  
paid off, more  
may be borrowed.

LXXI. Provided always, and be it further enacted, That when the said Sum borrowed as aforesaid shall, in Whole or in Part, be applied and accounted for to the said Trustees at a General Meeting assembled, and by their Order paid off to the Person or Persons advancing or lending the same, it shall and may be lawful to and for the said Trustees at a General Meeting assembled, and they are hereby authorized to borrow another Sum of Money equal to that by them paid off as aforesaid.

Trustees may  
assign the  
Tolls.

LXXII. And be it enacted, That the said Trustees, or any Five or more of them, at a General Meeting assembled, may, and they are hereby empowered to assign and make over the Whole or any Part of the Tolls or Pontage Duties by this Act imposed, and vested in them, to any Person or Persons to whom the Money shall be so borrowed, or a Security for the  
Re-

Repayment of the Sum or Sums of Money so lent by them, and the Interest thereof, and such Assignments of the said Tolls or Pontage Duties for all and every Sum or Sums of Money so borrowed, shall be entered in a Book to be kept for that Purpose, which shall be seen and perused at all reasonable Times by any Person or Persons having Interest, without Fee or Reward.

LXXIII. Provided always, and it is hereby enacted, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls and Pontage Duties hereby granted, unless Notice for that Purpose shall be given in some One of the *Glasgow* Newspapers, at least Fourteen Days before the borrowing of such Money.

Notice to be given of borrowing Money.

LXXIV. And be it enacted, That the Charges and Expences of obtaining and passing this Act shall be paid from the Fund which shall be voluntarily contributed for the Purposes above mentioned, and from the Tolls and Pontage Duties to be levied on the said Bridges, or from other Funds under the Management of the said Trustees.

Paying Expences of the Act.

LXXV. And be it further enacted, That all and every Act and Acts of the said Trustees shall be entered minuted in Books to be kept for that Purpose, which and all other Books and Entries respecting the same, or that contain any Account or Accounts relative to the Purposes of this Act, shall be produced (if required), at every publick Meeting, and shall be signed by the Preses thereof; and such Entries and Books, after being so signed and authenticated, shall be held and taken to be the original Orders and Proceedings of the said Meetings, and also shall and may be produced and taken in Evidence in all Courts whatsoever; and in case any Surplus of the Money received for the Lands, Tenements, and Hereditaments acquired by the said Trustees, shall remain in their Hands, after paying the Expences of this Act, and what shall be laid out in making the proposed new Streets, Bridges, Town House, Slaughter House, Guard House, Burial Ground, and other Buildings on the Sides thereof, and all other Charges and Expences relative thereto, the said Trustees shall be, and they are hereby obliged to pay such Surplus to the Treasurer of the Town of *Kilmarnock*, for the Time being, for the Use of the Community; and it shall be in the Power of any Member of the Town Council, for the Time being, to call for an Account of the Money received and expended, and to sue for the Payment and Application of the Surplus as aforesaid.

Proceedings to be entered in Books.

LXXVI. And be it further enacted, That it shall and may be lawful for the said Magistrates, or any One of them, to decern in a summary Manner for the several Penalties, Damages, and Expences imposed by this Act (the Manner of levying or recovering whereof is not otherwise herein-before particularly described); and in case the Penalty or Forfeiture be not immediately paid, the said Magistrates, or any One of them, where the Sum decerned for does not exceed Fifteen Shillings Sterling, shall and they are hereby empowered to commit the Person or Persons so refusing to Prison, for any Time not exceeding Fourteen Days, unless such Penalties, Damages, and Expences, and the Charges incurred in levying or recovering the same shall be sooner paid and satisfied.

Recovery of Penalties not exceeding 15s.

Where ex-  
ceeding 15s.

LXXVII. And be it further enacted, That where the Penalties, Forfeitures, Damages, and Expences decerned for, exceed the Sum of Fifteen Shillings Sterling, it shall and may be lawful for the said Magistrates, or any One of them, upon Conviction of the Offender or Offenders by their own Confession, or by legal Evidence according to the Law of *Scotland*, in case the Offender shall not immediately pay the Sums decerned for, to cause the same to be recovered and levied by Distress and Sale of the Offender or Offenders Goods and Effects, by Warrant under the Hand of any One of the said Magistrates, and after deducting the Charges of such Distress and Sale, the Surplus, if any arising by such Sale, shall be paid to such Person or Persons; and in case sufficient Goods and Effects shall not be found, it shall and may be lawful for such Magistrates to cause such Person or Persons to be committed to the common Gaol of the said Town, therein to remain for a Time not exceeding Twenty Days, unless the Sums of Money so decerned for, and all reasonable Charges, shall be sooner paid and satisfied.

Magistrates  
may decern  
for Costs.

LXXVIII. Provided always, and be it enacted, That in all Cases where the said Magistrates and other Judges are empowered to decern for the Expence of any Works or Operations, or of any other Expences, Sums of Money, Damages, or Penalties, under the Authority of this Act, that it shall be lawful for them, and in their Power also to decern for the Costs of Suit, over and above such Expences, Sums of Money, Penalties, and Damages themselves.

Mitigation of  
Penalties.

LXXIX. And be it enacted, That it shall and may be lawful for the said Magistrates, or any One of them, from Time to Time, to mitigate or lessen any of the Forfeitures incurred under this Act, provided that none of the said Forfeitures and Penalties shall be mitigated or lessened unless they exceed the Sum of Ten Shillings Sterling, and where the said Penalties and Forfeitures exceed the Sum of Ten Shillings Sterling, that they shall not be mitigated or lessened more than Half besides the Expences and Charges of prosecuting for the same.

Application  
of Penalties.

LXXX. And be it enacted, That the Whole of the pecuniary Penalties and Forfeitures herein-before enacted, shall, after deducting the necessary Charges of recovering the same, be paid into and make Part of the Funds, under the Direction of the said Trustees for the Purposes of this Act.

Persons ag-  
grieved may  
appeal.

LXXXI. And be it further enacted, That if any Person or Persons shall think himself or themselves injured by any Order of the said Trustees, or by any Thing done in consequence of such Order by any Person or Persons acting under their Authority, every Person or Persons so injured or oppressed, may complain to any Two or more Justices of the Peace of the said County of *Ayr*, or to the Sheriff Depute, or his Substitutes, who are hereby authorized and required to hear and determine all such Cases as shall be brought before them.

Limitation of  
Actions.

LXXXII. And be it enacted, That the Forfeitures and Penalties which may be imposed in virtue of this Act, in case Actions for the Recovery of them be not commenced within the Space of Three Calendar Months from the Time the Facts by which they are incurred have been committed,

mitted, shall cease to be of any Effect, and the Person or Persons who shall have so offended, shall not be liable to be prosecuted for such Penalties or Forfeitures.

LXXXIII. And be it further enacted, That in case any Suit or Action shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the Defendant or Defendants of such Suit or Action, may produce this Act, and plead that the said Things were done by the Authority thereof; and if it shall appear so to be done, that then the Defendant or Defendants shall be absolved from every such Suit or Action, and shall have Triple Costs and Expences in the Defence thereof awarded to them, from and against the Prosecutor or Prosecutors of the same: Saving always and reserving to His Majesty, and to the said Marquis and Marchioness of *Titchfield*, and their Trustees, and to every other Person or Persons concerned, their Rights and Interests (other than the Extension of the said Jurisdiction), which they had, have, or may have in the Lands hereby annexed.

Act may be  
pleaded in  
Actions  
brought.

General Sav-  
ing.

LXXXIV. And be it further enacted, That this Act shall be deemed, taken, and allowed in all Courts of Law and Equity, as a publick Act; and all Judges and Justices are hereby required to take Notice thereof as such accordingly, without specially pleading the same.

Publick Act.

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