



CHAPTER xii.

An Act to confirm a Provisional Order under A.D. 1922.
the Private Legislation Procedure (Scotland) —
Act 1899 relating to Ayr Burgh (Tramways &c.).
[31st May 1922.]

WHEREAS His Majesty's Secretary for Scotland has
after inquiry held before Commissioners made the
Provisional Order set forth in the schedule hereunto
annexed under the provisions of the Private Legislation 62 & 63 Vict.
Procedure (Scotland) Act 1899 and it is requisite that c. 47.
the said Order should be confirmed by Parliament:

Be it therefore 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
as follows:—

1. The Provisional Order contained in the schedule
hereunto annexed shall be and the same is hereby
confirmed. Confirmation of
Order in
schedule.

2. This Act may be cited as the Ayr Burgh (Tram- Short title.
ways &c.) Order Confirmation Act 1922.

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SCHEDULE.

AYR BURGH (TRAMWAYS &c.)

Provisional Order to authorise the provost magistrates and councillors of the Burgh of Ayr to double portion of their tramways and to execute street works to make further provision with regard to their tramways and water undertakings and in relation to markets and slaughterhouses to vary direction under will and provide for disposal of estate of Robert Templeton deceased to increase the public health general assessment and for other purposes.

WHEREAS the burgh of Ayr (hereinafter called "the burgh") in the county of Ayr is under the government for municipal purposes of the provost magistrates and councillors of the burgh (hereinafter called "the Corporation"):

And whereas under the powers contained in the Ayr Burgh Act 1899 the Ayr Corporation Tramways Order 1904 and the Ayr Corporation Tramways Order 1908 the Corporation have constructed and work a system of tramways within and beyond the burgh:

And whereas it is expedient that the Corporation should be authorised to double portion of their tramways within the burgh:

And whereas to meet the increase in the cost of maintaining and working the tramways of the Corporation it is expedient that the fares rates and charges authorised to be taken in respect thereof should be increased:

And whereas it is expedient that the further powers with reference to tramways contained in this Order should be conferred upon the Corporation:

And whereas it is expedient that the Corporation should be authorised to construct the street works described in this Order:

And whereas it is expedient that the Corporation should be authorised to take and use lands for the purposes and under the provisions contained in this Order:

And whereas it is expedient that further provision with regard to the water undertaking of the Corporation should be made as in this Order contained: A.D. 1922.

And whereas under the Ayr Burgh Act 1873 the slaughterhouse within the burgh and the stallages dues rates and rents arising therefrom form part of the common good of the burgh:

And whereas the annual income arising from the said slaughterhouse is insufficient to meet the expenses of maintaining the same and executing necessary improvements and the powers of the Corporation to borrow money on the security of the common good under section 60 of the Ayr Burgh Act 1899 are exhausted:

And whereas it is expedient that the stallages dues and rates authorised to be taken by the Corporation in respect of their markets and slaughterhouses and of fairs should be increased:

And whereas the late Robert Templeton (hereinafter called "the testator") sometime watchmaker in the burgh died unmarried on the fifth day of February one thousand eight hundred and seventy-nine possessed of property both heritable and moveable amounting in the aggregate to about ten thousand pounds:

And whereas the testator was survived by four brothers and three sisters and was predeceased by two brothers and the names and other particulars of such brothers and sisters are set out in the Third Schedule to this Order:

And whereas by his holograph will or settlement (hereinafter called "the will of the testator") dated the twentieth day of February one thousand eight hundred and seventy-five a copy whereof is set out in the Fourth Schedule to this Order the testator bequeathed to his three sisters the liferent of the income of his estate in the proportions mentioned in the will and directed that "after the death of each and all of them" his estate should "be given over to the provost and town council in trust in order that they or their successors in office may use the whole thereof in rebuilding the Old Bridge of Ayr when such a thing may be required till that time shall arrive my bequest shall lie in proper security annually having the interest added to it":

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And whereas on the death of the testator an action was raised in the Court of Session in Scotland by the next of kin of the testator against the Corporation for reduction of the will of the testator and such action was dismissed as premature the whole of the liferentrics being then alive :

And whereas a judicial factor was appointed by the Court of Session to administer the estate of the testator and such judicial factor paid over the income thereof to the sisters of the testator during their respective lives accumulating the shares of income set free on the death of the respective liferentrics :

And whereas on or about the eighteenth day of January one thousand nine hundred and four the Corporation raised an action in the Court of Session against the judicial factor and the heir at law and next of kin of the testator concluding for declarator inter alia that the bequest in favour of the Corporation in trust for rebuilding the Old Bridge of Ayr contained in the will of the testator vested in them subject to the liferents therein specified and to the operation of the Accumulation Act 1800 as amended by the Entail Amendment Act 1848 on the death of the testator or was vested in them at the date of the action and the Court of Session by an Interlocutor dated the eighth day of June one thousand nine hundred and four found decerned and declared that the accumulations of income subsequent to the fifth day of February one thousand nine hundred being twenty-one years from the date of death of the testator were rendered illegal under the operation of the above-mentioned Acts and fell to be distributed as intestate estate among the next of kin of the testator and the representatives of the predeceasing next of kin of the testator (hereinafter called "the next of kin") and that vesting had taken place a morte testatoris :

And whereas after the death on the fifteenth day of December one thousand nine hundred and four of the last liferentrix the said judicial factor in accordance with the decision of the Court of Session last hereinbefore referred to accounted for and paid over to the next of kin the accumulations of income rendered illegal by the Acts hereinbefore referred to and transferred to the Corporation on the fourteenth day of May one thousand

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nine hundred and six the whole residue and remainder of the estate of the testator : A.D. 1922.

And whereas the said residue and remainder of the estate of the testator together with the accumulations of income thereon which have accrued from the date of death of the last liferentrix consisted on the fifteenth day of May one thousand nine hundred and twenty-one of the heritable and moveable property specified in the Fifth Schedule to this Order :

And whereas in or about the year one thousand nine hundred and five the Corporation resolved to rebuild the Old Bridge of Ayr but as a result of objections raised by the public to the proposal a preservation committee was formed and a fund of over ten thousand pounds was raised for the purpose of preserving the said bridge in its ancient entirety in place of rebuilding it :

And whereas the restoration of the Old Bridge of Ayr to a sound condition was duly completed the cost of the work being paid mainly out of the said fund and as a result of such restoration the said bridge may not for an indefinite number of years require to be rebuilt :

And whereas in the year one thousand nine hundred and nine certain of the next of kin raised an action in the Court of Session against the Corporation as trustees under the will of the testator concluding for declarator inter alia that the time for rebuilding the Old Bridge of Ayr as directed by the will of the testator had passed that the trust had lapsed and become inoperative in consequence of the restoration of the bridge and that the whole trust estate with the income accrued or which might accrue thereon fell to be distributed as intestate estate among the legal representatives of the testator but the Court assoilzied the Corporation from the leading conclusions of the summons :

And whereas until such time as the Old Bridge of Ayr requires to be rebuilt the income of the estate of the testator in terms of the Interlocutor of the Court of Session hereinbefore referred to dated the eighth day of June one thousand nine hundred and four falls to be distributed so far as the same accrues from heritable property to the heir-at-law of the testator and so far as the same accrues from moveable property to the next of kin :

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And whereas the next of kin are numerous many being resident abroad and the periodical distribution of the income from the estate of the testator would not only prove difficult but necessitate considerable expenditure from such income in obtaining a proper discharge from the Court of Session on the occasion of each such distribution :

And whereas a proposal was made on behalf of the majority of the next of kin to the Corporation for compromising the rights of all parties under the will of the testator and an agreement has been entered into between George Templeton for himself as one of the next of kin and as attorney of the heir-at-law of the testator and of the next of kin other than (a) one of the next of kin of Matthew Templeton a brother of the testator and (b) certain of the next of kin and representatives of predeceasing next of kin of Helen Templeton or Cameron a sister of the testator of the one part and the Corporation as trustees under the will of the testator of the other part a copy of which agreement is set forth in the Sixth Schedule to this Order :

And whereas it is expedient that the said agreement should be sanctioned and confirmed and that the Corporation should be relieved of the obligation under or direction in the will of the testator with respect to the utilisation of the capital and income of the estate of the testator in rebuilding the Old Bridge of Ayr and that provision be made for the division and distribution of the said estate as hereinafter in this Order provided :

And whereas under the Public Health (Scotland) Act 1897 the Corporation are empowered to impose an assessment for the purposes of that Act and Acts amending the same not exceeding one shilling in the pound :

And whereas in consequence of the increase in the expenditure of the Corporation incurred in carrying out the purposes of the said Acts the said assessment is insufficient to meet such expenditure and it is expedient that provision be made as contained in this Order for increasing such assessment :

And whereas it is expedient that the Corporation should be authorised to borrow money and that the other provisions in this Order contained should be enacted :

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And whereas estimates have been prepared by the Corporation for and in relation to the purposes hereinafter mentioned in respect of which they are by this Order authorised to borrow money and such estimates are as follows :—

For and in connection with the doubling of portion of the tramways of the Corporation authorised by this Order	£ 19,425
For extension of carsheds	14,000
For equipment and rolling stock	13,032
For and in connection with the purchase of lands for and for the construction of the street works authorised by this Order	7,652

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a period of years :

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Order and plans showing the lands which may be taken compulsorily for the purposes or under the powers of this Order and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the principal sheriff clerk of the county of Ayr and such plans sections and book of reference are in this Order respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

PART I.

PRELIMINARY.

1. This Order may be cited as the *Ayr Burgh (Tramways &c.) Order 1922.* Short title.

2. This Order shall (except as otherwise in this Order provided) commence and have effect on and from Commencement of Order.

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A.D. 1922. the date of the passing of the Act confirming this Order which date is hereinafter referred to as "the commencement of this Order."

Division of
Order into
Parts.

3. This Order is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Tramways.

Part IV.—Street Works.

Part V.—Water.

Part VI.—Markets and Slaughterhouses.

Part VII.—Robert Templeton's Trust.

Part VIII.—Assessments.

Part IX.—Finance.

Incorporation
of Acts.

4. The following Acts and parts of Act (so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Order) are subject to the provisions of this Order hereby incorporated with this Order (that is to say) :—

The Lands Clauses Acts;

Section 3 (Interpretation of terms) section 19 (Local authority may lease and take tolls) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870.

Correction
of errors in
deposited
plans and in
book of
reference.

5. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk of the county of Ayr and a duplicate thereof shall be deposited with the town clerk of the burgh and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to

which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate. A.D. 1922.

6. In this Order the several words terms and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Order unless the context otherwise requires :— Interpreta-
tion.

- “ The burgh ” means the municipal burgh of Ayr ;
- “ The Corporation ” means the provost magistrates and councillors of the burgh ;
- “ The tribunal ” means the tribunal to whom any question of disputed purchase money or compensation is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 ;
- “ The sheriff ” means the sheriff of the county of Ayr ;
- “ The Act of 1873 ” “ the Act of 1885 ” and “ the Act of 1899 ” mean respectively the Ayr Burgh Act 1873 the Ayr Burgh Act 1885 and the Ayr Burgh Act 1899 ;
- “ The Order of 1904 ” and “ the Order of 1908 ” mean respectively the Ayr Corporation Tramways Order 1904 and the Ayr Corporation Tramways Order 1908 ;
- “ The Burgh Police Acts ” means the Burgh Police (Scotland) Acts 1892 to 1911 ;
- “ The tramways ” means the tramways and the works connected therewith of the Corporation authorised by the Act of 1899 the Order of 1904 the Order of 1908 and this Order ;
- “ The tramway undertaking ” means the tramway undertaking of the Corporation authorised by the Act of 1899 the Order of 1904 the Order of 1908 and this Order ;
- “ The burgh general assessment ” and “ the general improvement rate ” mean respectively the burgh

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general assessment and the general improvement rate leviable under the Burgh Police Acts;

“The public health general assessment” means the public health general assessment leviable under the Public Health (Scotland) Act 1897.

PART II.

LANDS.

Power to acquire lands.

7. Subject to the provisions of this Order and for the purposes of the street works by this Order authorised the Corporation may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

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

8. And whereas in the construction of the street works authorised by this Order or otherwise in the exercise by the Corporation of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Order and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term “the owner” and the said properties are hereinafter referred to as “the scheduled properties”:
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making

compensation for any damage sustained by the owner by severance or otherwise : A.D. 1922.

- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by the tribunal determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not the tribunal shall determine that any

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other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 (No party to be required to sell part of a house) of the Lands Clauses Consolidation (Scotland) Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Persons
under dis-
ability may
grant servi-
tudes &c.

9. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (but as regards any servitude right or privilege of water in which persons other than the grantors have an interest only to the extent of the grantors' interest therein) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands feu duties ground annuals and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and

to such servitudes rights and privileges as aforesaid respectively. A.D. 1922.

10. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order. Period for compulsory purchase of lands.

11. All private rights of way over any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished: As to private rights of way over lands taken compulsorily.

Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

12. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Order the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the seventeenth day of November one thousand nine hundred and twenty-one if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Order. Compensation in case of recently acquired interest.

13. In addition to the lands houses and property which the Corporation are by this Order authorised to take compulsorily the Corporation may from time to time purchase take on lease or otherwise acquire by agreement and may hold any lands houses or other property and any interest right of user power or privilege in over or affecting any lands houses or other property which they think expedient for any of the purposes of this Order but the Corporation shall not create or permit a nuisance on any such lands. Purchase of lands by agreement.

PART III.

TRAMWAYS.

14. Subject to the provisions of this Order the Corporation may make form lay down work use and Power to double portion of tramways.

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maintain the doubling of portion of the tramways of the Corporation in the burgh hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith (that is to say):—

A doubling of the existing tramways (5 furlongs 6·1 chains or thereabouts in length) commencing in Beresford Terrace by a junction with the existing double line of tramways at a point opposite the north side of the entrance to the goods and mineral depot of the Glasgow and South Western Railway Company and terminating in Monument Road by a junction with the existing double line of tramways at a point 50 yards or thereby south of the south side of the entrance to Ewenfield House :

Provided that the Corporation shall not under the powers of this Order lay down work or use a double line of tramway in any part of Carrick Road which is by this Order authorised to be widened unless and until such part has been widened to such extent as may be necessary to leave a space of not less than nine feet six inches between the outside of the footpath and the nearest rail of the tramway on the side of the road on which such widening is to be made :

Provided further that nothing in this Order shall authorise any interference with any electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1919 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with such provisions.

Power to
use mate-
rials of
existing
tramways.

15. The Corporation may in the construction and for the purposes of the doubling of the existing tramways by this Part of this Order authorised take up remove and utilise the lines of rails and materials of so much of the existing tramways as lies between the respective points of commencement and termination of such doubling and such doubling when completed shall be substituted for such portion of the existing tramways and be and be deemed to be for all purposes (including the levying of tolls rates and charges) part of the tramway undertaking

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and the provisions of the Order of 1908 so far as the same are applicable shall subject to the provisions of this Order apply to such doubling. A.D. 1922.

16. The doubling of the existing tramways by this Part of this Order authorised shall be completed within five years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of doubling.

17.—(1) The Corporation may demand and take for every passenger conveyed upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding twopence per mile and in computing the said fare any fraction of a mile shall be deemed a mile. Fares for passengers on tramways.

(2) Section 31 (Rates for passengers) of the Act of 1899 is hereby repealed.

18. The Corporation may demand and take in respect of any animals goods materials articles or things conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding by more than one hundred per centum the corresponding rates and charges respectively specified in section 33 (Animals goods &c.) of the Act of 1899 and that section is hereby amended accordingly. Animals goods &c.

19.—(1) Section 16 (Cheap fares for labouring classes) of the Order of 1904 shall be read and have effect as if the words "one penny" had been inserted therein instead of the words "one half-penny." Cheap fares for labouring classes.

(2) The Corporation shall give notice of the provisions of this section by notices placed in conspicuous positions in the carriages.

20. The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the burgh or the safety of the public may deem necessary order that the working of the tramways or any part Power for Corporation to suspend traffic.

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Cloak-rooms &c.

21. The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with the tramway undertaking and at suitable places on the routes of the tramways and the Corporation may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

Power to require intending passengers to wait in lines or queues.

22. For the better regulation of persons desiring to travel in the carriages on the tramways the Corporation may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may with the consent of the road authority use part of the highway and the Corporation may make byelaws requiring persons waiting to enter carriages at any stopping place or terminus upon any of the tramways within the burgh to wait in lines or queues and to enter such carriages in the order in which they stood in such line or queue.

Stopping and starting places.

23. The Corporation may appoint the stations and places within the burgh from which the cars on the tramways shall start or at which they may stop for the purposes of taking up or setting down passengers and may make regulations for fixing the time during which such cars shall be allowed to remain at any such place.

For protection of Glasgow and South-Western Railway Company.

24. The following provisions for the protection and benefit of the Glasgow and South Western Railway Company (in this section referred to as "the company") shall apply and have effect except so far as may be otherwise agreed in writing between the Corporation and the company :—

Notwithstanding anything contained in this Order no cloakroom or room barrier or post shall be erected maintained or provided nor shall any starting or stopping station or place be appointed

nor shall the Corporation require persons waiting at any such stopping place or any terminus to wait in any line or queue so as to cause interference with or render less convenient the access to or exit from any station depôt or property belonging to the company nor shall any such cloakroom room barrier or post be erected maintained or provided on any bridge carrying any street or road over the railways of the company.

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25.—(1) Notwithstanding anything contained in this or any other Order or in any Act to the contrary the Corporation may on any occasion run and reserve cars on any of the tramways for any special purpose which the Corporation may consider necessary or desirable Provided that such special cars shall be distinguished from other cars in such manner as may be directed by the Corporation and that during the running of such special cars the Corporation shall maintain a reasonably sufficient ordinary service of cars.

Power to
reserve cars
for special
purposes.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such cars by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other Order or in any Act of the Corporation as to tolls fares or charges for passengers shall not extend to any special cars run upon the tramways and in respect thereof the Corporation may demand and take such tolls fares or charges as they shall think fit.

26.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the tramways signs or directions indicating the position of stopping places for tramcars :

Attachment
of signs
indicating
stopping
places to
lamp-posts
&c.

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any

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(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

Lopping of trees overhanging highways.

27.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to the sheriff under the Summary Jurisdiction (Scotland) Acts within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit and to award expenses such expenses to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Lost property.

28. Any property found in any tramcar of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking.

29. All byelaws and regulations made by the Corporation under this Part of this Order shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws and those provisions shall apply accordingly.

A.D. 1922.

Confirmation of byelaws &c.

30. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Order the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Inquiries &c. by Minister of Transport.

31. The Corporation shall in each year after the commencement of this Order furnish to the Minister of Transport a copy of their annual accounts for the tramway undertaking.

Accounts to be furnished to Minister of Transport.

32. Nothing in this Part of this Order contained shall exempt the Corporation from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised to be taken by the Corporation in respect of the tramways.

Provision as to general Tramway Acts.

PART IV.

STREET WORKS.

33. Subject to the provisions of this Order the Corporation may make and execute the street works hereinafter described in the lines and according to the levels shown on the deposited plans and sections together with all necessary and proper works improvements junctions connections approaches and conveniences connected therewith or incidental thereto and may enter upon open break up and interfere with such streets or roads as may be necessary for the like purpose.

Power to make street works.

[Ch. xii.] *Ayr Burgh (Tramways &c.)* [12 & 13 GEO. 5.]
Order Confirmation Act, 1922.

A.D. 1922.

The street works hereinbefore referred to and authorised by this Order will be situate in the burgh and are—

Work A A widening of Carrick Road on its west side commencing at a point twenty yards or thereby south of the main entrance to the Grammar School and terminating at the north side of the mutual boundary wall dividing the properties No. 10 and No. 12 Carrick Road.

Work B A widening of Carrick Road on its west side commencing at the south side of the mutual boundary wall dividing the properties No. 16 and No. 18 Carrick Road and terminating at the north side of Carrick Avenue.

Work C A widening of Carrick Road on its east side commencing at the north entrance gate of No. 17 Carrick Road and terminating at the north side of Bowman Road.

Work D A widening of Carrick Road on its east side commencing at the south side of Bowman Road and terminating at the north side of the mutual boundary wall dividing the properties No. 31 and No. 33 Carrick Road.

Work E A widening of Carrick Road on its east side commencing at the entrance gate of No. 39 Carrick Road and terminating at the north side of Chalmers Road (West).

Work F A widening of Carrick Road on its east side commencing at the south side of Chalmers Road (West) and terminating at a point forty yards or thereby south of the mutual boundary wall dividing the properties known as "Cranston Lodge" No. 2 Chalmers Road (West) and "Morar" No. 1 St. Leonard's Road.

Work G A widening of Prestwick Road on its east side commencing at the south side of Seaforth Road and terminating at the north side of Bellesleyhill Road.

Work H A widening of Prestwick Road on its east side commencing at the south side of Bellesleyhill Road and terminating at the north side of Alderston Avenue.

34. Subject to the provisions of this Order and within the limits of deviation shown on the deposited plans the Corporation in connection with the street works by this Order authorised and for the purposes thereof may make junctions and communications with any existing streets or roads which may be interfered with or be intercepted by or be contiguous to such works and may make diversions widenings or alterations of lines or levels of any existing streets or roads for the purpose of connecting the same with such works or of crossing under or over the same.

A.D. 1922.
Power to
make subsi-
diary works.

35. In executing the street works hereinbefore described and authorised by this Order the Corporation may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding three feet.

Power to
deviate

36. The Corporation may for the purposes of or in connection with the street works authorised by this Order and within the limits of deviation shown on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building adjoining or near to the said works and also any gas main drain or other pipe and also any telegraphic line and any pipe tube wire or apparatus laid down for supplying electricity and may remove any other obstructions making in cases of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any person who suffers damage by any such alteration :

Alteration
of position
of mains
and pipes.

Provided that the Corporation shall not raise sink or otherwise alter or in any way interfere with any telegraphic line belonging to or used by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

37. The street works hereinbefore described and shown on the deposited plans shall be completed within five years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for
completion
of street
works.

A.D. 1922.

PART V.

WATER.

Power to
Corporation
to re-washer
water
fittings.

38. The Corporation may re-washer any cold water taps supplied from the main including ball-valves in storage and watercloset cisterns belonging to any person supplied by them with water on payment by such person of the reasonable charges of the Corporation in providing the necessary materials and workmanship.

PART VI.

MARKETS AND SLAUGHTERHOUSES.

Repealing
Schedule to
Act of 1899.

39.—(1) The Schedule to the Act of 1899 is hereby repealed and from and after the commencement of this Order the Second Schedule to this Order shall be substituted therefor.

(2) Provided that the rates authorised by this Order to be taken for the use of the slaughterhouse may from time to time upon the application of either the Corporation or the persons using the same and after seven days' previous notice to the other of such parties of such intended application be varied (either by way of increase or decrease) by the sheriff in a summary manner and the decision of the sheriff shall be final.

PART VII.

ROBERT TEMPLETON'S TRUST.

Definitions.

40. In this Part of this Order—

“The testator” means the late Robert Templeton watchmaker Ayr;

“The will of the testator” means the holograph will or settlement of the testator;

“The heir-at-law” means the heir-at-law of the testator;

“The next of kin” means the next of kin of the testator and the representatives of the next of kin who predeceased the testator and includes the heir-at-law;

“The scheduled agreement” means the agreement dated the tenth and twelfth days of December one thousand nine hundred and twenty-one made between George Templeton of the one part and the Corporation of the other part and set out in the Sixth Schedule to this Order.

A.D. 1922.

41. The scheduled agreement is hereby sanctioned and confirmed and made binding upon the parties thereto and may and shall be carried into effect.

Confirmation of scheduled agreement.

42. The Corporation shall be and are hereby freed and relieved of the obligation under or direction in the will of the testator with respect to the utilisation of the capital and income of the estate of the testator in rebuilding the Old Bridge of Ayr and such obligation or direction shall be and the same is hereby abrogated repealed and annulled.

Repeal of obligation under or direction in will of testator as to rebuilding of Old Bridge of Ayr.

43.—(1) The Corporation as trustees under the will of the testator shall divide the free proceeds of the estate of the testator into two equal moieties.

Division and distribution of estate of testator.

(2) One of such moieties shall within six months from the commencement of this Order be divided by the Corporation as trustees aforesaid among and paid by them to the next of kin according to their respective rights and interests in manner provided by the scheduled agreement.

(3) The moiety remaining in the possession of the Corporation shall vest in and be applied by the Corporation to such public purpose or purposes within or in connection with the burgh as the Secretary for Scotland may approve.

44. As from the division among and payment to the next of kin of the moiety referred to in subsection (2) of the immediately preceding section of this Order the whole rights and interests of the next of kin in the estate of the testator shall cease and determine and the Corporation and their predecessors in office shall be discharged and exonerated of their whole actings and intromissions as trustees under and in connection with the will of the testator and with the administration by them of the capital and income of the said estate and be freed and relieved of all liability with regard thereto.

Determination of rights of next of kin and discharge to Corporation.

[Ch. xii.] *Ayr Burgh (Tramways &c.)* [12 & 13 GEO. 5.]
Order Confirmation Act, 1922.

A.D. 1922.

PART VIII.

ASSESSMENTS.

Increase of
public
health
general
assessment.

45. If the produce of the public health general assessment shall at any time or from time to time be insufficient to meet the expenditure bonâ fide incurred or contemplated within the burgh it shall be lawful for the Corporation to increase such assessment to such rate not exceeding in the whole one shilling and threepence in the pound as may have been approved by the Scottish Board of Health.

PART IX.

FINANCE.

Power to
borrow.

46.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues assessments and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Order referred to as "the prescribed period") mentioned in the fourth column thereof (namely):—

Purpose.	Amount.	Charge.	Period for Repayment.
(a) (i) For the doubling of portion of the tramways of the Corporation authorised by this Order.	£19,425	The revenue of the tramway undertaking and the burgh general assessment.	Thirty years from the date or dates of borrowing.
(ii) For extension of car-sheds.	£14,000		Thirty years from the date or dates of borrowing.
(iii) For equipment and rolling stock.	£13,032		Twenty years from the date or dates of borrowing.

[12 & 13 GEO. 5.] *Ayr Burgh (Tramways &c.)* [Ch. xii.]
Order Confirmation Act, 1922.

A.D. 1922.

Purpose.	Amount.	Charge.	Period for Repayment.
(b) For the purchase of lands for and the construction of the street works authorised by this Order.	£7,652	The general improvement rate the assessment leviable under the Roads and Bridges (Scotland) Act 1878 the revenue of the tramway undertaking and the burgh general assessment.	Thirty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Order.	The sum requisite	The burgh general assessment.	Five years from the commencement of this Order.

(2) (a) In addition to the moneys which the Corporation are by the foregoing provisions of this section authorised to borrow they may borrow :—

(i) Such sums of money for the purposes of the tramway undertaking as the Secretary for Scotland after consultation with the Minister of Transport may sanction and any moneys borrowed under any such sanction shall be chargeable on the revenue of the tramway undertaking and the burgh general assessment.

(ii) Such sums of money for the purposes of the extension and improvement of the slaughterhouse within the burgh as the Secretary for Scotland may sanction and any money borrowed for such purposes may notwithstanding anything contained in section 60 (Power to charge police rate with common good debt) of the Act of 1899 be charged on the security of the common good and the burgh general assessment in addition to the sum of one hundred thousand pounds mentioned in the proviso (1) to that section.

(b) Any money borrowed under this subsection for the purposes of the tramway undertaking shall be repaid within such period and by such method as the Secretary for Scotland after consultation with the Minister of Transport may prescribe.

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A.D. 1922.

(c) Any money borrowed under this subsection for the purposes of the extension and improvement of the said slaughterhouse shall be repaid within such period and by such method as the Secretary for Scotland may prescribe.

(d) The Secretary for Scotland shall have and may exercise in relation to any such sanction as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889.

Power to
re-borrow.

47.—(1) The Corporation shall have power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

(c) Out of moneys derived from the sale of land; or

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

[12 & 13 GEO. 5.] *Ayr Burgh (Tramways &c.)* [Ch. xii.]
Order Confirmation Act, 1922.

48. In the application to the burgh of section 49 (Power to borrow temporarily) of the Burgh Police (Scotland) Act 1903 the expression "any public general Act" shall be deemed to include this Order. A.D. 1922.
Borrowing for current expenses.

49. The provisions of the following sections of the Act of 1873 the Act of 1885 and the Order of 1908 shall (with the necessary modifications and subject to the provisions of this Order) extend and apply mutatis mutandis to the moneys borrowed under this Order namely :— Application of provisions of Acts of 1873 and 1885 and Order of 1908.

The Act of 1873—

- Section 117 (Arrears may be enforced by appointment of judicial factor);
- Section 118 (Powers and duties of judicial factor);
- Section 119 (Mortgages to be personal estate).

The Act of 1885—

- Section 58 (Corporation may borrow on credit of a cash account);
- Section 59 (Form of mortgage);
- Section 60 (Mortgages may be accompanied with interest warrants);
- Section 62 (Discharge of mortgages);
- Section 73 (Protection of lender from inquiry);
- Section 74 (Saving existing mortgages of Corporation).

The Order of 1908—

- Section 29 (Separate accounts for street works and tramways).

50. Money borrowed by the Corporation under this Order shall be applied only to the purposes for which it is authorised to be borrowed being in every case purposes to which capital is properly applicable. Application of money borrowed.

51. The Corporation shall pay off all moneys borrowed by them (other than money borrowed for current expenses) under this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them. Mode of payment off of money borrowed.

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Order Confirmation Act, 1922.

A.D. 1922.

Sinking
fund.

52.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed or maintained either—

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund ; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding four per centum per annum or such other rate as the Secretary for Scotland may from time to time allow will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which

would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based. A.D. 1922.

(5)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

(7) If it appears to the Corporation or the Secretary for Scotland at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Corporation be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of the Secretary for

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A.D. 1922. — Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Corporation be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation may determine.

(12) The period at which the payments into the sinking fund shall commence shall in respect of moneys borrowed under this Order be within one year from the date of borrowing.

Annual
return to
Secretary
for Scotland
with respect
to sinking
fund.

53. The treasurer of the Corporation shall within six months after the expiration of each year during which any sum is required to be paid as an instalment or to be set apart for a sinking fund under this Order transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable. If it appear to the Secretary for Scotland by any such return or otherwise that the Corporation have failed to pay any instalment or to set apart any sum required by this Order to be set apart for the sinking fund or to make any increased payment thereto by this Order required or to

have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose. A.D. 1922.

54. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of any moneys borrowed for that purpose under this Order and may be allocated by them amongst such of the departments of the Corporation as they may deem expedient. Costs of Order.

The SCHEDULES referred to in the foregoing Order.

FIRST SCHEDULE.

PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN.

Burgh.	Numbers on deposited Plans.
Burgh of Ayr	4 5 7 8 9 10 11 12 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 44A 44B 45 48 49 50 51 52 and 54.

A.D. 1922.

SECOND SCHEDULE.

STALLAGES DUES AND RATES IN RESPECT OF MARKETS SLAUGHTER-
 HOUSES AND FAIRS.

I.—CATTLE MARKET.

	<i>s.</i>	<i>d.</i>
1. For each horse pony ass mule bull bullock cow or calf brought into the market there shall be paid by the seller whether the animal is sold or not a sum not exceeding - - - - -	2	0
2. For each sheep ram lamb or goat brought into the market there shall be paid by the seller whether the animal is sold or not a sum not exceeding -	0	3
3. For each boar sow hog or pig brought into the market there shall be paid by the seller whether the animal is sold or not a sum not exceeding -	0	8
4. For agricultural implements and all other articles and things brought into the market and whether sold or not there shall be paid by the seller a sum not exceeding one shilling per pound sterling of the sum at which the same are offered for sale or of the value thereof.		

NOTE.—The above dues to be payable in respect of said animals and commodities for each day the same are in the market whether it be a market day or not.

II.—BUTTER MARKET.

1. For every quantity of butter brought into the market not exceeding twelve pounds - - - - -	0	2
Every additional six pounds (or less quantity) exceeding twelve pounds - - - - -	0	1
2. For every quantity of salt butter not exceeding fourteen pounds - - - - -	0	2
Every additional seven pounds (or less quantity) exceeding fourteen pounds - - - - -	0	1
3. For every quantity of cheese not exceeding twenty-four pounds - - - - -	0	2
Every additional twelve pounds (or less quantity) exceeding twenty-four pounds - - - - -	0	1
4. For every quantity of eggs not exceeding twelve dozen - - - - -	0	2
Every additional six dozen (or less quantity) exceeding twelve dozen - - - - -	0	1

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	s.	d.	A.D. 1922.
5. For each fowl - - - - -	0	1	—
6. For each goose or turkey - - - - -	0	2	
7. For each head of game - - - - -	0	2	

III.—SLAUGHTERHOUSE.

1. Each head of cattle a sum not exceeding - - - - -	2	6
2. Each pig a sum not exceeding - - - - -	1	6
3. Each sheep or lamb a sum not exceeding - - - - -	0	6
4. Each calf a sum not exceeding - - - - -	0	9

IV.—FAIRS.

Each horse pony ass mule bull bullock cow or calf exposed for sale at any fair within the burgh a sum not exceeding - - - - -	1	0
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THIRD SCHEDULE.

BROTHERS AND SISTERS OF THE TESTATOR WITH DATE OF DEATH
 AND OTHER PARTICULARS.

I.—BROTHERS AND SISTERS LIVING AT DATE OF DEATH
 OF TESTATOR.

Name.	Brother or Sister.	Date of death &c.
Allan Templeton -	Brother	30th December 1899 survived by daughter Heir-at-law.
George Templeton -	Brother	3rd September 1883 survived by issue.
James Templeton -	Brother	17th August 1882 survived by issue.
John Templeton -	Brother	19th January 1884 survived by issue.
Jean Templeton -	Sister -	6th February 1886 testate Unmarried.
Helen Templeton -	Sister -	25th June 1881 intestate Without issue but survived by her husband Nicol Brown Cameron since deceased.
Catherine Templeton	Sister -	15th December 1904 testate Unmarried.

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II.—BROTHERS WHO PREDECEASED TESTATOR.

William Templeton -	Brother	11th January 1852 intestate Survived by widow and issue.
Matthew Templeton	Brother	22nd August 1867 intestate Survived by issue.

FOURTH SCHEDULE.

HOLOGRAPH WILL OR SETTLEMENT OF THE TESTATOR.

Ayr 20th Feb. 1875.

I ROBT. TEMPLETON watchmaker 64 High Street being desirous of making a settlement of my affairs and disposal of my property in the event of my decease do hereby direct that my business and stock-in-trade shall be disposed of at once and the proceeds invested in suitable securities my household furniture shall belong to my sister Catherine for her use during the period of her life and she may remain in the flat as occupied by us at present or let it as she may be inclined the rents of the whole house shall also be hers for the same period The proceeds of sale of stock-in-trade securities book debts and cash in hand or bank shall be invested in such a way as may seem best The annual interest arising therefrom shall be divided one-half to Catherine one-fourth to each of my sisters Jean and Helen during the period of their lives after their death their share of the interest shall be invested annually as it accrues after the death of each and all of them the house Nos. 64-72 High Street shall along with the money securities &c. as formerly referred to and as they shall at that time be shall be given over to the provost and town council in trust in order that they or their successors in office may use the whole thereof in rebuilding the Old Bridge of Ayr when such a thing may be required till that time shall arrive my bequest shall lie in proper security annually having the interest added to it.

ROBT. TEMPLETON.

If it be at any time considered to be expedient the above mentioned house may be disposed of and the proceeds invested in such a manner as to preclude the possibility of the loss of the principal the interest to be divided as before mentioned If this sale takes place during my sister Catherine's lifetime she shall receive in addition to her annual share of the income the value in money of the flat we now live in.

ROBT. TEMPLETON.

FIFTH SCHEDULE.

A.D. 1922.

ESTATE HELD BY THE CORPORATION AS TRUSTEES UNDER THE
 WILL OF THE TESTATOR AT THE 15TH DAY OF MAY 1921.

I.—HERITABLE PROPERTY—

Shops office and dwelling-house numbers 64 66 68 and 70 High Street Ayr estimated value -	£	s.	d.
	3,000	0	0

II.—MOVEABLE PROPERTY—

(a) CAPITAL—

Tramway Bond No. 13 by burgh of Ayr to Whitsunday 1924 at 6 per cent. - - -	£	s.	d.
£50 War Loan Stock 5 per cent. 1929-47 at cost - - -	5,000	0	0
	47	10	0
In Bank of Scotland Ayr on deposit receipt dated 16th May 1921 - - - - -	36	11	6
	5,084	1	6

(b) ACCRUED INCOME—

Police Bond No. 177 by burgh of Ayr at 5 per cent. to Martinmas 1922 - - -	600	0	0
Electric Light Bond No. 528 by burgh of Ayr at 5 per cent. to Martinmas 1922 - - -	350	0	0
Electric Light Bond No. 655 by burgh of Ayr at 6 per cent. to Martinmas 1923 - - -	450	0	0
Public Health Bond No. 194 by burgh of Ayr at 6 per cent. to Whitsunday 1924 - - -	350	0	0
Tramway Bond No. 205 by burgh of Ayr at 6 per cent. to Whitsunday 1924 - - -	200	0	0
£200 War Stock 1925-45 at 4½ per cent. now converted to £210 10s. 6d. at 5 per cent. at cost - - - - -	198	18	8
£150 War Stock 1929-47 at 5 per cent. - - - - -	142	10	0
£400 4 per cent. Funding Loan 1960-1990 at cost - - -	320	0	0
In Bank of Scotland Ayr on current account - - - - -	254	6	9
	2,865	15	5
	7,949	16	11
	10,949	16	11

A.D. 1922.

SIXTH SCHEDULE.

AGREEMENT BETWEEN GEORGE TEMPLETON AND THE
CORPORATION.

I. John
Templeton's
Representa-
tives.

MINUTE of AGREEMENT between GEORGE TEMPLETON residing at Grangeholm Kilmarnock (hereinafter called "the first party") as an individual and as Attorney for (First) (One) Miss Jeanie Templeton residing at Six London Road Kilmarnock (Two) Mrs. Annie McLennan Duncan or Templeton residing at nineteen Miller Road Ayr widow of the deceased John Templeton retired merchant who resided at St. Elmo Saint Leonard's Road Ayr (Three) Mrs. Agnes Logan Templeton or Gillespie wife of John Gillespie dental surgeon residing at nineteen Miller Road Ayr (Four) Mrs. Alice Porter Templeton widow of the deceased Benjamin Gow Templeton and Mary Porter Templeton her daughter both residing at one hundred and fifteen Willow Street New York being (with the first party) the whole surviving representatives so far as known of John Templeton a brother of the deceased Robert Templeton sometime watchmaker in Ayr (hereinafter referred to as "the Testator") conform to power of attorney granted by them in favour of the first party dated third September eighteenth November and twenty-third December all in the year nineteen hundred and twenty (Second) (One) George Templeton residing at five hundred and eleven Second Street West Calgary Alberta Canada (Two) Catherine Templeton residing at Keyport New Jersey United States of America (Three) Allan Templeton residing at Sault Ste Maria Ontario Canada (Four) Robert Templeton residing at Rowallan Belleville Ontario Canada (Five) (a) Mrs. Mary Malcolm or Templeton widow of William Templeton residing at twenty Morgan Place Arlington New Jersey (b) Mrs. Victoria Malcolm Templeton or Miller residing at thirty Rankin Street Elizabeth New Jersey (c) Chester Arthur Templeton residing at Davis Avenue Kearney New Jersey and (d) Violet Gilmour Templeton residing at twenty Morgan Place Arlington New Jersey being the whole children and next of kin of the said deceased William Templeton (Six) (a) Frederick Allan Templeton presently residing at Port Norris New Jersey the only representative and next of kin of the now deceased James Templeton of Perth Ontario and of the also now deceased Mrs. Martha Lawson or Templeton his widow conform to power of attorney granted by them in favour of the first party dated fifth twenty-first and twenty-fifth October and fourth November nineteen

II. James
Templeton's
Representa
tives.

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hundred and twenty and nineteenth and twenty-fourth January nineteen hundred and twenty-one (Seven) (a) Mrs. Evelyn (or Eveleen) Templeton widow of John Templeton formerly residing at Keyport New Jersey United States of America (b) Clarence R. Templeton Keyport New Jersey son of the said deceased John Templeton last mentioned as an individual and as assignee of his brother Herbert J. Templeton Brooklyn New York (c) Mrs. Ethel Templeton or Jack wife of Wallace Augustus Jack residing at Brunswick Maine conform to power of attorney granted by the said Evelyn Templeton and Ethel Templeton or Jack and by the said Clarence R. Templeton as assignee of the said Herbert J. Templeton as executor of the said deceased John Templeton last mentioned and as an individual with consent therein mentioned in favour of the first party dated fifteenth March sixteenth April and twenty-eighth May nineteen hundred and twenty-one and (d) James Walter Brice medical practitioner Humacao Porto Rico as surviving husband of Mrs. Lydia Templeton or Brice (a daughter of the said deceased John Templeton last mentioned) and as curator and administrator for his pupil child Walter Gratien Bertram Brice conform to power of attorney granted by him in favour of the first party dated fourth July nineteen hundred and twenty-one being the whole surviving representatives so far as known of James Templeton a brother of the testator (Third) (One) Archibald Templeton (Two) Mrs Katherine Gilmour Templeton or Ross widow of Caleb James Ross (Three) Jean Loudon Templeton (Four) Helen Elizabeth Templeton all residing at Shoal Lake Manitoba (Five) George Allan McLean residing at Shoal Lake Manitoba only son and representative of the deceased Mrs. Janet Nesbit Templeton or McLean widow of Allan McLean residing at Shoal Lake Manitoba (Six) the said Jean Loudon Templeton and Helen Elizabeth Templeton as representing their deceased brother John Templeton formerly residing at Shoal Lake foresaid conform to power of attorney granted by them respectively in favor of the first party dated twenty-first and twenty-fifth October nineteen hundred and twenty and (Seven) the said Jean Loudon Templeton and Helen Elizabeth Templeton as representing their deceased brother James L. Templeton formerly residing at Shoal Lake foresaid conform to power of attorney granted by them in favor of the first party dated twenty-sixth February nineteen hundred and twenty-one being the whole surviving representatives so far as known of George Templeton a brother of the Testator (Fourth) Mrs. Agnes Mills Dale or Craig wife of James Craig residing at two West Ibrox Terrace Broomloan Road

III. George Templeton's Representatives.

IV. Matthew Templeton's Representatives.

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V. Helen
Templeton's
Representa-
tives.

VI. William
Templeton's
Representa-
tives.

VII Cather-
ine Temple-
ton's Repre-
sentatives.

Govan Glasgow being with her brother James Dale residing at thirty-four Stuart Avenue Scotstoun Glasgow the whole representatives so far as known of Matthew Templeton a brother of the Testator conform to power of attorney granted by her in favour of the first party dated fifth December nineteen hundred and twenty-one (Fifth) (One) the Reverend John Cameron residing formerly at sixty-one Mungalhead Road Falkirk now at nineteen Pretoria Street Troyeville Johannesburg South Africa and (Two) Matthew Morton Cameron residing at one hundred and twenty-one Cartvale Road Langside Glasgow being two of the representatives of Helen Templeton a sister of the Testator conform to power of attorney granted by them in favor of the first party dated twenty-eighth September and second November nineteen hundred and twenty (Sixth) (One) Mrs. Janet Jarvis Templeton or Preston wife of David Hiram Preston K.C. residing at Napanee Ontario Canada (Two) (a) Mrs. Sarah Adaline Perry or Templeton widow and executrix of William Templeton printer and publisher of Napanee foresaid (b) Winifred Beatrice Templeton (now wife of John Fair Van Every residing at Toronto Ontario Canada) (c) Margaret Augusta Templeton (now wife of John M. McIntosh residing at Toronto Ontario Canada) (d) Janet Adaline Templeton (now wife of George Harold Carlisle M.D. residing at Winnipeg Manitoba Canada) (e) Charles Perry Templeton residing at Brandon Ontario Canada and (f) William Allan Templeton residing at Napanee aforesaid the whole children and next of kin of the said deceased William Templeton last mentioned and (Three) the said Mrs. Janet Jarvis Templeton or Preston sole surviving executrix of her mother Mrs. Janet McIlquham or Templeton widow of William Templeton next aftermentioned being the whole representatives so far as known of William Templeton a brother of the testator conform to power of attorney granted by them with consents therein mentioned in favor of the first party dated sixth eleventh twenty-first and twenty-third October all in the year nineteen hundred and twenty (Seventh) (One) Robina Templeton Riddall or Roberts wife of Frederick Arthur Roberts residing at two Hervey Close Church End Finchley London N Three and (Two) Robert Templeton Girdwood residing at two hundred and thirty-eight Galena Boulevard Aurora Illinois United States of America sole residuary legatees and a majority and quorum of the Trustees of the deceased Miss Catherine Templeton sister of the Testator conform to power of attorney granted by them with consent therein mentioned in favor of the

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first party dated twenty-seventh December nineteen hundred and twenty and seventeenth January nineteen hundred and twenty-one and (Eighth) Mrs. Eelen Cameron Templeton or Hugill wife of John William Hugill barrister-at-law residing at Calgary Alberta Canada being the only representative so far as known of Allan Templeton a brother of the Testator conform to power of attorney granted by her with consent therein mentioned in favor of the first party dated twenty-eighth September and Fifth October nineteen hundred and twenty of the first part; and

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VIII. Allan Templeton's Representatives.

THE PROVOST MAGISTRATES AND COUNCILLORS OF THE ROYAL BURGH OF AYR (hereinafter called "the second party") of the second part.

WHEREAS the Testator by his holograph will or settlement dated the twentieth day of February eighteen hundred and seventy-five inter alia provided and directed that his business and stock-in-trade should be disposed of at once and the proceeds of sale of stock-in-trade securities book debts and cash in hand or bank should be invested in such a way as might seem best the annual interest arising therefrom being directed to be divided one half to the Testator's sister Catherine one-fourth to each of the Testator's sisters Jean and Helen during the period of their lives after their death their share of the interests should be invested annually as it accrued and that after the death of each and all of them the house numbers sixty-four to seventy-two High Street should along with the money securities etcetera as formerly referred to and as they should at that time be should be given over to the Provost and Town Council of the Royal Burgh of Ayr in trust in order that they or their successors in office might use the whole thereof in rebuilding the Old Bridge of Ayr when such a thing might be required till that time should arrive the Testator's bequest should lie in proper security annually having the interest added to it all as the said Will or Settlement containing sundry other clauses considerations and directions (which are here held as repeated brevitatis causa) in itself more fully bears:

And whereas the Testator who was the youngest of the family died unmarried on fifth February eighteen hundred and seventy-nine leaving estate heritable and moveable amounting in the aggregate to about ten thousand pounds (£10,000) in value and that he was survived by four brothers namely ALLAN (who was his immediate elder brother and therefore heir-in-heritage and who died on thirtieth December eighteen hundred and ninety-nine survived by the said Eelen Cameron Templeton or Hugill GEORGE (who died on third September eighteen hundred and eighty-three survived by issue as above set forth) JAMES (who died on seventeenth August eighteen hundred and

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A.D. 1922. eighty-two survived by issue as above set forth) and JOHN (who died on nineteenth January eighteen hundred and eighty-four survived by issue as above set forth) and by three sisters namely JEAN (who died unmarried on sixth February eighteen hundred and eighty-six) leaving a will in favor of her sister Catherine aftermentioned dated thirtieth July eighteen hundred and eighty-one and appointing her sole beneficiary and executor HELEN above named and referred to (who died on twenty-fifth June eighteen hundred and eighty-one intestate and without issue but survived by her husband Nicol Brown Cameron tailor since deceased but who is survived by issue borne to him by a previous marriage) and CATHERINE above named and referred to (who died on fifteenth December nineteen hundred and four unmarried leaving a will appointing Robert Templeton Girdwood and Robina Templeton Riddall or Roberts before mentioned sole residuary legatees) and that the two remaining brothers of the Testator predeceased him namely WILLIAM (who died on eleventh January eighteen hundred and fifty-two survived by issue as above set forth) MATTHEW (who died on twenty-second August eighteen hundred and sixty-seven survived by issue who or whose issue still survive):

And whereas in eighteen hundred and seventy-nine on the death of the Testator an action was raised by and in name of his next of kin against the town council of Ayr for reduction of the said will which action was dismissed as premature—the whole liferentrices being then alive:

And whereas a judicial factor was appointed by the Court of Session on twenty-first June eighteen hundred and seventy-nine to administer the estate of the testator and that he paid over the income to the Testator's said sisters as directed during their respective lives accumulating the shares of income set free on the death of the respective liferentrices as directed:

And whereas on or about eighteenth January nineteen hundred and four the Second party raised an action in the Court of Session against the Judicial Factor and the heir at law and next of kin of the Testator concluding for declarator inter alia that the bequest in favor of the Corporation in trust for rebuilding the Old Bridge of Ayr contained in the Testator's said holograph will or settlement dated as aforesaid vested in them subject to the liferents therein specified and to the operation of the Thellusson Act on fifth February eighteen hundred and seventy-nine being the date of the Testator's death or at all events was vested in them at the date of the action and that by Interlocutor dated eighth June nineteen hundred and four the said Court found decerned and declared that the accumulations of income subsequent to fifth February one thousand nine hundred being twenty-one years from the date of death of the Testator were rendered illegal under the operation

of the Thellusson Act and fell to be distributed as intestate estate among the Testator's next of kin and declaring that vesting had taken place a morte testatoris : A.D. 1922.

And whereas after the death of the said Catherine Templeton the last liferentrix on fifteenth December nineteen hundred and four the judicial factor accounted for and paid over to the next of kin of the Testator the accumulations of income rendered illegal by the Thellusson Act and handed over and transferred on fourteenth May nineteen hundred and six the whole residue and remainder of the estate administered by him to the Second party as Trustees foresaid to be held by them in trust in terms of the Testator's will then consisting said estate of heritage (represented by a property in the High Street Ayr) valued at three thousand pounds (£3,000) and moveables of the value of seven thousand three hundred and forty pounds seventeen shillings and five pence (£7,340 17s. 5d.) in which sum was included the income accrued after fifteenth December nineteen hundred and four :

And whereas on or about September/October nineteen hundred and four the Second party as Trustees foresaid were advised that owing to the state of decay of the said Old Bridge of Ayr it required to be rebuilt and that they resolved accordingly but that when the same became known certain measures were taken by and on behalf of an interested public which resulted in a fund of over ten thousand pounds (£10,000) being subscribed for the purpose of preserving said bridge instead of taking it down and rebuilding it as was proposed and that a preservation committee was duly appointed and that in terms of an agreement entered into between the Second party and the said preservation committee the said fund so raised and subscribed was expended pro tanto in payment and satisfaction of the cost of said preservation work in terms of said agreement :

And whereas in nineteen hundred and nine an action was raised in the Court of Session at the instance of the said Eelen Cameron Templeton or Hugill and others the next of kin and representatives of predeceasing next of kin of the Testator against the Second party as Trustees foresaid concluding for inter alia Declarator that the time for rebuilding the Old Bridge of Ayr as directed by the Testator's said will or settlement had passed and that the trust to rebuild said bridge had lapsed and become inoperative in consequence of the restoration of the bridge and that the whole trust estate with the income accrued or which might accrue thereon fell to be distributed among the legal representatives of the Testator as intestate estate and for an accounting by the Second party as Trustees foresaid of their intromissions with the income of the trust estate and that by Interlocutor dated twenty-third May nineteen hundred and ten and tenth July nineteen hundred and twelve the Court

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assoilized the Second party as Trustees from the leading conclusions of the summons and the Second party as Trustees foresaid having submitted the accounts asked for and adjusted the same at the sight of the Court were also assoilized from the conclusions of the summons for accounting and payment :

And whereas from the accounts submitted by the Second party as Trustees foresaid in said last mentioned action as adjusted and approved by the Court it appears that the balance of the estate of the Testator remaining in their hands amounted to approximately eight thousand pounds (£8,000) made up of heritable estate valued at three thousand (£3,000) pounds and moveable estate of the value of five thousand pounds (£5,000) :

And whereas on twenty-eighth October nineteen hundred and twelve a proposal was made on behalf of the majority of the next of kin and representatives of predeceasing next of kin of the Testator to the Second party as Trustees foresaid for compromising the rights of all parties under said will or settlement of the Testator on the footing that one half of the free proceeds capital as well as revenue of the Trust Estate held and administered by the Second party as Trustees foresaid as the same should be ascertained after deduction of all costs charges and expenses incurred or to be incurred in giving legal force and effect to such compromise (including but without prejudice to the foregoing generality the costs and charges of all procedure before Parliament or otherwise necessary to give the Second party as Trustees foresaid power as a public body to complete and carry into effect such suggested compromise) should be paid and made over to and divided among the next of kin and representatives of said predeceasing next of kin of the Testator in full satisfaction to them of their respective right title and interest in and to the said Trust Estate and the other one half of such free proceeds should be paid and made over to the Second party as representing the royal burgh of Ayr to be held or applied by them as aftermentioned :

And whereas the Second party as Trustees foresaid at their meeting on tenth February nineteen hundred and thirteen accepted such proposal for compromise subject to their obtaining the necessary power and authority to carry out and give effect to the same :

And whereas the said Eelen Cameron Templeton or Hugill being the only child of the Testator's said brother Allan and heir at law of the Testator has agreed to collate her interest in the real or heritable estate with the personal or moveable estate of the Testator and to forego any other or higher right or claim competent to her in the estate of the Testator and to rank with the other next of kin in the one-half of the said free proceeds first hereinbefore mentioned ;

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And whereas it is right and proper that this Agreement for compromise should be reduced to writing : A.D. 1922.

Therefore the parties have agreed and do hereby agree as follows viz. :—

First The parties hereto shall (subject to parliamentary sanction being obtained thereto as hereinafter provided) compromise their respective rights and the rights of their constituents under the foresaid will or settlement of the Testator on the footing that one-half of the said free proceeds capital as well as revenue of the Trust Estate held and administered by the Second party as Trustees foresaid as the same shall stand at the date of division shall be divided by the Second party as Trustees foresaid and paid and made over by them to the whole next of kin and representatives of predeceasing next of kin of the Testator according to their respective rights and interests in the same manner and subject to the same rules of law as if the said one-half of the free proceeds had formed part of the accumulations of income of the estate of the testator subsequent to the fifth day of February one thousand nine hundred and the heir at law had collated in full satisfaction to them of their respective right title and interest in and to the said Trust Estate capital as well as revenue in any manner of way And the remaining one-half of the said free proceeds shall be paid and made over to the Second party as representing the royal burgh of Ayr to be held or applied by them for such public purpose or purposes within or in connection with the burgh as the Secretary for Scotland may approve.

Second All expenses charges and outlays that have been or may be incurred by the parties hereto in effecting the said compromise or in connection with this Agreement or incidental thereto and all expenses charges and outlays that may be incurred in carrying the same into effect including the expense of applying for Parliamentary sanction to this Agreement or otherwise shall be a first charge on the said Trust Estate and shall be payable by the Second party as Trustees foresaid thereout.

Third This Agreement is made subject to the approval of the Secretary for Scotland and to such alterations and modifications as the Secretary for Scotland or Parliament may think fit to make therein The Second party shall make application under the Private Legislation Procedure (Scotland) Act 1899 to the Secretary for Scotland for a Provisional Order for Parliamentary sanction to the purposes and objects of this Agreement and this Agreement shall subject as aforesaid be scheduled to and confirmed by said Provisional Order Should any alteration or modification be made on this Agreement during the progress of the said Provisional Order or of the confirming Bill which in the opinion of the arbiter afternamed is material it shall be competent to either party to abandon or withdraw from this Agreement.

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Fourth Any questions or differences which may arise between the parties as to the true intent and meaning of these presents or the implement thereof shall be submitted to and referred to the amicable decision final sentence and decree arbitral of the Dean of the Faculty of Advocates in Scotland whom failing to an arbiter to be appointed by the sheriff of the county of Ayr whose decision shall be final and binding on the parties.

Fifth The parties for their respective rights and interests agree to co-operate and assist to the best of their ability and power in carrying out the purposes and objects of this Agreement without unnecessary delay.

Sixth The parties consent to registration hereof for preservation and execution :

In witness whereof these presents typewritten on this and the five preceding pages are executed by the parties thereto as follows namely They are subscribed by the said George Templeton at Kilmarnock on the tenth day of December nineteen hundred and twenty-one before these witnesses Miss Nellie Stewart Hunter residing at Carlton London Road Kilmarnock and Miss Margaret Templeton residing at Grangeholm Kilmarnock and they are sealed with the corporate seal of the said provost magistrates and councillors and subscribed by John Morton Mathie Morton provost and Peter Allan Thomson town clerk both of said burgh at a meeting of said provost magistrates and councillors held at Ayr on the twelfth day of December and year last mentioned before these witnesses Robert Black depute town clerk Ayr and Hugh Reid clerk in the town clerk's office Ayr.

GEORGE TEMPLETON.

NELLIE S. HUNTER witness.

MARGARET TEMPLETON witness.

ROBERT BLACK witness.

HUGH REID witness.

J. M. MATHIE MORTON
Provost.

P. A. THOMSON
Town Clerk.

L.S.

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FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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