**Guide to local government in counties, parishes, and burghs.**

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# GUIDE

TO

# LOCAL GOVERNMENT

IN COUNTIES, PARISHES, AND BURGHS.

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| Hawick, . . . | Walter Scott Barrie. | Robert Purdom. |
| Helensburgh, . . | Alex. Whyte. | George Maclachlan. |
| Huntly, . . . | James Bowman. | T. A. Duff. |
| Innerleithen, . . | William Stewart. | William Stobie. |
| Inveraray, . . | John M'Arthur. | A. Henderson. |
| Invergordon, . . | Murdo Mackenzie. | R. S. Ross. |
| Inverkeithing, . . | David Bleloch. | John R. Menzies. |
| Inverness, . . | Alexander Ross. | Kenneth M'Donald. |
| Inverurie, . . | John M. Watson. | C. B. Davidson, Aberdeen. |
| Irvine, . . . | William Breckenridge. | James Dickie. |
| Jedburgh, . . . | James Laidlaw. | James Stedman. |
| Johnstone, . . | Stewart Armour. | William Reid. |
| Keith, . . . | T. A. P. Hay. | J. G. Fleming. |
| Kelso, . . . | James Smith. | G. S. Douglas. |
| Kilmarnock, . . | A. M'Lelland. | William Middlemas. |
| Kilrenny, . . . | John Martin. | W. T. Jamieson and John Guthrie, Anstruther. |
| Kilsyth, . . . | Robert Hamilton. | R. M. Lennox. |
| Kilwinning, . . | David Glasgow Simpson. | R. C. King. |
| Kinghorn, . . | William Smith. | W. M. Dow, Kirkcaldy. |
| Kingussie, . . | Alexander Macpherson. | John Warren. |
| Kinning Park, . . | John Campbell. | William Lucas and William L. Lucas, joint. |
| Kinross, . . . | John Beveridge. | W. K. Falconer. |
| Kintore, . . . | James Still. | David Edwards, Aberdeen. |
| Kirkcaldy, . . | John T. Stocks. | W. L. Macindoe. |
| Kirkcudbright, . | James Cowan. | John Gibson. |
| Kirkintilloch, . . | John Aitken. | David Patrick. |
| Kirkwall, . . | Nicol Spence. | William Cowper. |
| Kirriemuir, . | James Sandeman. | Archibald Smith. |
| Ladybank, . . | James L. Hill. | W. G. Taylor, Cupar. |
| Lanark, . . . | William Brown. | William Annan and James Annan. |
| Langholm, . . | J. J. Thomson. | Andrew Johnstone. |
| Largs, . . . | A. H. M'Lean. | James Fleck. |
| Lasswade, . . | George Porteous. | D. B. Tod. |
| Lauder, . . . | William Moore. | R. Romanes and G. Rankin, joint. |
| Laurencekirk, . . | John Rae. | John Craig. |
| Leith, . . . | John Bennet. | T. B. Lamb. |
| Lerwick, . . . | Charles Robertson. | Arthur Sandison. |
| Leslie, . . . | H. M. Newison. | Robert Archibald. |
| Leven, . . . | John White. | A. C. Dewar. |

| Burgh. | Lord Provost or Provost. | Clerk. |
|---|---|---|
| Linlithgow, | A. Gilmour. | John Ferguson (Town-Clerk).<br>John Thom (Police Clerk). |
| Loanhead, | Chas. K. Brown. | William MacFarlane. |
| Lochgelly, | James Melville. | John Small. |
| Lochgilphead, | Dr. D. Campbell. | D. MacLachlan. |
| Lochmaben, | John Graham. | E. B. Rae. |
| Lockerbie, | John Henderson. | David M'Jerrow. |
| Lossiemouth, | Robert Brander. | J. H. Glennie. |
| Macduff, | Alexander George. | James Gray. |
| Markinch, | Wm. Dewar. | Wm. Shepherd, Leven. |
| Maxwelltown, | John Cowan. | R. K. Walker and A. Sharpe. |
| Maybole, | John Marshall. | James Gibson. |
| Millport, | Wm. Allan. | J. Patrick and R. Wood. |
| Milngavie, | Major Drew. | John Cranmer. |
| Moffat, | John Young. | Thomas Tait. |
| Montrose, | James Mitchell. | D. C. Wills. |
| Motherwell, | John Colville. | James Burns. |
| Musselburgh, | Peter Keir. | A. D. Macfarlane. |
| Nairn, | Alexander Gordon. | W. Laing. |
| New Galloway, | John Coskerie, | Robert Johnstone, |
| Newmilns, | James Pollock. | James Cunningham. |
| Newburgh, | George Anderson. | A. M. Sneddon. |
| Newport, | Alexander Scott. | John Scrimgeour. |
| Newton-Stewart, | A. B. Matthews. | Robert Carson. |
| North Berwick, | John R. Whitecross. | A. D. Wallace. |
| Oban, | Francis W. Cooper. | M. B. Lawrence. |
| Paisley, | Archibald Mackenzie. | David Young and Francis Martin. |
| Partick, | James Caird. | James Donaldson. |
| Peebles, | J. P. Lossock. | William Buchan. |
| Penicuik, | C. W. Cowan. | John Alexander. |
| Perth, | John A. Dewar. | William MacLeish. |
| Peterhead, | John Smith. | D. Martin. |
| Pittenweem, | George Welch. | A. C. M'Intosh. |
| Port-Glasgow, | Alex. Gray. | D. R. Maclelland. |
| Portobello, | Alexander Brand. | R. P. Stevenson. |
| Portsoy, | James Clark. | James Young. |
| Prestonpans, | John Edgar. | Robert Hunter. |
| Pulteneytown, | David Sutherland. | David Cormack. |
| Queensferry, | John Reid. | P. Miller. |
| Rattray, | Thomas Doig. | J. B. Miller. |
| Renfrew, | Andrew Brown. | William Heron. |
| Rothes, | Robert Dick. | John Smith. |
| Rothesay, | Lachlan Milloy. | John T. Wilson. |
| Rutherglen, | Lewis Mitchell. | George Gray. |
| St. Andrews, | John M'Gregor. | Stuart Grace. |

| Burgh. | Lord Provost or Provost. | Clerk. |
|---|---|---|
| S Saltcoats, | James M'Isaac. | James Campbell. |
| S Sanquhar, | Thos. Waugh. | G. B. Carruthers. |
| S Selkirk, | Alex. F. Roberts. | John Pollok. |
| S Stewarton, | David Whiteford. | John Halliday. |
| S Stirling, | George Kinross. | Thos. L. Galbraith. |
| S Stonehaven, | A. W. Kinnear. | Robert Falconer. |
| S Stornoway. | Donald Smith. | John Ross, |
| S Stranraer, | W. M. M'Robert. | Wm. Black. |
| S Stromness, | Andrew Stewart. | J. A. S. Brown. |
| T Tain, | E. H. M'K. Matheson. | John Mackenzie. |
| T Tayport, | James Scott. | P. K. White, Dundee. |
| T Thurso, | David Sinclair, jun. | Andrew Manson. |
| T Tillicoultry, | Archibald Walker. | Charles Thomson, Alloa. |
| T Tobermory, | Alexander Allan. | John M'Lachlan. |
| T Tranent, | James Knox. | J. Richardson. |
| T Turriff, | John Hutcheon. | W. F. Stewart. |
| W Whitburn, | James Flemington, junr. | James Pender. |
| W Whithorn, | Charles Hawthorn. | Robert C. Lawrie. |
| W Wick, | W. Paterson Smith. | Hector Sutherland. |
| W Wigtown, | John Black. | William M'Clure. |
| W Wishaw, | Thomas Bell. | John Logan. |

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The Convention of Royal Burghs meets in Edinburgh annually in April.

The Lord Provost of Edinburgh, *Preses.*

William Officer, *Agent.*

# NUMBERS OF COUNTY COUNCILLORS FIXED BY THE SECRETARY FOR SCOTLAND UNDER THE LOCAL GOVERNMENT ACT, 1889.

## ABERDEEN.

| | |
|---|---|
| Police Burghs— | |
| Fraserburgh, | 2 |
| Turriff, | 1 |
| Huntly, | 1 |
| Burgh of Peterhead, | 3 |
| „ Kintore, | 1 |
| „ Inverurie, | 1 |
| County districts, | 54 |
| | 63 |

## ARGYLL.

| | |
|---|---|
| Police Burghs— | |
| Tobermory, | 1 |
| Lochgilphead, | 1 |
| Dunoon, | 2 |
| Burgh of Inveraray, | 1 |
| „ Campbeltown, | 2 |
| „ Oban, | 2 |
| County districts, | 48 |
| | 57 |

## AYR.

| | |
|---|---|
| Police Burghs— | |
| Ardrossan, | 1 |
| Kilwinning, | 1 |
| Largs, | 1 |
| Saltcoats, | 1 |
| Stewarton, | 1 |
| Darvel, | 1 |
| Galston, | 1 |
| Newmilns and Greenholm, | 1 |
| Cumnock and Holmhead, | 1 |
| Maybole, | 1 |
| Burgh of Irvine, | 2 |
| County districts, | 45 |
| | 57 |

## BANFF.

| | |
|---|---|
| Police Burghs— | |
| Buckie, | 2 |
| Macduff, | 2 |
| Aberchirder, | 1 |
| Portsoy, | 1 |
| Dufftown, | 1 |
| Keith, | 2 |
| Burgh of Banff, | 2 |
| „ Cullen, | 1 |
| County districts, | 24 |
| | 36 |

## BERWICK.

| | |
|---|---|
| Police Burghs— | |
| Eyemouth, | 2 |
| Duns, | 2 |
| Coldstream, | 1 |
| Burgh of Lauder, | 1 |
| County districts, | 28 |
| | 34 |

## BUTE.

| | |
|---|---|
| Police Burgh— | |
| Millport, | 2 |
| Burgh of Rothesay, | 4 |
| County districts | 14 |
| | 20 |

## CAITHNESS.

| | |
|---|---|
| Police Burghs— | |
| Thurso, | 3 |
| Pulteneytown, | 4 |
| Burgh of Wick, | 1 |
| County districts, | 22 |
| | 30 |

## CLACKMANNAN.

| | |
|---|---|
| Police Burghs— | |
| Alloa, | 5 |
| Alva, | 3 |
| Tillicoultry, | 2 |
| County districts, | 10 |
| | 20 |

## DUMBARTON.

| | |
|---|---|
| Police Burghs— | |
| Cove and Kilcreggan, | 1 |
| Helensburgh, | 4 |
| Clydebank, | 4 |
| Kirkintilloch, | 3 |
| Milngavie, | 1 |
| County districts, | 27 |
| | 40 |

**DUMFRIES.**

| | |
|---|---|
| Police Burghs— | |
| Lockerbie, | 1 |
| Moffat, | 1 |
| Langholm, | 2 |
| Burgh of Annan, | 2 |
| „ Sanquhar, | 1 |
| „ Lochmaben, | 1 |
| County districts, | 34 |
| | 42 |

**EDINBURGH.**

| | |
|---|---|
| Police Burghs— | |
| Bonnyrigg, | 1 |
| Dalkeith, | 1 |
| Lasswade, | 1 |
| Loanhead, | 1 |
| Penicuik, | 1 |
| Burgh of Musselburgh, | 2 |
| „ Portobello, | 2 |
| County districts, | 36 |
| | 45 |

**ELGIN.**

| | |
|---|---|
| Police Burghs— | |
| Lossiemouth, | 1 |
| Rothes, | 1 |
| Burgh of Forres, | 2 |
| County districts, | 21 |
| | 25 |

**FIFE.**

| | |
|---|---|
| Police Burghs— | |
| Ladybank, | 1 |
| Elie, | 1 |
| Newport, | 1 |
| Tayport, | 1 |
| Buckhaven, Methil, and Innerleven, | 1 |
| Leslie, | 1 |
| Leven, | 1 |
| Lochgelly, | 1 |
| Burgh of Anstruther Easter, | 1 |
| „ Anstruther Wester, | 1 |
| „ Auchtermuchty, | 1 |
| „ Burntisland, | 1 |
| „ Crail, | 1 |
| „ Culross, | 1 |
| „ Cupar, | 1 |
| „ Dysart, | 1 |
| „ Earlsferry, | 1 |
| „ Falkland, | 1 |
| „ Inverkeithing, | 1 |
| „ Kilrenny, | 1 |
| „ Kinghorn, | 1 |
| „ Newburgh, | 1 |
| Burgh of Pittenweem, | 1 |
| „ St. Andrews, | 2 |
| County districts, | 35 |
| | 60 |

**FORFAR.**

| | |
|---|---|
| Police Burghs— | |
| Broughty Ferry, | 2 |
| Kirriemuir, | 1 |
| Carnoustie, | 2 |
| County districts, | 45 |
| | 50 |

**HADDINGTON.**

| | |
|---|---|
| Police Burghs— | |
| East Linton, | 1 |
| Prestonpans, | 1 |
| Tranent, | 1 |
| Cockenzie and Port Seton, | 1 |
| Burgh of Haddington, | 1 |
| „ Dunbar, | 1 |
| „ North Berwick, | 1 |
| County districts, | 20 |
| | 27 |

**INVERNESS.**

| | |
|---|---|
| Police Burghs— | |
| Kingussie, | 1 |
| Fort-William, | 1 |
| County districts, | 53 |
| | 55 |

**KINCARDINE.**

| | |
|---|---|
| Police Burghs— | |
| Banchory, | 1 |
| Stonehaven, | 2 |
| Laurencekirk, | 1 |
| Burgh of Inverbervie, | 1 |
| County districts, | 16 |
| | 21 |

**KINROSS.**

| | |
|---|---|
| Police Burgh— | |
| Kinross, | 4 |
| County districts, | 16 |
| | 20 |

**KIRKCUDBRIGHT.**

| | |
|---|---|
| Police Burghs— | |
| Maxwelltown, | 2 |
| Dalbeattie, | 1 |
| Castle-Douglas, | 1 |
| Gatehouse, | 1 |
| Burgh of Kirkcudbright, | 2 |
| „ New Galloway, | 1 |
| County districts, | 22 |
| | 30 |

**LANARK.**

| | |
|---|---|
| Police Burghs— | |
| Biggar, | 1 |
| Wishaw, | 2 |

| | | |
|---|---|---|
| Motherwell, | 3 | |
| Partick, | 5 | |
| Govan, | 8 | |
| Govanhill, | 1 | |
| Maryhill, | 2 | |
| Hillhead, | 1 | |
| Burgh of Coatbridge, | 5 | |
| ,, Lanark, | 1 | |
| ,, Rutherglen, | 2 | |
| County districts, | 44 | |
| | — | |
| | 75 | |
| **LINLITHGOW.** | | |
| Police Burghs— | | |
| Armadale, | 1 | |
| Bathgate, | 1 | |
| Whitburn, | 1 | |
| Borrowstouness, | 1 | |
| Burgh of Linlithgow, | 2 | |
| ,, Queensferry, | 1 | |
| County districts, | 17 | |
| | — | |
| | 24 | |
| **NAIRN.** | | |
| Burgh of Nairn, | 6 | |
| County districts, | 14 | |
| | — | |
| | 20 | |
| **ORKNEY.** | | |
| Police Burgh— | | |
| Stromness, | 1 | |
| Burgh of Kirkwall, | 2 | |
| County districts, | 24 | |
| | — | |
| | 27 | |
| **PEEBLES.** | | |
| Police Burgh— | | |
| Innerleithen, | 1 | |
| Burgh of Peebles, | 3 | |
| County districts, | 16 | |
| | — | |
| | 20 | |
| **PERTH.** | | |
| Police Burghs— | | |
| Abernethy, | 1 | |
| Blairgowrie, | 2 | |
| Coupar-Angus, | 1 | |
| Rattray, | 1 | |
| Aberfeldy, | 1 | |
| Crieff, | 2 | |
| Callander, | 1 | |
| Doune, | 1 | |
| Dunblane, | 1 | |
| County districts, | 49 | |
| | — | |
| | 60 | |
| **RENFREW.** | | |
| Police Burghs— | | |
| Pollokshaws, | 4 | |
| Crosshill, | 2 | |
| Kinning Park, | 4 | |
| Pollokshields, | 4 | |
| Johnstone, | 4 | |
| Gourock, | 3 | |
| Burgh of Renfrew, | 2 | |
| County districts, | 37 | |
| | — | |
| | 60 | |
| **ROSS and CROMARTY.** | | |
| Police Burghs— | | |
| Invergordon, | 1 | |
| Stornoway, | 2 | |
| Burgh of Dingwall, | 1 | |
| ,, Tain, | 1 | |
| ,, Fortrose, | 1 | |
| ,, Cromarty, | 1 | |
| County districts, | 48 | |
| | — | |
| | 55 | |
| **ROXBURGH.** | | |
| Police Burgh— | | |
| Kelso, | 4 | |
| Burgh of Jedburgh, | 3 | |
| County districts, | 30 | |
| | — | |
| | 37 | |
| **SELKIRK.** | | |
| Burgh of Selkirk, | 6 | |
| County districts, | 14 | |
| | — | |
| | 20 | |
| **STIRLING.** | | |
| Police Burghs— | | |
| Bridge of Allan, | 2 | |
| Denny, | 2 | |
| Kilsyth, | 2 | |
| Grangemouth, | 2 | |
| Burgh of Falkirk, | 2 | |
| County districts, | 35 | |
| | — | |
| | 45 | |
| **SUTHERLAND.** | | |
| Burgh of Dornoch, | 1 | |
| County districts, | 19 | |
| | — | |
| | 20 | |
| **WIGTOWN.** | | |
| Police Burgh— | | |
| Newton-Stewart, | 2 | |
| Burgh of Wigtown, | 1 | |
| ,, Stranraer, | 3 | |
| ,, Whithorn, | 1 | |
| County districts, | 21 | |
| | — | |
| | 28 | |
| **ZETLAND.** | | |
| Police Burgh— | | |
| Lerwick, | 3 | |
| County districts, | 24 | |
| | — | |
| | 27 | |

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# ACT OF PARLIAMENT

FOR

*Regulating the Police and Sanitary Administration of towns and populous places, and for facilitating the union of Police and Municipal Administration in burghs in Scotland.*—[55 *and* 56 *Vict., cap.* 55.—28*th June* 1892.]

Whereas it is expedient to amend the laws relating to the police and sanitary administration of towns and populous places, and to facilitate the union of police and municipal administration in burghs in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Short title and extent.*—This Act may be cited as the Burgh Police (Scotland) Act, 1892, and shall apply to Scotland only.

2. *Commencement of Act.*—This Act shall come into operation, except so far as otherwise herein-after provided, on the fifteenth day of May one thousand eight hundred and ninety-three, which date is herein-after called the commencement of this Act.

3. *Division into parts.*—This Act is divided into parts as follows:—

Part I.—General.
Part II.—Constitution of Police Burghs.
Part III.—Police Force.
Part IV.—Police Administration.
Part V.—Rating and Borrowing Powers.
Part VI.—Offences and Penalties.

## PART I.—GENERAL.

### Definitions.

4. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

(1.) "Board of Supervision" shall mean the Board of Supervision for the relief of the poor and of public health:

(2.) "Broker" shall include any person dealing in second-hand goods or articles, or in yarn or waste, or in other unwrought material, or in old metals, bones, or rags: Provided always, that wholesale dealers in rags, ropes, and waste, purchasing only from licensed brokers or licensed marine store dealers, or in quantities of not less than half a ton, shall not be included in this definition:

(3.) "Building" shall include any structure or erection of what kind and nature soever, and every part thereof:

(4.) "Burgh," when used alone, unless otherwise expressed or inconsistent with the context, shall include royal burgh, parliamentary burgh, burgh incorporated by Act of Parliament, burgh of regality, burgh of barony, and any populous place or police burgh administered in whole or in part under any general or local Police Act or any burgh created under this Act:

(5.) "Carriage" shall include any coach, omnibus, tramway car, cab, chariot, fly, hansom, car, cabriolet, gig, brougham, waggon, timber-carriage, dray, truck, cart, hand-cart, wheelbarrow, hand-barrow, lorry, bicycle, tricycle, velocipede, or other vehicle used for the conveyance of persons, animals, or goods, and whether plying for hire or not:

(6.) "Cattle" shall include any horse, mare, gelding, foal, colt, filly, bull, cow, heifer, ox, calf, ass, mule, ram, ewe, wether, lamb, goat, kid, or swine:

(7.) "Chief magistrate" shall mean the lord provost, or provost, or in his absence the magistrate present next in seniority, according to priority of election as such, and also the magistrate temporarily acting as chief magistrate in any burgh:

(8.) "Clerk," "treasurer," and "collector" shall mean the clerk, treasurer, and collector respectively, appointed by the Commissioners under the provisions of this Act:

(9.) "The Commissioners" shall mean the Commissioners for the purposes of this Act, in their collective capacity, not being Commissioners appointed by the Secretary for Scotland for holding local inquiries under this Act:

(10.) "Court," where by the context it applies to a space contiguous to buildings, shall mean a court or recess or area forming a common access to lands and premises separately occupied, including any common passage or entrance thereto:

(11.) "Court of Session" shall mean either division of the Inner House thereof:

(12.) "General Police Acts" shall mean the Acts specified in Schedule I. of this Act:

(13.) "House," where not otherwise expressed, shall mean dwelling-house, and shall include out-houses and other erections, being pertinents of the house:

(14.) "Householder" shall mean any occupier or inhabitant occupier of lands or premises whose occupancy would qualify him to vote for a member of Parliament for a burgh; and shall include any female occupier of lands or premises who would be entitled under the Municipal Elections Amendment (Scotland) Act, 1881, to vote at municipal elections.

(15.) "Infectious disease" shall mean and include cholera, small-pox, typhus, typhoid, scarlet, relapsing, continued, and puerperal fever, measles, scarlatina, and diphtheria, and such other disease as the Commissioners, with the approval of the Board of Supervision, or Her Majesty by Order in Council, may from time to time order, for the purposes of this Act, to be deemed infectious:

(16.) "Lands and premises" shall include all lands, springs, rights of servitude, dwelling-houses, shops, warehouses, vaults, cellars, stables, breweries, manufactories, mills, and the fixed or attached machinery therein, yards, places, and other heritages specified or included in the Acts for the valuation of lands and heritages in Scotland in force for the time being:

(17.) "Local Police Act" shall mean any Act other than the General Police Acts providing for the watching, lighting, paving, draining, cleansing, or improving of a burgh, or incorporating any portion of the General Police Acts, but shall not include any Act dealing exclusively with harbours, markets, or slaughter-houses, water supply, gas supply, sewerage, tramways, or financial arrangements, or such part of any Act dealing mainly with these subjects as relates exclusively to them:

(18.) "Lord Ordinary" shall mean any Lord Ordinary in the Outer House of the Court of Session:
(19.) "Magistrate" shall mean a magistrate or judge having jurisdiction under this Act:
(20.) "Magistrates" shall include the lord provost or provost:
(21.) "Occupier" shall mean tenant or sub-tenant, or any person in the actual occupancy; and shall not include a lodger, or a person in the occupation as tenant of a furnished house let for a less period than one year; but shall include the person by whom such furnished house is so let:
(22.) "Owner" shall include joint owner, fiar, life-renter, feuar, or other person in the actual possession of or entitled to receive the rents of lands, and premises of every tenure or description, and the factor, agent, or commissioner of such persons, or any of them, or any other person, who shall intromit with or draw the rents:
(23.) "Parliamentary burgh" shall mean a burgh having the right of sending or contributing to send a member to Parliament:
(24.) "Police Act, 1857," shall mean the Act passed in the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two:
(25.) "Police burgh" shall mean a populous place the boundaries whereof have been fixed under the General Police Acts or under any Local Police Act or under this Act:
(26.) "Populous place" shall mean any town, village, place, or locality, containing a population of seven hundred inhabitants or upwards, not being administered under any general or local Police Act; and for the purposes of this Act, two or more contiguous towns, villages, places, or localities, not being burghs, may be held to be a populous place:
(27.) "Private Court" shall mean a court maintained or liable to be maintained by persons other than the Commissioners:
(28.) "Private street" shall mean any street maintained or liable to be maintained by persons other than the Commissioners:
(29.) "Public Health Acts" shall mean the Public Health (Scotland) Act, 1867, and any Act amending the same:
(30.) "Sheriff" shall include sheriff-substitute, except as regards (1) the duty of fixing and extending boundaries, (2) the compulsory acquisition of land, (3) any proceeding under section fifteen of this Act:
(31.) "Street" shall include any road, highway, bridge, quay, lane, square, court, alley, close, wynd, vennel, thoroughfare, and public passage or other place within the burgh used either by carts or foot passengers, and not being or forming part of any harbour, railway, or canal station, depôt, wharf, towing-path, or bank.

## Application of the Act.

5. *Places to which Act shall apply.*—(1) This Act shall apply—
(*a*) From its commencement to every existing burgh, with the exception of the burghs named in Schedule II. of this Act, and
(*b*) To every burgh created under this Act from the date when its creation is recorded in the sheriff court books.

(2.) In the burghs to which this Act applies, this Act shall, except as hereinafter provided, supersede and come in the place of the general or local Police Acts, and all local Police Acts applicable to such burghs are hereby repealed, except such portions of the Acts mentioned in the first column of Schedule III. of this Act as are specified in the third column thereof: Provided that where any of the provisions of a general Police Act are incorporated in the portions so excepted, such unrepealed portions shall be read as if in lieu of the reference to such provi-

sions of a general Police Act there were substituted a reference to the corresponding provisions of this Act; and where in any Act it is provided that any rates, assessments, or charges may be levied, collected, or recovered under any general Police Act repealed by this Act, such provision shall be read as if this Act were therein inserted instead of such general Police Act.

6. *Repeal of general Police Acts.*—The general Police Acts enumerated and set forth in Schedule I. of this Act, except to such extent as they are incorporated by reference in portions of local Police Acts not repealed by this Act, are hereby repealed.

BOUNDARIES.

7. *Boundaries under any Police Act to be boundaries for this Act.*—The boundaries of any burgh, which at the commencement of this Act is administered wholly or partly under any general or local Police Act, shall, for the purposes of this Act, be the boundaries to which such Police Act extends.

8. *Boundaries of other burghs to which this Act applies from its commencement and division into wards.*—The boundaries of all other burghs to which this Act shall apply from its commencement shall, for the purposes of this Act, be fixed by the sheriff or sheriffs of the county or counties in which the burgh is situated, on the application of the magistrates and council, or of any seven or more householders, and after such notice, by advertisement in the *Edinburgh Gazette* and in any newspaper published in such burgh, and if no newspaper is published therein, then in a newspaper circulating therein, and otherwise as the sheriff or sheriffs may direct; and after such investigation (if any) as he or they may deem necessary, the sheriff or sheriffs shall define, in a written deliverance, the boundaries of such burgh; and where the population is five thousand or upwards, the sheriff or sheriffs shall also in his or their deliverance divide the burgh into wards, and fix the boundaries thereof; and such deliverance, unless appealed against as herein-after provided, shall be final, and when recorded in the sheriff court books of the county or counties, as the case may be, shall determine the boundaries of the burgh for the purposes of this Act.

9. *Boundaries of populous places.*—(1.) The boundaries of any populous place shall, for the purposes of this Act, be fixed by the sheriff or sheriffs of the county or counties in which such populous place as defined in the application is situated, on the application of any seven or more householders in such populous place; and where the population of a populous place as herein-after ascertained is five thousand or upwards, such populous place may, if the sheriff or sheriffs think fit, be divided into wards, and the sheriff or sheriffs shall fix the limits of each ward. The sheriff or sheriffs shall direct notice of the application to be given by advertisement for two successive weeks in the *Edinburgh Gazette*, and in some newspaper published or circulating in the county or counties in which such populous place is situated, and shall appoint a day not less than two weeks after the last date of such advertisement for hearing all parties interested, and shall also appoint and direct a proper person to ascertain and report the amount of the population of such populous place, and shall thereafter hear all parties interested, and determine whether the area included in the application, or any part thereof, considering the number of dwelling houses within it and the density of the population, and all the circumstances of the case, is in substance a town, and is suitable for being formed into a police burgh, and if the sheriff or sheriffs are satisfied on these points, he or they shall define, in a written deliverance on such application, the boundaries of such populous place, and, where necessary, the limits of such wards

In defining the boundaries of a populous place, it shall be lawful for the sheriff or sheriffs to include the whole area which in their judgment properly belongs to and forms part of the same town, with a reasonable margin for extension, if they think proper, but so as not to encroach on the boundaries of any other burgh or of any other county, unless the sheriff of such county concurs in the deliverance.

(2.) In the case of any populous place, the population of which shall be ascertained in manner foresaid to be less than two thousand, the sheriff or sheriffs may find and declare that such populous place is a burgh.*

(3.) In the case of any populous place, the population of which shall be ascertained in manner foresaid to exceed two thousand, the sheriff or sheriffs shall find and declare that such populous place is a burgh.*

(4.) Provided that before a populous place is declared to be a burgh under this section, if it is contiguous or closely adjacent to any burgh, the town council or Commissioners of such burgh shall have an opportunity of stating objections, which shall be disposed of by the sheriff or sheriffs, who shall take the whole circumstances of the case into consideration.*

(5.) The deliverance of the sheriff or sheriffs, unless appealed against in manner herein provided, shall be final, and shall be recorded, along with the application on which it proceeds, in the sheriff court books of the county or counties wherein the burgh is situated, as the case may be.

10. *Power to rectify accidental errors in defining boundaries.*—In the event of any accidental error having been committed by the sheriff or sheriffs in defining the boundaries of any burgh or populous place, or of any of the wards thereof, under the powers hereby conferred, it shall be lawful for the Commissioners of such burgh or of such populous place, so soon as it has been declared to be a police burgh and has elected Commissioners, to bring the matter under the consideration of the sheriff or sheriffs, who shall have power to rectify any such error, and whose judgment thereon shall be final; and the boundaries as so rectified shall, in regard to all future acts, payments, and liabilities, be held to be the boundaries originally assigned by the sheriff or sheriffs under this Act: Provided always, that any acts done or payments made, prior to such rectification, shall be in nowise affected hereby; but the same, in so far as done or made in good faith, shall, notwithstanding such error, be as valid, final, and free from challenge as if such error had not been committed.

11. *Revision of boundaries.*—Upon the application of the Commissioners or of the council of any burgh, and after publication in the *Edinburgh Gazette*, and in any newspaper published in such burgh, and if no newspaper be published therein, then in a newspaper circulating in such burgh, and such other notice and inquiry as he may deem necessary, it shall be lawful for the sheriff, after hearing all parties interested, from time to time to revise, alter, extend, or contract the boundaries of such burgh for the purposes of this Act, but so as not to encroach on the boundaries of any other burgh, and where not divided into wards to divide the same into wards, and where divided into wards to revise the boundaries of such wards; and where in any burgh wards exist at present, the sheriff may increase their number or lessen their number by combination or re-arrangement, and the sheriff shall define, in a written deliverance on such application, the new boundaries of such burgh and wards, for the purposes of this Act; and such deliverance, unless appealed against, in manner hereinafter provided, shall be final; and when recorded along with the application on which it proceeds in the sheriff court books of the county, shall fix and determine the boundaries of such burgh and wards for the purposes of this Act. Where the burgh and the lands proposed to be included in any application for an extension of boundary lie in more than one county, the application shall be made to and disposed of by the sheriffs of all the counties concerned. The sheriff or sheriffs in revising the

* The subsections 2 and 3 are repealed, and the subsection 4 modified by 56 and 57 Vict., c. 25, which also prescribes procedure for adoption of Act.

boundaries of a burgh shall take into account the number of dwelling-houses within the area proposed to be included, the density of the population, and all the circumstances of the case, whether it properly belongs to and ought to form part of the burgh, and should in their judgment be included therein. In the event of the sheriffs not being unanimous in opinion, the application shall not be granted subject to an appeal as herein-after provided.*

12. *Municipal boundaries may be extended to police boundaries, and police boundaries may be extended to municipal or parliamentary boundaries.*—Where in any burgh the municipal boundary is either wholly or partly within the boundary for police purposes, it shall be lawful for the council at a meeting specially called for the purpose, of which a month's notice shall be given, to resolve that the boundary for municipal purposes, including the right to vote for town councillors, shall be extended up to the boundary for police purposes, and to fix the boundary for municipal purposes accordingly, and where in any burgh the police boundary is wholly or partly within the municipal boundary or royalty or within the parliamentary boundary, it shall be lawful for the Commissioners at a meeting specially called for the purpose, of which a month's previous notice shall be given, to resolve to extend such police boundary to the municipal boundary or the royalty or the parliamentary boundary respectively for police purposes, including the right to vote for Commissioners, but so as not to encroach on the boundaries of any other burgh, and to fix the date, not being less than fourteen days from the date of the said resolution, when such resolution shall come into operation. Upon any such resolution being adopted, the council or the Commissioners of the burgh may present a petition to the sheriff praying him to confirm the same; and the sheriff, after such intimation and service as he thinks proper, and after hearing all parties interested, shall dispose of the application, and upon any final judgment confirming the resolution being pronounced it shall be recorded in the sheriff court books, and such resolution shall come into force from the date of such recording or such later date or dates as may be specified in the resolution; and any Act of Parliament conferring police jurisdiction or any other authority within such extended boundary shall, in so far as it is inconsistent with the provisions of this section, be repealed.

13. *Appeal.*—In any proceeding for fixing, altering, extending, contracting, or revising the boundaries of a burgh or populous place, or of the wards of a burgh, it shall be lawful for any owner or occupier within the boundaries as fixed by the sheriff or sheriffs who considers himself aggrieved by the deliverance of the sheriff or sheriffs, or the resolutions of the council or Commissioners, as the case may be, or for the county council or the standing joint committee of any county into which the said boundaries extend beyond the existing boundaries, within fourteen days from the date thereof, to present a petition against the deliverance of the sheriff or sheriffs to the Court of Session, setting forth the grounds on which they object to such deliverance; and the Court of Session may thereupon order answers, and, after answers have been lodged, may either pronounce a final order or remit to a Lord Ordinary, to direct inquiry into the circumstances of the case, and to issue such order thereupon as he may deem requisite to determine the boundaries of such burgh; and such order shall in either case be final, and when recorded in the sheriff court books of such county, shall fix and determine the boundaries of such burgh for the purposes of this Act. Where it is the duty of two or more sheriffs to fix the boundary, and they cannot come to a unanimous decision, they shall state a case for the Court of Session, and the same procedure shall with the necessary variations be followed as hereinbefore prescribed in the case of the petition against the deliverance of the sheriff.

14. *Plan of new boundary to be sent to Board of Agriculture.*—Where the boundary of a burgh is fixed for the first time or altered under the provisions of

* By the Local Government Act, 1894 (57 and 58 Vict., c. 58), § 13 (6), the above section is made to include, under exceptions, the division into wards and the alterations of boundaries of wards for parliamentary and municipal as well as police purposes.

this Act, plans showing the new boundary, duly certified by the Commissioners, shall be sent within one month after the boundary is fixed to the Board of Agriculture.

ADOPTION OF THE ACT.

15. *Adoption in burghs wholly administered under local Police Acts.*—In any burgh named in Schedule II., this Act may be adopted in whole or in part, that is to say, in parts, sections, or subsections, by a resolution of the council where there is no separate board of Commissioners, and where there is such a separate board by such Commissioners, at a meeting called for the purpose after a month's previous notice in a newspaper published or circulating in the burgh, which notice shall specify the parts, sections, or subsections of this Act proposed to be adopted and the portions of local Police Acts proposed to be repealed: Provided that such adoption in part of this Act shall not affect any private interests which shall have been specially regulated by any local Act, and provided further that in every case where Part V. of this Act shall be adopted only in part, such adoption shall include the provisions of this Act relating to incidence of assessments.

Such resolution shall be reported to the sheriff, who shall pronounce a deliverance thereon declaring the parts, sections, or subsections of this Act specified in the resolution to have been adopted, and shall cause such resolution to be recorded in the sheriff court books.

From and after the recording of such resolution the parts, sections, or subsections of this Act so adopted shall come into force in the burgh, and all portions of local Police Acts inconsistent with or dealing with the same matters as the parts, sections, or subsections so adopted shall be repealed, which portions shall be specified in the resolution so recorded.

16. *Where populous place not declared a burgh new application may be made after two years.*—Where a populous place has not been declared a burgh by the sheriff, another application to have such populous place declared a burgh in manner herein-before provided may be made, but such application shall not be competent until after the lapse of two years from the date of the deliverance on the last preceding application.

MISCELLANEOUS.

17. *Court of Session may make orders to facilitate adoption or execution of Act.*—Wherever in any burgh in existence before the passing of this Act, and which thereafter continues to be a burgh, or in any burgh the boundaries of which have been determined in terms of this Act, it has, from a failure to observe any of the provisions of this Act, or any other Act, or from any other cause, become impossible to proceed with the execution of this Act, the following provisions shall have effect:

(1.) It shall be lawful for any seven householders within the burgh to present a petition to the Court of Session, or to the sheriff court, setting forth the failure which has taken place to observe the provisions of this Act, or any other Act, or other cause which has made it impossible to proceed with the execution of this Act, and praying the court to pronounce an order in terms of this Act as herein-after mentioned.

(2.) The petition shall be intimated in any newspaper published in such burgh, and if no newspaper be published therein, then in a newspaper circulating in such burgh, or in such other manner as the court shall appoint.

(3.) Upon resuming consideration of the petition, with or without answers, and after receiving such evidence as they shall require, the court may pronounce

any order which, in their judgment, will enable the proceedings for the execution of this Act within such burgh to be continued as nearly as possible as if the said failure to observe the provisions of this Act, or any other Act, or other cause, had not taken place; and such order shall be final, and shall be recorded in the sheriff court books of the county within which such burgh is situate.

(4.) As soon as any directions contained in the said order of the court shall have been complied with, the proceedings for the execution of this Act within such burgh may proceed as nearly as possible in the same manner, and with the same incidents, as if the said failure to observe the provisions of this Act, or any other Act, or other cause, had not taken place.

(5.) The court may pronounce any order as to the expenses of the petition, and the proceedings following thereon, and as to the persons against whom or the assessments against which they shall be chargeable; and such order shall be final.

18. *Statutory provisions as to fixing of boundaries, &c., to be deemed to be complied with.*—All statutory requirements and provisions applicable to the fixing of the boundaries of any burgh or place under the General Police Acts or this Act, or to the adoption of any of the said Acts or of this Act, or to the election of Commissioners for any such burgh, shall be deemed and taken to be duly complied with, and shall have effect accordingly, unless the same shall have been or shall be challenged in a competent court of law within three years from the date of the alleged non-compliance with the said statutory requirements and provisions: Provided always, that nothing herein contained shall prejudice or affect the pecuniary rights, liabilities, or interests of any person which shall have been finally decided by or are under the consideration of any court of law at the time of the passing hereof.

19. *Saving of contracts.*—When this Act shall apply in any burgh which has previously been wholly or partly administered under any general or local Police Act, or shall be applied in whole or in part by being adopted in any burgh so administered, all bonds, contracts, covenants, agreements, and securities made and entered into, and obligations incurred, and all assessments imposed under and by virtue of such Acts, in so far as regards anything done under such Acts, or any of them, previous to the commencement of this Act, shall remain in full force and effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the debts, rights, or claims of any creditor, or any special interest provided for under such Acts; and the officers appointed under and employed in the execution of such Acts shall continue to exercise their offices, until they are respectively superseded, or legally removed therefrom, under the authority of this Act.

And where any local Act contains provisions embodying or giving effect to or saving any contract or agreement with any private individual or public body, such provisions shall be saved and excepted from any repeal of such Act, and any such contract or agreement shall remain binding notwithstanding anything contained in this Act.

All complaints and prosecutions raised or pending at the passing of this Act shall continue and be followed forth to a conclusion in the same way and with the same jurisdiction, remedies, penalties, and powers as if the Act had not passed.

20. *Property vested in Commissioners under this Act.*—In all cases where the management for the purposes of this Act of any burgh is by the application of this Act transferred from any existing Commissioners of Police or other persons acting under any of the general Police Acts or any local Police Act to Commis-

sioners under this Act, the whole lands, heritages, assessments, claims, demands, and effects of every kind belonging to or vested in the Commissioners of Police, or other persons, from whom such management is so transferred, or in any person on their behalf, and all powers, rights, and privileges conferred on or vested in such Commissioners of Police, or other persons, by any Act of Parliament, charter, or writing, in so far as not inconsistent with the provisions of this Act, shall be, and are hereby transferred to and vested in the Commissioners under this Act, and they shall be liable for the whole debts and obligations of the Commissioners of Police, or other persons, from whom such management is transferred.

And where by any Act of Parliament any powers and duties are conferred or imposed upon the Commissioners under the general Police Acts, such powers and duties shall now be vested in and discharged by the Commissioners under this Act.

21. *Powers, &c., of local authorities under Public Health Act to be transferred to Commissioners.*—Wherever the boundaries of any burgh have been determined in terms of this Act, the whole powers and duties (including the rights to levy assessments) exerciseable by any local authority acting under the Public Health (Scotland) Act, 1867, and Acts amending the same, within the district or districts comprehended within such burgh shall cease and determine, and the same shall be transferred to and vested in the Commissioners under this Act, and all drainage, water, and other works executed in such district or districts by such local authority in the performance of its powers and duties under the said Acts shall be taken over by the Commissioners under this Act, who shall be liable for the whole debts and obligations of such local authority applicable to such district or districts; and in the case of difference of opinion as to such debts or obligations, the sheriff shall determine the dispute, and his decision shall be final.

22. *Where burgh extended Commissioners to pay county council proportion of expenses of register of voters.*—Where by the extension of the boundary of a burgh under the Boundaries of Burghs Extension (Scotland) Act, 1857, and any Act amending the same, or this Act, any area of any county is annexed to such burgh, the Commissioners of such burgh shall pay annually to the county council of such county from which such area is taken such proportion of the expenses payable by the county council for the preparation of the register of parliamentary voters for such county or division thereof, as the case may be, as the number of voters in the said area shall bear to the total number of voters in such county or division thereof.

## PART II.—CONSTITUTION OF POLICE BURGHS.

23. *Establishment of new authority in burghs having magistrates and councillors, and in new burghs.*—In any burgh having magistrates or a magistrate, and councillors, or other municipal authority under whatever name, at the commencement of this Act—

(1.) The magistrates or magistrate and councillors, or other municipal authority, shall, subject to the provisions of the immediately succeeding sections, be the Commissioners under this Act.

Provided that where there are already Police Commissioners under any general or local Police Act, such Police Commissioners shall be the Commissioners under this Act until the first annual election of magistrates and councillors, or other municipal authority, after the commencement of this Act.

(2.) After the commencement of this Act—

(*a.*) In burghs in which the magistrates and councillors are elected in manner provided by the Acts third and fourth William the Fourth chapters seventy-six and seventy-seven, and other Acts amending the same, the magistrates and councillors shall be elected as heretofore except in so far as the said Acts are modified or amended by this Act:

(*b.*) In all other burghs the magistrates and councillors or Commissioners shall be elected under the provisions of the two immediately succeeding sections, as the case may be.

24. *Present Commissioners to remain in office till their successors are appointed*—In burghs wholly or partly administered under any general or local Police Act the Commissioners and magistrates at the commencement of this Act shall continue to hold and exercise their office and to perform all the duties appertaining thereto till their successors are appointed under this Act, and the order of their retirement of such Commissioners shall be the same as if this Act had not been passed; but as vacancies occur the election of their successors shall take place under this Act, and where an increase or decrease in the number of the Commissioners in such burghs falls to take place in virtue of this Act, the sheriff shall on the application of the existing Commissioners or of any seven electors of the burgh, ascertain the extent of the population of the burgh, and thereupon fix the number of Commissioners to which the burgh is entitled under this Act; and it shall be lawful for the sheriff to determine when, and in what manner the increased or decreased number of Commissioners, and the consequent increase or decrease in the number of magistrates, shall take place in the burgh, and if it is divided into wards, in the different wards thereof, and he shall fix the order in which they shall vacate office; and the sheriff shall also determine in a summary manner all questions that may arise in reference to these matters, and he shall forthwith cause his deliverance to be recorded in the sheriff court books of the county, and in the books of the burgh (if any) to which it specially applies, and such deliverance by the sheriff shall be final.

25. *First election of Commissioners in certain burghs.*—In burghs other than those referred to in the immediately preceding section, an election of Commissioners shall take place as soon as may be after the commencement of this Act, and the householders whose names are in the assessor's list in this section mentioned shall be entitled to vote.

The sheriff shall, preparatory to the said election, require the assessor under the Valuation Acts to furnish him within fourteen days with a list of the householders in the burgh; and where the burgh is divided into wards the assessor shall state separately the householders in each ward respectively; and the list shall be subscribed by the assessor, and be returned by him to the sheriff, who shall hold the same as the list of householders entitled to vote in the election.

26. *Sheriff to conduct the election.*—The sheriff shall conduct the election, and shall give due intimation thereof, and of the time within which the nomination of candidates for the office of Commissioner shall be made to him; and he shall be the returning officer, with power to appoint presiding officers, assistants, clerks, and all other persons necessary to preside and officiate at the polling places in the burgh, or if it is divided into wards, in the several wards thereof.

The election shall be conducted by ballot, and as nearly as circumstances permit in the manner herein-after prescribed for the annual election of Commissioners for the purposes of this Act; and the sheriff shall determine in a summary manner all questions that may arise in reference to the election, and his decision shall be final; and in cases of equality of votes, either in the burgh or in the several wards thereof, if it is divided into wards, the sheriff shall have a casting

vote; and he shall preside at the first meeting of the Commissioners as herein-after provided for, or shall appoint some person other than a Commissioner to preside in his stead.

27. *Saving of patrimonial rights.*—(1.) Where, by the operation of this Act, the right to elect the municipal authority is transferred and taken away from the existing body of electors, and any dispute arises as to whether any right or privilege exercised by all or any of such is a public or a private and patrimonial right, such dispute shall be decided by the sheriff, but an appeal shall lie to the Court of Session.

(2.) Nothing contained in this Act shall affect the patrimonial rights of any body of feuars at the passing of this Act administered by the town council of any burgh or barony.

## Election of Commissioners.

28. *Persons eligible to be elected.*—At the election any male householder in the burgh who is not in arrear with any burgh assessment shall be eligible as a Commissioner for the purposes of this Act, and may be proposed and seconded by any two householders in the assessors list herein-after mentioned; or if the burgh is divided into wards, by any two such householders in the ward for which the election is to take place: Provided always, that the nomination paper shall be signed by the person nominated or his mandatory, and also by not less than five other such householders.

The same procedure with respect to the declaration of acceptance of office, and as to the election of magistrates, and as to resigning the office of Commissioner, and as to filling up any vacancy in the office of magistrate and Commissioner, shall take place under this Act as is by law provided with regard to such matters in burghs having to provide for the election of magistrates and councillors as aforesaid.

29. *Number of Commissioners.*—In burghs where the population is less than ten thousand the number of Commissioners elected shall be nine, unless on application to the sheriff by the existing Commissioners or by seven householders of the burgh, he shall see cause to fix the number at twelve; where the population is between ten thousand and twenty thousand the number shall be twelve; where the population is between twenty thousand and fifty thousand the number shall be fifteen; [where the population is between fifty thousand and one hundred thousand the number shall be eighteen;] where the population is over one hundred thousand the number shall be twenty-four. And the number of the Commissioners to be elected may from time to time be determined by the sheriff in conformity with this section.*

Where the burgh is divided into wards, the number of wards, and the number of Commissioners to be elected, shall be settled and adjusted by the sheriff so that there shall be, as nearly as may be, three Commissioners for each ward.

30. *Register of voters to be made similar to register of parliamentary burghs.*—In all burghs where an annual election of Commissioners falls to be made under this Act, from and after the first election of Commissioners as above provided for, a list and register of the persons entitled to vote in such annual election shall be made up yearly, before the fifteenth day of September, and the procedure to be followed with reference to such list and register shall, as far as practicable, be similar to that prescribed by the Acts for the registration of parliamentary voters for burghs in Scotland, and for this purpose the clerk to the Commissioners shall come in room and place of the assessor and also of the town clerk; and the chief magistrate, or in his absence one of the magistrates, shall hold a court for correct-

* The words in brackets repealed by 57 and 58 Vict., c. 18, which enacts "where the population is between 50,000 and 100,000, the number shall be from 18 to 24."

ing and revising the said list accordingly ; and the county clerk, assessor, or other person in the possession of the valuation roll, shall, on or before the fifteenth day of August, exhibit and give reasonable access to the same without making any charge, to enable such list and register to be made up and completed in terms of this Act.

31. *Persons who shall be entered in register of voters under this Act.*—The persons who shall be entered in the said list and register shall be the same as if the burgh was a burgh having to provide for the appointment of magistrates and councillors in terms of the Acts thereanent, and such list and register, including the female voters (which need not be a separate list), when so made and completed, shall be called the register of voters under this Act ; and there shall be included in the said list or register of voters the names of all persons within the burgh who are qualified for the parliamentary franchise as inhabitant occupiers under the third section of the Representation of the People Act, 1884 : Provided always, that no person shall be placed on the said list or register who on the fifteenth day of July immediately preceding was in arrear with any burgh assessment ; and such register shall be the register of persons entitled to vote at the next ensuing election of Commissioners under this Act, and be deemed and taken to be conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively ; and the said register may, if desired by the Commissioners, be printed, and copies thereof kept by the clerk to the Commissioners, and delivered to persons applying therefor on the same terms as is provided for by the Burgh Voters Registration Act, 1856, in regard to other burghs.

32. *Future elections of Commissioners to be same as election of town councillors.*—There shall be an annual election of Commissioners under this Act, on the first Tuesday of November ; and such annual election in the burgh, or if it is divided into wards, in the several wards thereof, shall be conducted under the rules, regulations, and provisions applicable by law to the election of town councillors in burghs in Scotland ; and for all the purposes of such annual election, first meeting of Commissioners, and election of magistrates, and other procedure consequent upon such annual election, a burgh under this Act shall be deemed a burgh having to provide for the appointment and election of magistrates and councillors therefor in terms of the Acts relating to the election of magistrates and councillors in royal and parliamentary burghs in Scotland which may be in force for the time : Provided, that in the case of any burgh situated in any island of Scotland, it shall not be necessary in the event of a double return, or failure to nominate the requisite number for election, to carry through the whole election procedure of new, but instead thereof the Commissioners at a meeting to be held at twelve o'clock noon on the first Friday after the annual election shall, in the event of there being an equality of votes, determine by vote which of the candidates shall be preferred ; and in the event of the whole or any part of the number of Commissioners not being elected, it shall be lawful for the Commissioners then in office, at such meeting, to supply the deficiency by such and the like proceedings as are provided for in the case of interim vacancies.

33. *If returning officer declines to act, Commissioners to appoint one, or the clerk to act.*—Where, in any burgh under this Act, the person entitled to act as returning officer at any annual election of Commissioners under this Act cannot competently act as such, or declines to act, and to discharge the duties devolving on him in that respect, it shall be lawful for the Commissioners to nominate and appoint one of their own number, or any other duly qualified person to be returning officer ; and failing any such appointment, the clerk, or any qualified person to be appointed by him, shall be the returning officer ; and such person so to be

nominated and appointed, or the clerk, shall possess all the powers for the purpose of such election as if he had been the chief magistrate, or other person entitled to act as returning officer for such election.

34. *Expenses to be defrayed out of assessments.*—All reasonable charges and expenses incurred by the burgh in connexion with the election of Commissioners after the first election, as above provided for, shall form a charge against, and be defrayed out of, the assessments leviable under this Act, and may be apportioned among such assessments as the Commissioners think proper, and may be recovered from the treasurer of the burgh, who is authorised to charge the same against its funds.

35. *Magistrates to be elected.*—The Commissioners first elected under this Act shall, at twelve of the clock noon on the first Friday after the first election, hold their first meeting in the town hall, or other convenient place; and at such meeting, shall by a majority (the sheriff or the person appointed by him to preside having a casting vote in case of equality), elect from among the Commissioners magistrates of police, and the Commissioners first elected shall be entitled to act, although from any cause the full number of Commissioners may not be filled up; and all subsequent elections of magistrates shall take place at the same time and in the same manner as if the burgh was a parliamentary burgh, having to provide magistrates and councillors as herein provided for.

36. *Number of magistrates.*—There shall be elected in burghs:—Where the population is fifty thousand and upwards, a chief magistrate and six other magistrates; where the population is between ten thousand and fifty thousand, a chief magistrate and four other magistrates; and where the population is less than ten thousand, a chief magistrate and two other magistrates, and the chief magistrate shall be called provost and the magistrates be called bailies.

37. *Commissioners to retire in the same manner as councillors in other burghs.*—One third of the Commissioners shall, on the first Tuesday of November annually, retire in the order prescribed by law for the retirement of councillors in burghs having to provide for the election of magistrates and councillors as aforesaid; and the chief magistrate shall always remain in office for three years after his election to that office, in like manner as the provost or chief magistrate in such burghs.

38. *Magistrates and Commissioners to have like powers as magistrates and councillors.*—The magistrates and Commissioners elected in virtue of this Act shall, within the limits of the burgh for the purposes of this Act, possess such and the like rights, powers, authorities, and jurisdiction as are possessed by the magistrates and council of royal and parliamentary burghs in Scotland.

39. *Intimation of candidates for town council at annual elections to town clerk.*—Notwithstanding the provision in the ninth section of the Municipal Elections Amendment (Scotland) Act, 1868, it shall not be competent to elect any person to the office of town councillor at the annual municipal election on the first Tuesday of November in any royal or parliamentary burgh in Scotland unless the name of such person shall have been intimated to the town clerk of such burgh in the manner herein-after provided before four of the clock afternoon on the Tuesday immediately preceding the said first Tuesday of November, and the intimation to the town clerk shall be in the form of Schedule IX. hereunto annexed, or as near thereto as circumstances admit.

40. *Power to withdraw candidature.*—Any intimation so made to the town clerk of such burgh shall be competently withdrawn by giving notice of with-

drawal to him before four of the clock afternoon on the Thursday immediately preceding the said first Tuesday of November, and such notice of withdrawal shall be signed by the person nominated and proposed for election and by his proposer or seconder, or shall be signed by both his proposer and seconder, and also by one of the five assenters to the intimation, and the said notice shall be in the form of Schedule X. of this Act, or as near thereto as circumstances admit: Provided, that no such withdrawal shall be competent where its effect would be to reduce the total number of persons nominated for the then ensuing annual election of town councillors in such burgh (or in a ward thereof where the burgh is divided into wards, and the notice applies to such ward) below the number necessary to supply the vacancies to be filled up in the burgh or ward, as the case may be, at that election.

41. *Partial Repeal of section* 9 *of* 31 *&* 32 *Vict. c.* 108.—The ninth section of the last-mentioned Act is hereby repealed in so far only as it relates to the time and form of making the intimation of nomination to the town clerk, and wherever otherwise in that section, or in the said Act, reference is made to the said intimation, such reference shall be held to apply to the intimation of nomination to the town clerk referred to in the two immediately preceding sections of this Act, and the said last-mentioned Act shall be construed and read accordingly.

## Police and Municipal Administration.

42. *Various municipal jurisdictions to cease and to vest in the provost, magistrates, &c.*—In any burgh where various municipal or police authorities possess jurisdictions and powers within the area of such burgh in police, water, gas, drainage, rating, matters of public health or otherwise, such several jurisdictions and powers, and the whole privileges, rights, and duties exercised in connexion therewith, other than those vested in, and possessed and exercised by the provost, magistrates, and town council or Commissioners, shall cease and determine, and such jurisdiction and all the powers and duties already existing or conferred by this Act in relation thereto, shall thereafter devolve on and be vested in, and be wholly exercised by the provost, magistrates, and town council or Commissioners: Provided alway, sthat where a royal burgh, or a police burgh, or part thereof is included within the parliamentary area of a burgh, this section shall not apply to the effect of uniting such burghs or amalgamating the administration thereof, but without prejudice to any application for such amalgamation under the provisions of section forty-five of this Act.

43. *Provost, magistrates, &c. to be local authority under Public Health Act.*—Notwithstanding the provisions of any general Act or local Police Act, the provost, magistrates, and town council or Commissioners in every burgh shall be the local authority under the Public Health (Scotland) Act, 1867, within the area of such burgh: Provided that nothing contained in this Act shall prejudice or affect the provisions of section eighty-one of the Local Government (Scotland) Act, 1889, and if any question shall arise under this proviso, the same, failing agreement, may be determined by the Secretary for Scotland after such inquiry as he shall think fit, and the provisions of section ninety-three, sub-section three, of the last-mentioned Act shall apply to such inquiry.

## Provisional Orders.

44. *Alteration of number of magistrates and council.*—In any burgh where the magistrates and council are the Commissioners under this Act, it shall be lawful for the magistrates and council to make application to the Secretary for Scotland

for a provisional order determining that the number of the magistrates and council, or either of them, may be altered to any number, which would be competent under this Act for the Commissioners of Police of such burgh, and for distributing the number of the magistrates and council so altered among the wards of the burgh, if it is divided into wards, and that such alteration shall come into effect either immediately at the next election or at successive elections by gradual increase or diminution of the number of the magistrates and council, or either of them.

If such order is made and confirmed by Parliament as herein-after provided, it shall regulate the number of the magistrates and council of such burgh for the future, any charter, right, or Act of Parliament notwithstanding.

45. *Special powers.*—Whenever it shall appear to the Commissioners of any burgh to which this Act applies that they require additional powers for the better carrying out of the purposes of this Act, and specially powers relating to the supply of gas or water, or to the roads and streets, or to drainage or sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts, or for the repeal or amendment of any local Acts of Parliament relating to such subjects, or their adaptation and adjustment to the provisions of this Act, with such amendments as may be found necessary, or for the repeal of any exemption from rating derived from this or any general or local Act, or to other matters cognate to the purposes of this Act, they may apply to the Secretary for Scotland for a provisional order.

Or whenever it appears desirable to the magistrates and council or the Commissioners of contiguous or adjacent burghs that provision should be made for amalgamating the administration of such burghs for all or any of the purposes of this Act or both for municipal purposes and the purposes of this Act, or carrying on jointly such administration or any part thereof by joint committees or otherwise, or for executing jointly any conduits or main sewers, or any other drainage works necessary for the more effectually draining of such contiguous or adjacent burghs, such Commissioners or magistrates and council, as the case may be, may make joint application to the Secretary for Scotland for a provisional order.

Two drafts of the order proposed shall be transmitted with every application for a provisional order.

46. *Procedure.*—(1.) Upon the receipt of any such application for a provisional order, the Secretary for Scotland may direct the sheriff or other Commissioner or Commissioners to hold a local inquiry in the district in respect to the several matters mentioned in the application, after giving at least fourteen days' notice of the time, place, and subject of the inquiry in two consecutive weeks in a newspaper published or circulating in the burgh.

The sheriff or other Commissioner or Commissioners shall hold such inquiry, and for the purposes thereof shall have power to take the assistance of valuators, accountants, engineers, or other persons of skill to such extent as they may find necessary, and shall make a written report to the Secretary for Scotland.

Thereafter it shall be lawful for the Secretary for Scotland to issue a provisional order either in accordance with the prayer of the application, or with such modifications or alterations as may appear to him to be requisite.

(2.) No provisional order shall be of any validity unless the same has been confirmed by Act of Parliament.

(3.) It shall be lawful for the Secretary for Scotland to make such order as he thinks fit in reference to the costs, charges, and expenses incurred in relation to such provisional order, including the costs of any party opposing the same, and to direct that the whole or any portion thereof shall be a charge upon the burgh general assessment, or any other assessment imposed under this Act in any burgh

concerned in the application, and the Court of Session may interpone their authority to any order of the Secretary for Scotland under this section.

47. *Who to preside where more than one sheriff.*—When any investigation or other proceeding under this Act requires to be conducted by the sheriffs of more than one county, the senior sheriff shall preside, and the senior sheriff clerk shall act as clerk of court in such investigation, and such senior sheriff clerk shall, after recording the deliverance in the sheriff court books of his own county, transmit a certified copy thereof to the sheriff clerk of the other county, and such certified copy shall be sufficient warrant to such sheriff clerk to record the deliverance in the sheriff court books of such county.*

48. *Expenses of sheriff how to be defrayed.*—All expenses incurred by the sheriff in the fixing of boundaries of populous places which are formed into burghs, and in all other proceedings necessary for carrying this Act into execution, shall be defrayed out of the burgh general assessment herein provided, and where in any proceedings for defining the boundaries of a populous place the sheriff shall refuse to hold that the place is suitable for being formed into a burgh, or in the case of a populous place not having two thousand inhabitants, the sheriff shall refuse to find and declare it to be a burgh, the expenses incurred shall be paid and borne by the persons signing the application for the fixing of the boundaries.

49. *Jurisdiction where burgh in more than one county.*—Where any burgh is situated in more than one county the duties imposed by this Act on the sheriff of the county, except where such duties are expressly imposed by the Act on two or more sheriffs jointly, shall be performed by such one of the sheriffs of said counties as may, on the application of the Commissioners of said burgh, be appointed by the Secretary for Scotland.

## Meetings of Commissioners.

50. *Commissioners to be summoned to attend meetings.*—Meetings of the Commissioners shall be held at such times and at such places as may be fixed by them from time to time. All the Commissioners shall be cited to attend all meetings, such citation being given personally, or at their dwelling-houses or places of business, by notices issued by their clerk at least twenty-four hours before the time of meeting, which shall specify the matters to be considered at the meeting; but no proceeding of the Commissioners shall be invalidated in consequence of the omission to send such notice or the informality thereof, or in consequence of any vacancy among their number, or of any disqualification of, or objection to, any commissioner. And the chief magistrate, or, in his absence, the magistrate next in order of seniority, and in the absence of all the magistrates, such one of the Commissioners as shall be chosen by the meeting, shall preside; and the preses of the meeting shall have both a deliberative and, in case of equality, a casting vote in all matters which shall come before it: Provided always, that one third of the Commissioners (and in no case less than three) must be present at all meetings to constitute a quorum.

51. *Power to grant leave of absence.*—It shall be lawful to the Commissioners to grant leave of absence to a Commissioner on his application and on reasonable cause shown for any period not exceeding twelve months.

*Commissioner not attending for six months shall demit office.*—Any Commissioner who without leave of the Commissioners shall fail to attend any meetings of the Commissioners for a period of six months having been duly cited thereto shall *ipso facto* vacate his office, and if he is a magistrate or town councillor, he shall *ipso facto* vacate such office also at the same time.

* Extended and made applicable to proceedings under 56 and 57 Vict., c. 25.

52. *Special meetings may be called on requisition.*—The clerk to the Commissioners, when required in writing by the chief magistrate, or on requisition being made to him, stating in writing the object of the intended meeting, and signed by one fifth, not being less than two of the Commissioners, shall cause special meetings to be called within forty-eight hours, and to be held within four days after such requisition, and shall cause all the Commissioners to be summoned to attend such meetings, by summonses, containing a copy of such requisition, or stating the purpose thereof.

53. *Meetings may be adjourned.*—The Commissioners may adjourn to any other day, hour, and place within the burgh.

54. *Power to appoint committees.*—The Commissioners shall have power to form committees of their number, either with directions to report to the Commissioners or for carrying the various purposes of this Act into execution, and to delegate to such committees the powers competent to the Commissioners under this Act, in whole or in part, with regard to the subject which may be remitted, to name the convener, and to fix the numbers of such committees which shall form a quorum, and, if they see fit, to allow any committee to appoint sub-committees with powers; and the convener who shall preside, or in his absence the person to be elected by the committee for the time, shall be entitled to a deliberative and, in case of equality, a casting vote, and to convene the members by notices in the way he shall think most convenient.

## Powers and Duties of Commissioners.

55. *Powers and duties of Commissioners.*—(1.) The Commissioners shall be a body corporate having a common seal. The seal shall bear a device to be fixed on by the Commissioners at a meeting to be held for the purpose.

(2.) In all burghs to which this Act applies, with the exception of burghs having already a corporate name or title under any local charter or Act of Parliament, the corporate name of the Commissioners shall be "the Commissioners of the burgh of [*here insert the name of the burgh*]." Excepting bonds for moneys to be borrowed as herein-after provided for, all deeds, contracts, and writs of importance shall be granted in the corporate name of the Commissioners, and shall be signed by three of the Commissioners and by the clerk, and sealed with the common seal of the Commissioners; and all such deeds, contracts, and writs so executed shall be binding on the property and funds of the Commissioners.

(3.) The Commissioners shall estimate, assess, levy, and apply the sums of money hereby authorised to be raised for the purposes of this Act.

(4.) The Commissioners shall have power to appoint, at such salaries as they think fit, to be paid out of the assessments leviable under this Act, in such proportions as the Commissioners may determine, clerks, treasurers, collectors, surveyors, inspectors, and all other persons whose appointment is not herein otherwise provided for, to be employed in the execution of this Act, and to provide such offices as may be necessary, and to remove and suspend such clerks, treasurers, collectors, surveyors, inspectors, and other persons at pleasure, and to fix the number and description of officers to be employed in the execution of this Act, and the wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish their numbers from time to time as they shall see cause, and to make orders and regulations for their government.

(5.) The Commissioners shall also have power from time to time to purchase or take in feu and build or to lease such lands and premises as shall be required, and to sell or feu and dispose of such lands and premises as may have become unfit or otherwise unnecessary for the purposes of this Act. The titles to all heritable property to be acquired in the execution of this Act shall be taken in favour of

the burgh in its corporate name or of the Commissioners, as the case may be, an such titles shall be sufficient for vesting the subjects in the Commissioners an their successors in office.

(6.) The Commissioners shall also have full power and authority to make n only all necessary rules, orders, and regulations (which do not require to be co firmed by the sheriff), but also all byelaws they may deem proper (which requi to be confirmed by the sheriff), in so far as the powers of this Act authorise th same; and to execute all the provisions of this Act, and otherwise to carry ful into effect all the objects and purposes by this Act committed to their charge Provided always, that the rules, orders, and regulations, and the byelaws so to b made shall not be contrary to the law of Scotland, or to anything in this A contained.

56. *Actions by or against Commissioners, how to be brought.*—Except as herei after specially provided, all actions, suits or proceedings to be brought by against the Commissioners shall be in their corporate name as Commissioners the burgh, and it shall be lawful for the clerk to accept service on their behalf.

57. *Two or more contiguous burghs may provide a hall and offices.*—It shall b lawful for the Commissioners of two or more contiguous or adjacent burghs, fo the better accommodation of such burghs for the purposes of this Act, and for th general benefit of the inhabitants of such burghs, on such terms as such Commi sioners may agree, to purchase and acquire lands and premises, and to buil thereon a hall and offices, with all conveniences thereto, and from time to time t repair the same, and to employ proper persons to take charge thereof, with powe to make byelaws to regulate the use of the same; and all official business tran acted therein shall be as valid and effectual as if it was transacted within th boundaries of each of such burghs respectively: Provided that the title to the sai subjects shall be taken in the corporate names of the Commissioners of suc burghs; and such title shall be sufficient for vesting the said subjects in the Com missioners of such burghs; and should the Commissioners of such burghs resolv at any time to sell and dispose of the said subjects, or any part thereof, it shall b lawful for them to do so, provided that all such burghs, through a majorit of their respective Commissioners, agree to dispose of the said subjects, or an part thereof, but not otherwise.

58. *Commissioners may contract for execution of works.*—The Commissioners, o any committee of their body thereunto specially empowered, may contract wit any person for carrying into execution any of the operations hereby authorised and such contract shall be made by the Commissioners in their corporate name and signed and sealed as herein-before provided for.

59. *Property vested in Commissioners.*—The moneys arising from the assessment hereby authorised to be levied, and all other property acquired by the Commis sioners in pursuance of the powers hereby granted, shall be, and the same ar hereby vested in the Commissioners and their successors for the uses and purpose mentioned in this Act, and for no other purpose whatever.

60. *Applications to sheriff for power under Lands Clauses Acts.*—In every cas in which the Commissioners are empowered by this Act to acquire land compul sorily under the Lands Clauses Acts with the authority of the sheriff, they ma present a petition to the sheriff praying that they, with reference to such lands o premises, be authorised to put in force the powers of the said Acts with respect t the purchase and taking of lands or premises otherwise than by agreement, an along with the petition the Commissioners shall lodge a plan showing the road o roads or the street or streets to be improved. the lands or premises to be taken

and the contemplated improvement, and also a book of reference relative to the said plan specifying the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands or premises proposed to be taken, defining in each case the particular lands or premises to be taken ; and the sheriff shall, upon any such petition being presented, direct intimation thereof, on fourteen days notice, to be given to the owners or reputed owners, lessees or reputed lessees, and occupiers of the respective lands or premises to be taken as aforesaid, and otherwise as the sheriff may direct, and of the time, place, and subject of the inquiry to be held in reference thereto, and he shall, upon the expiry of such notice, make such inquiry into the several matters stated in the petition and relative plan, and shall have power to call for such information from the Commissioners and others as he may consider necessary, and to do all such matters and things as may be expedient for the purposes of the inquiry, and grant a deliverance in accordance with the prayer of the petition, or with such modifications or alterations as may appear to him to be requisite, or he may refuse to grant the prayer thereof ; and if power be granted to put in force the Lands Clauses Acts aforesaid, the Commissioners shall have the same rights in carrying out these Acts as if powers to that effect had been herein specially enacted so far as regards the lands and premises specified in the plans and proceedings, and in the deliverance of the sheriff aforesaid.

It shall be lawful for any owner or occupier whose property may be affected, or for the Commissioners, if dissatisfied with the decision of the sheriff, to appeal to the Secretary for Scotland, who may order further inquiry or take such other step or steps as he may think desirable in the circumstances, and he may thereafter issue an order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him to be requisite, and may make such order as he thinks fit in reference to the cost, charges, and expenses incurred in relation to such order.

### Minutes and Accounts, Appointment of Clerk, Treasurer, and Auditor.

61. *Clerk to be appointed.*—The Commissioners shall appoint a clerk for keeping the records of the proceedings of the Commissioners and their committees, and for performing the other duties required of him by this Act ; which records shall contain accurate minutes of the proceedings and orders of the Commissioners and their committees, and they, being signed by the preses of each respective meeting, or any copy or extract therefrom authenticated by the signature of the clerk, shall be received as evidence in all courts whatsoever, in any case or matter concerning this Act.

62. *Clerk not to be concerned as agent, &c., in any prosecution under this Act.*—No such clerk, or the partner of any such clerk, or any person in the employ of such clerk or of his partner, shall act as agent or solicitor in the trial of any offence in the police court ; and in the event of a contravention of this provision such clerk shall be thenceforth disqualified from holding any office whatever under this Act, and also from acting as a Commissioner under this Act.

63. *Treasurer and collector to be appointed.*—The Commissioners shall in like manner elect and appoint a treasurer and a collector to act during their pleasure ; and such collector and treasurer, before they shall be permitted to take upon them the execution of their office, shall respectively grant bond, with sufficient sureties, to the Commissioners, for their intromissions, and for the just and faithful execution of their office, to such an amount as the Commissioners shall think reasonable ; and any collector or treasurer who may be convicted of wilfully secreting or not

accounting to the Commissioners for any sum of money received by him collector or treasurer shall forfeit triple the amount thereof to the Commission besides being liable to be punished according to law, and to be deprived of office.

64. *Collector to lodge all moneys received by him in bank.*—The collector treasurer shall be obliged to lodge all money received by him in a chartered other bank, or in one of the branches of such bank in the burgh, to be fixed by Commissioners, upon an account to be opened in the name of the Commissione in their corporate name, and to be operated upon by two of the Commission specially authorised to that effect, and the treasurer; and no drafts on the s account shall be made for any private purpose on any pretence whatever, nor any other purpose than the payments which shall from time to time be authori by the Commissioners or their committees for the purposes of this Act, as same shall be certified by the clerk who shall countersign all cheques.

65. *On insolvency of treasurers or collectors, deficiency may be assessed.*— case any treasurer or collector shall become insolvent, and the sums chargea against him shall not have been paid by his cautioners or sureties, the amou deficient shall be chargeable against the next or any subsequent annual asse ments.

66. *Treasurer and collector may be the same person, but clerk and treasurer to be the same person.*—The Commissioners may appoint the same person to both treasurer and collector; but shall (saving the case of persons appoint prior to the passing of this Act) not appoint their clerk, or the partner of su clerk, or any person in the service or employ of such clerk, or of his partner, to the treasurer; or appoint any person who may have been appointed treasur or the partner of such treasurer, or any person in the service or employ of su treasurer, or of his partner, to be clerk to the Commissioners; and if any pers shall accept both the offices of clerk and treasurer, or if any person being t partner of such clerk, or in the service or employ of such clerk or of his partn shall accept the office of treasurer, or shall act as deputy of the treasurer, or any manner officiate for the treasurer, or being the treasurer, or the partner such treasurer, or in the service or employ of such treasurer or of his partn shall accept the office of clerk, or shall act as deputy of such clerk, or if a treasurer shall hold any place of profit or trust under the Commissioners oth than that of collector, every person so offending shall for every offence forfe and pay the sum of one hundred pounds to any person who shall sue for t same, to be recovered, with full expenses, in the same manner as any of t penalties imposed by this Act may be sued for and recovered.

67. *Books of accounts to be kept by Commissioners.*—Accounts of all propert heritable and moveable, vested in the Commissioners, showing the nature of suc property, and of all money received and disbursed, shall be kept in books by t treasurer or collector in such form as the auditor of the Court of Session sha prescribe; and all such books of accounts may at all reasonable times, and o payment of a reasonable fee, be inspected and perused by any person assessed, an also by any person entitled to any money due and owing on the credit of t assessments; and such persons may take copies of or extracts from any suc books and accounts, on payment of a reasonable fee, the amount of such fee to b fixed by the auditor of the Court of Session; and any person in whose custod or power any such books and accounts are, who shall refuse inspection thereof, o to permit copies or extracts to be taken as aforesaid, shall be liable in a penalt not exceeding ten pounds: and in case any person who shall be assessed shall b dissatisfied with any accounts which shall have been made up as herein provide

r with any of the items or articles contained in such accounts, such person may, t any time within three months after the accounts are approved by the Commissioners, complain against the same, by petition to the sheriff, in which complaint hall be specified the grounds of objection to such accounts, items, or articles; nd the sheriff shall proceed to hear and determine the matter of such complaint, nd his decision shall be final.

68. *Account of receipt and application of moneys to be made out by Commissioners and printed.*—The Commissioners shall yearly cause to be made out a ust and accurate account of all the moneys received and expended in the execution of this Act, for the year ending on the fifteenth day of May immediately receding, showing from what sources such moneys have been received, and to what purposes the same have been laid out and applied; which account, as the ame shall have been audited, as herein-after provided, shall be laid before a neeting to be held on the second Tuesday in July in each year, or at a meeting o be held for the special purpose as soon thereafter as may be, and shall, if and s approved by the Commissioners, be signed by the preses of said meeting and he clerk, and shall be deposited with the clerk, who shall forthwith cause such account or an abstract thereof to be printed, and shall permit any person assessed nder this Act to inspect and examine such account at all reasonable times, without payment of any fee or reward for such inspection.

69. *Auditor to be appointed by sheriff.*—The sheriff shall annually, on the application of the Commissioners, appoint an auditor, for the purpose of auditing heir accounts; and in case the office of such auditor shall, before such accounts re audited by him, become vacant by death or from any other cause, the sheriff hall appoint an auditor to supply such vacancy.

70. *Auditor to report.*—The Commissioners shall deliver to the auditor, within ne month after the said fifteenth day of May annually, all the accounts, together with their books and vouchers; and it shall be the duty of the auditor to audit such accounts, and either make a special report thereon, or simply confirm the same; and such report or confirmation shall be read at the foresaid meeting; and f any question arise in regard to any item in such accounts the matter shall e disposed of by the sheriff in the same manner as appeals from the auditor of he sheriff court are disposed of, and in all cases where the sum in dispute is less han the sum of twenty-five pounds, his decision shall be final, and where the sum in dispute exceeds the sum of twenty-five pounds there shall be the same right of appeal as in ordinary actions in the sheriff court: Provided always, that it shall not be competent to raise any such question before the sheriff after the lapse of three months from the date of the meeting at which the auditor's report is received.

71. *Commissioners not to hold places of profit under Act.*—No magistrate, town councillor, or Commissioner shall, directly or indirectly, derive any emolument or profit from any business or work performed by him under this Act; nor shall he be capable of enjoying any office of profit to be created or established by virtue of this Act, or of holding any share or interest in any contract relating to the execution thereof, or of standing as a candidate for any such office, or of being a competitor for any such contract, save and except contracts entered into with any chartered or joint stock company of which such Commissioner may be a partner; and any Commissioner who shall act in contravention of this section shall, *ipso facto*, cease to be a Commissioner, and the sheriff, at the instance of any householder within the burgh, may declare the office of such Commissioner to be vacant, and may inflict a fine upon him not exceeding one hundred pounds.

72. *Commissioners vacating office to vacate other municipal offices.*—Where a councillor or Commissioner vacates his office as such either voluntarily or und any statutory provision, such councillor or Commissioner shall cease to hold a office, whether that of magistrate or otherwise, which he may hold or has be appointed to in virtue of his being a councillor or Commissioner; and the pla of such magistrate or officer shall be filled in the manner provided in secti twenty-five of the Act third and fourth William the Fourth, chapter seventy-s and section twenty-three of the Act third and fourth William the Fourth, chapt seventy-seven.

### Surveyor, Inspector, and Medical Officer of Health.

73. *Surveyor.*—The Commissioners shall from to time appoint a person du qualified to act as a surveyor of the paving and drainage and other wor authorised under the provisions of this Act, and who shall be called the bur surveyor.

74. *Inspector of cleansing.*—The Commissioners may appoint an inspector cleansing to superintend and enforce the due execution of all duties to be pe formed by the scavengers appointed under this Act, and to report to the Co missioners any breach of the provisions of this Act, or other Acts or byela herein referred to, and the Commissioners shall duly publish the name of a inspector of cleansing appointed by them, and shall require him to provide a keep a book, in which shall be entered all reasonable complaints made by a inhabitant of the burgh of any breach of the provisions of this Act, or of th byelaws made by the Commissioners, and the inspector of cleansing shall fort with inquire into the truth of such complaints, and report upon the same to th Commissioners at their next meeting; and such report, and the order of th Commissioners thereon, shall be entered in the said book, which shall be kept the office of the Commissioners, and shall be open at all reasonable times to th inspection of any householder, elector of the burgh, or other person interested, an the Commissioners may also appoint an inspector of lighting.

75. *Sanitary inspector.*—The Commissioners shall appoint a sanitary inspecto subject to the provisions of the Public Health Acts, whose duty it shall be t superintend and enforce the sanitary provisions of such Acts and this Act.

76. *Same person may be surveyor and inspector.*—The Commissioners may, they think fit, appoint the same person to fill any two or more of the offices i the three immediately preceding sections mentioned.

77. *Medical officer of health.*—(1.) The Commissioners shall appoint a medic officer of health who shall be a registered medical practitioner, and who sha also, if appointed after the fifteenth day of May, one thousand eight hundred an ninety-four, be registered on the Medical Register as the holder of a diploma i sanitary science, public health, or state medicine, under section twenty-one of th Medical Act, 1886.

(2.) It shall be the duty of the medical officer to ascertain the existence o disease within the limits appointed to him, especially of all infectious diseases and to point out any local causes likely to occasion or continue such diseases, o otherwise injure the health of the inhabitants, and to point out the best mean of checking or preventing the spread of such diseases, and from time to time, a required by the Commissioners, to report to them upon the matters aforesaid and to perform any other duties of a like nature which may be required of him as well as all duties pertaining to medical officers under the Public Healt Acts.

(3.) The Commissioners shall make byelaws for regulating the duties of the medical officer of health and the sanitary inspector, subject to the approval of the Board of Supervision, in manner provided by the Public Health Acts. The burgh surveyor, inspector of cleansing, inspector of lighting, sanitary inspector, and medical officer of health shall hold office during the pleasure of the Commissioners, but as regards the two last-mentioned officers subject to the provisions of section fifty-four of the Local Government (Scotland) Act, 1889.

## PART III.—POLICE FORCE.

### Chief Constable and Constables.

78. *Appointment of chief constable and of constables.*—The Commissioners of burghs which, at the date of the last census, had a population of not less than seven thousand, and at the date of the passing of this Act maintain a separate police force, and of burghs which, at the date of the last census, had a population of not less than twenty thousand, and of any burgh with respect to which it shall be at any time proved to the satisfaction of the sheriff on the application of the Commissioners of such burgh that it has a population of not less than twenty thousand, shall from time to time appoint a chief constable, at a fixed annual salary, who shall not be removable or subject to have his salary diminished by the Commissioners, unless with the approbation of the chief magistrate of the burgh and the sheriff, or, in case of their differing in opinion, of the Secretary for Scotland, but may be suspended by the magistrates with consent of the sheriff for a definite period pending any inquiry instituted with a view to his removal; and as often as such Commissioners shall fix the number of constables which they shall judge to be necessary for the burgh, and the rank and designation of such constables, the said chief constable shall appoint proper persons for the duty, subject (so long as any contribution is made from public funds towards the expenses of the police force of the burgh) to such regulations as may be made from time to time by the Secretary for Scotland, and shall have power to direct their distribution within the burgh, and to suspend or remove them at pleasure; and the chief constable may also be appointed to any one or more of the offices of burgh prosecutor, burgh surveyor, inspector of cleansing, inspector of lighting, sanitary inspector, and fire master.

It shall be lawful to appoint the same person to be chief constable for two or more adjoining burghs, whether situated in one or more counties, if the Commissioners of such burghs shall agree to join in such appointment; and the chief constable of a burgh may, if the Commissioners shall agree to join in such appointment, be appointed, by the standing joint committee of the county, chief constable of the county in which such burgh is wholly or partly situated, or of any county closely adjacent; and the chief constable of a county or any superintendent of a division of the county may, if the standing joint committee of the county shall agree to join in such appointment, be appointed chief constable of any burgh situated within or closely adjacent to such county or division of a county; and in like manner it shall be lawful for the chief constable of a county, with the sanction of the standing joint committee, to appoint the chief constable of any burgh, situated within or closely adjacent to any division of the county, to be superintendent at the head of the constables of such division of the county, if the Commissioners of the burgh shall agree to join in such appointment.

Provided that nothing herein contained shall be taken to prevent the consolidation of county and burgh police establishments in terms of the Police Act, 1857, and the provisions of the said Act as regards consolidation shall apply to all burghs which, at or after the passing of this Act, have, or are entitled to have, a separate police force.

If the Commissioners fail of their own accord, or on the requisition of the sheriff of the county, within three months after such requisition, to appoint a chief constable, or to fix the number of constables for the burgh, or should the chief constable, if appointed, fail from any cause to appoint a sufficient number of constables for the burgh, the sheriff shall in any such case make a representation to the Secretary for Scotland, who shall inquire and report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the advice of Her Privy Council, by Order in Council, to ordain the Commissioners of such burgh to appoint a chief constable, and to fix the number of constables for the burgh, and otherwise to give effect to this enactment. The police of the burgh, so long as it is reported efficient by Her Majesty's Inspector of Constabulary for Scotland, shall be certified and treated as an efficient police force under the Police Act, 1857, and for the purposes of that Act the burgh shall not be deemed to form part of the county in which it is situated.

For the purposes of this section the burgh of Renfrew, and the police burgh of Lerwick, shall be deemed each to have had at the date of the last census a population of not less than seven thousand.

79. *Declaration by constables.*—The chief constable and other constables so appointed shall before a magistrate make the following declaration, videlicet, "I hereby do solemnly, sincerely, and truly declare and affirm that I will faithfully discharge the duties of the office of constable."

80. *Powers of constables.*—The chief constable and constables shall have all the powers and privileges which any constable or police officer duly appointed has, by virtue of the common law or by statute, in the burgh for which they are so appointed, and in any county in which such burgh is wholly or partly situated, and in any burgh contiguous or adjacent to such burgh, and in any harbour, bay, loch, or anchorage within or adjoining such burgh or county.

81. *Police arrangements for other burghs.*—All other burghs shall be supplied with constables by the counties in which they are situated, under the provisions of the Local Government (Scotland) Act, 1889, or in the option of the Commissioners of the burgh under the provisions hereinafter contained, and in the latter case the chief constable of the county, in making his arrangements for distributing the constables within the county, shall, on the requisition of the Commissioners of such burghs, appoint as constables for the burgh all or any one or more of the county constables, who in virtue of such appointment shall, in addition to the powers of, and duties incumbent on them as county constables under the Police Act, 1857, have all the powers of, and shall perform all the duties incumbent on them as constables under this Act; and such chief constable shall also appoint one of the said constables to be stationed in the burgh, and to hold the position of chief officer of police in the burgh; and such chief officer of police shall, for the purposes of this Act, and subject to the control and orders of such chief constable, and of any officers having by special authority of such chief constable the duty of supervising the constabulary force stationed within the burgh (but only so long as his appointment by the chief constable continues in force), hold the position of chief constable in the burgh, and possess all the powers (except that of appointing, distributing, suspending, removing, or imposing fines on constables), and be entitled to act in all other respects as other chief constables appointed by the Commissioners under this Act, and all the powers and authority conferred on chief constables appointed by the Commissioners under this Act shall be held, and may at his pleasure be exercised by the chief constable of the county, and by any officers having special authority as aforesaid; and the expenses to be incurred in carrying out this arrangement shall be borne and disbursed by the county council of the county; and it shall be lawful

for the Commissioners of such burghs from time to time during pleasure, with the consent of the standing joint committee of the county, to appoint such chief officer of police to any office in the burgh which it would be competent for the chief constable of a burgh to hold; and it shall also be lawful for the Commissioners of such burghs, and they are hereby required, to contract with and agree to pay out of the burgh general assessment to the county council of the county in which the burgh is situated, such sums as may from time to time be found requisite for the constabulary service within the burgh, as the same may be agreed on between themselves and the standing joint committee of the county, or failing such agreement as aforesaid as shall be fixed by the sheriff after hearing parties, and whose decision shall be final, and the expense defrayed by the county council under the two heads of general expenditure and local expenditure for the police in the said burgh shall be paid to the county treasurer out of the burgh general assessment, which payment shall be regulated and determined in accordance with the provisions of section fifty-nine of the Police Act, 1857, and so long as the sums, either fixed by agreement or determined as aforesaid, are duly paid by the Commissioners of such burghs, all the powers to assess for the purposes of the said Police Act, 1857, within the burgh for which the same are paid shall be suspended; and the chief magistrate of such burgh shall be ex-officio a justice of the peace, and a Commissioner of Supply, of each and all of the several counties in which any part of such burgh may be situate; and so long as such contract or arrangement subsists, it shall be lawful to act upon it, although the population may, according to the last census for the time, amount to twenty thousand or upwards; but without prejudice, in that event, but in that event only, to the Commissioners terminating the contract, after twelve months' notice, and themselves appointing a chief constable, and having constables, as in the case of burghs having a population of twenty thousand or upwards, in which case all the powers of assessment within the burgh for the purposes of the said Act shall thereafter cease and determine.

Provided always, that section seventy-three of the Police Act, 1857, shall from and after the commencement of this Act be read and construed as if after the words "any burgh being a royal or parliamentary burgh or burgh of barony or regality" therein occurring the words "or police burgh" were therein added.

82. *Additional number of constables for burghs temporarily.*—Where in any burgh there is, during part of the year, a large increase of the population, either for the purposes of trade or for recreation and health, whereby, or for any other reason, it is necessary or expedient to have an additional number of constables in such burgh, it shall be lawful for the chief constable of the county in which such burgh is situated, or of any other county, with the consent of the standing joint committee of the county, or the chief constable of any other burgh, with the consent of the magistrates, on the application of the Commissioners of such burgh, accompanied, if so required, with a satisfactory undertaking to pay the expenses after mentioned, to direct the constables of such county or burgh respectively to proceed to and act temporarily as constables in such burgh; and such constables during the time they are so doing duty in such burgh, shall have all the powers and perform all the duties of constables in such burgh; and the expenses to be incurred in sending the constables to, and bringing them back from, such burgh, and the remuneration for the services of the constables, and all expenses incident to such services, shall form a charge against such burgh, and the Commissioners thereof shall pay the same out of the burgh general assessment of such burgh; and in case of dispute, the amount thereof shall be ascertained and fixed by the sheriff in a summary manner, whose decision shall be final. Provided that the chief constable of any burgh may, with the sanction of the chief magistrate, appoint additional constables to act within such burgh on any special occasion or for such period for which such additional constables may be deemed by him to be necessary,

and such additional constables so appointed shall have all the powers of police constables.

83. *Power to detach constables to other places.*—On the requisition of the sheriff of any county or chief magistrate of any burgh in Scotland, the chief constable of any burgh or chief constable of any county shall, if so directed by the magistrates of the burgh or the standing joint committee of the county respectively, or in case of urgency by the acting chief magistrate or the chairman of the standing joint committee respectively, detach constables to act in other counties or burghs, guarantee being obtained for outlay and expense, and also a reasonable sum for the services of the constables, and also for provision in case of constables being injured or killed; and during the time they are so doing duty in other counties or burghs, the constables shall have all the powers and perform all the duties of the constables in such counties or burghs respectively; and further, on the requisition or order of the Secretary for Scotland, the chief constable of any burgh or the chief constable of any county shall have power to supply a certain portion of the police force under his charge for any special or temporary duty or service elsewhere within Scotland, the proportion from any one force not to exceed ten per centum, and the expense to be defrayed by the force requiring the extra police assistance.

84. *Constables may execute warrants.*—All warrants and deliverancies by any Lord Commissioner of Justiciary, sheriff, magistrate, justice or justices, court, or other lawful authority which may be issued in any criminal proceeding may be served and executed, and all services, citations, and executions in any such criminal proceeding may be made and given by the chief constable or by any constable appointed under this Act.

85. *Constables to account for fees.*—It shall not be lawful for any constable acting under this Act to receive for his own use any fee for the performance of any act done by him in the execution of his duty as such constable; but this enactment shall not extend to prevent the receipt by any such constable of any fee or other payment which he may be liable to account for or pay over to the Commissioners, or otherwise for the use of the burgh.

86. *Duties of chief constable and constables.*—It shall be the duty of the chief constable, and of the constables to be appointed by him, to guard, patrol, and watch within the burgh, according to the regulations to be prescribed by the chief constable, under the control of the Commissioners; and it shall be lawful for the said chief constable, or any constable of police, without any other warrant than this Act, to apprehend and to bring before the magistrates of police all persons actually committing any criminal, riotous, or disorderly act, or accused or suspected of having committed crimes, delinquencies, or offences, of whatsoever description, and at what place and period soever the same may have been or are suspected to have been committed, whether the same be of such a kind as can be competently tried before the magistrates of police, or be of a nature requiring to be remitted for trial before another tribunal, or which, from having been committed beyond the bounds of the burgh, fall to be tried in another jurisdiction; and the chief constable and constables shall obey the orders of the magistrates, and at all times afford their aid and assistance to the magistrates, and to all other judges and magistrates having jurisdiction within the burgh, in all matters relating to the preservation of peace and good order, the suppression of nuisances, and the removal of obstructions within the burgh, and shall enforce the observance of all byelaws, orders, rules, and regulations made or to be made by the Commissioners, and they shall give attendance at the police courts of the burgh, and, when required, at all meetings of the Commissioners or their committees, and furnish them with all explanations relating to matters falling within their several departments of duty.

87. *Penalty on persons obstructing constables in their duty.*—Every person who shall at any time resist, obstruct, or molest any constable in the execution of his duty, or shall aid or incite any persons so to do, shall for every such offence be liable to a penalty not exceeding five pounds, or to imprisonment without the option of a penalty for a period not exceeding sixty days; and if any person shall assault or strike any such constable employed as aforesaid, or rescue or attempt to rescue, or aid or incite any person to rescue or attempt to rescue any prisoner whom any such constable shall have in custody, or be aiding to secure, such person so offending shall for every such offence be liable to a penalty not exceeding ten pounds, or to imprisonment without the option of a penalty for a period not exceeding sixty days, without prejudice to any constable or other person on whom such assault or offence may have been committed to sue in any competent court for compensation, damages, or expenses for any injury or loss he may thereby have sustained.

88. *Constables not to resign without leave or notice.*—No constable shall resign his office, or withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the magistrates or by the chief constable, or until he has given to the chief constable one month's notice; and every constable who so resigns or withdraws himself without such leave or notice shall be liable to forfeit all arrears of pay then due to him, and, on conviction before a magistrate, to a penalty not exceeding five pounds, or to imprisonment for a period not exceeding fourteen days without the option of a fine.

89. *Commissioners to fix salaries of constables.*—It shall be lawful for the Commissioners to fix and appoint suitable wages to the constables and other persons employed by them, to pay the necessary expenses incurred by them in the execution of the duty of their respective offices, and to reward them for meritorious services, and also to make provision for any chief constable, constable, or other servant of the establishment employed for any of the purposes of this Act to whom the Police (Scotland) Act, 1890, does not apply, and who may at any time be disabled in or after long service be unfitted for the execution of his duty, or for the widow or family of such constable who may lose his life in the execution of his duty.

90. *Chief constable may appoint temporary substitute.*—The chief constable, with the consent of the magistrates, may from time to time appoint any constable to act as chief officer of police in his stead during any temporary absence or any illness, with power to act in case of his death until the appointment of his successor, but the Commissioners may, if they think fit, supersede any constable so appointed and may appoint some other person.

91. *Constables dismissed to deliver up accoutrements.*—Every constable who is dismissed from, or ceases to hold or exercise his office, shall forthwith deliver over to the chief constable, or to such person, and at such time and place, as the chief constable shall direct, all the clothing, accoutrements, appointments, and other necessaries which have been supplied to him for the execution of his duty, under pain of imprisonment, for any period not exceeding one month; and the magistrate may grant warrant to search for and seize all such clothing, accoutrements, appointments, and other necessaries not so delivered over, wherever the same are found.

92. *Penalty for unlawful possession of accoutrements, or for assuming the dress of constables.*—Every person who, not being at the time a constable appointed under this Act, has in his possession any article being part of the clothing, accoutrements, or appointments supplied to any such constable, and who is not able satisfactorily to account for his possession thereof, or who puts on the dress, or

takes the name, designation, or character of any person appointed as such constable, for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority or for any other unlawful purpose, shall, in addition to any other punishment to which he is liable for such offence, be liable to a penalty not exceeding ten pounds.

93. *Penalty for neglect of duty.*—Every constable who is guilty of any neglect or violation of his duty as a constable, and is convicted thereof before a magistrate, shall be liable to a penalty not exceeding ten pounds, the amount of which penalty may be deducted from the salary or wages due, or to become due to him, or payment thereof may be enforced like other penalties, or, at the discretion of the magistrate before whom he is convicted, he may be imprisoned for any period not exceeding sixty days.

94. *Provisions relating to harbour police not affected.*—Nothing in this Act shall alter or affect or interfere with the provisions relating to the harbour police contained in any Act authorising the construction or improvement or maintenance of a harbour, or any Act amending the same.

95. *Saving of* 53 *&* 54 *Vict. c.* 67.—Nothing in this Act shall prejudice or affect the provisions of the Police (Scotland) Act, 1890.

### Special Constables.

96. *Magistrates may appoint special constables.*—For the purpose of aiding the police constables on occasions of emergency, and for suppressing or preventing tumult or riot, the magistrates may from time to time appoint any of the owners or occupiers of lands or premises, or other person residing within the burgh, between the ages of twenty and fifty, to act as special constables for a period not exceeding six months, and may recall such appointment at pleasure, and the special constables so appointed shall have the same powers and privileges as constables of police appointed and acting under this Act.

97. *Roll of special constables to be kept.*—A roll of the names and addresses of all special constables shall be kept by the chief constable, and the expenses of providing them with batons, or otherwise equipping, training, and employing them, shall be paid by the Commissioners out of the burgh general assessment.

98. *Special constables on duty to be under chief constable.*—Every special constable shall, when on duty, be under the direction of the chief constable, but the magistrates may make such regulations for their organisation and training as they think proper.

## PART IV.—POLICE ADMINISTRATION.

### Lighting.

99. *Streets to be lighted.*—The Commissioners shall make provision for lighting in a suitable manner all the streets, and all other places within the burgh which in their judgment should be lighted at the public expense, and shall provide, erect, and maintain such a number of lamps, lamp posts, and lamp irons, and other appurtenances, as may be necessary for that purpose, and shall light, or shall enter into contracts for lighting, and cause to be lighted, such lamps by means of gas, or such other light of an improved kind, subject to the provisions of the Electric Lighting Act, 1882, or any Act or Acts amending or superseding the same, as they may find expedient; and the Commissioners are hereby authorised to order the lamp irons, lamp posts, and lamps to be fixed, either upon the sides of the causeways, streets, and roads, or upon the kerbstones of the pavements or foot-

ways, or at or upon the rails or in or upon the walls or buildings on the sides of the streets, as they shall think proper, without being liable to any claim for compensation thereanent. The Gasworks Clauses Act, 1847, the Gas and Water Works Facilities Act, 1870, the Gasworks Clauses Act, 1871, and the Gas and Water Works Facilities Act (1870) Amendment Act, 1873, and any Act amending the said Acts, shall, except in or so far as they are expressly varied by this Act, be incorporated with this Act; and the expression "the undertakers" in the said Acts shall mean the Commissioners.

100. *Penalty for wilfully breaking lamps.*—It shall be lawful for anyone who shall see any person take away, or wilfully break, throw down, or damage any lamp or lamp post, or wilfully extinguish the light, or damage the iron or appurtenances of any lamp, to seize and apprehend him, and for any person to assist in seizing the offender, and by the authority of this Act, without any other warrant, to convey such offender to the police office, or to deliver him into the custody of a police officer, watchman, or constable or other officer, in order to be secured and taken before a magistrate; and if the person accused of such offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, he shall forfeit a sum not exceeding ten pounds for every such offence, and moreover shall pay such further sum as the magistrate may assess as the amount of the damage done by him, and the payment of such damage shall be enforced in the same way as if it were an additional penalty.

101. *Persons accidentally breaking lamps to repair the damage.*—If a person shall, through negligence or accident, break any lamp set up in any street, or in any common stair or passage, or private court, and shall not, upon demand, make satisfaction for such damage, it shall be lawful for any of the magistrates, upon complaint thereof being established in the police court, under the summary procedure authorised by this Act, to order such sum of money to be paid as the damage proved shall amount to, which sum shall be recoverable as a civil debt.

102. *Price to be paid for gas to be ascertained in case of dispute.*—If the Commissioners and the owners of any works authorised by Act of Parliament to supply gas or other light within the burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the terms and conditions of the supply, and as to the price to be paid for such supply, then such terms and conditions and price shall be settled by arbitration; and for that purpose the clauses of the Lands Clauses Acts, with respect to the settlement of disputes by arbitration, shall be, and are hereby, incorporated with this Act, and the expression "the promoters" in the said Acts shall, in reference to this Act, mean the Commissioners: Provided always, that this enactment shall not apply to any burgh where the supply of gas for public lamps is regulated by a Local Act if the provisions of such Local Act are inconsistent with this enactment.

103. *Gas to be tested.*—In order to secure a uniform supply of good gas in the burgh, it shall be lawful for the Commissioners, where the gas is not supplied by them, after intimation to the manufacturers of the gas supplied within the burgh, to provide suitable places and instruments for testing the quality and illuminating power of the gas supplied within the burgh; and tests shall be made as often as may be necessary to obtain a fair and true test of the quality and illuminating power of the gas, and the results of such tests shall be final and conclusive of such quality and illuminating power when the tests were so made; and where the gas supplied within the burgh is manufactured by the Commissioners, they shall be bound to provide suitable places and instruments for testing the quality and illuminating power of the gas supplied by them within the burgh, and to publish the results at least once a month. Provided always, that the person to make the tests shall be appointed by the sheriff on the application of the Commissioners

or any seven electors or ratepayers in the burgh, after such notice of the appl tion and after such inquiry as to the sheriff shall seem proper; and the wh expense to be incurred in carrying out this enactment shall be defrayed by Commissioners out of the burgh general assessment.

104. *Lighting of common stairs, &c.*—The owner or owners of common stairs passages or private courts, or of lands or premises having a right of access by common stair or passage or private court, shall provide, fit up, and maintain, renew, in such common stairs, passages, or private courts, all necessary lam brackets, and other means of lighting, and all necessary means of extinguish the light, and shall provide the necessary supply of gas or other light theref and such owner or owners shall further, on being required by the Commissione within seven days next after the service of an order for that purpose, provide a fit up in such common stairs, passages, or private courts, such number of lam brackets, and other means of lighting, and all such means of extinguishing light as the Commissioners may determine, and provide the necessary supply gas or other light, as may be required by the Commissioners, and shall mainta alter, repair, and renew such lamps and brackets to the satisfaction of the Co missioners, and in default of compliance with any order of the Commission under this section, such owner or owners shall, each only in respect of any act default of his own, be liable to a penalty not exceeding forty shillings, and a da penalty of a like amount: Provided always, that the owner or owners so providi a supply of gas or other light shall be entitled to recover the amount expended such owner or owners in providing such supply from the occupiers of every su house or building in, or entering or having access by the common stair, passa or court, each such occupier being liable to pay his proportionate part of su amount according to the rent payable by each such occupier respectively: Provid further, that the occupier or occupiers shall in all cases clean, light, and extingui the lights, at such time or times as shall be ordered by the Commissioners by a resolution passed by them and published once weekly for at least two weeks some newspaper published or circulating in the burgh; and any occupier failing comply with any such order or resolution shall be liable to a penalty not exceedi forty shillings, and to a daily penalty of like amount.

105. *Power to Commissioners to supply light and charge owner.*—The Commi sioners may at any time, and from time to time as they think fit, provide, fit u and maintain and renew, in such common courts, passages, or private courts, they may consider to be insufficiently lighted, all necessary lamps, brackets, ar other means of lighting, and all necessary means of extinguishing the light, ar provide the necessary supply of gas or other light therefor, and by their inspect of lighting, or any other officer or servant of the Commissioners, clean any lam and brackets, and light and extinguish the same, and for all purposes aforesa the inspector of lighting, or any other officer or servant of the Commissioner shall be entitled to require and shall have access to and from all such comm stairs, passages, or private courts at all times, and the Commissioners may, in suc cases as they think fit, recover the expense they may incur as a debt from th owner, or if there are more owners than one, then proportionately from eac owner according to the rental of the properties of each owner in any house building or part thereof, to which access is obtained by such common stai passage, or private court, and such owner or owners shall be entitled to recov the amount expended in providing the supply of gas or other light from th occupiers, each such occupier being liable to pay his proportionate part of suc amount according to the rent payable by him: Provided always, that the sai expense, recoverable by the Commissioners as aforesaid, shall not in the case c common stair lighting exceed twenty shillings per burner per annum, and in th case of all other lighting exceed twenty-five shillings per burner per annum.

106. *Commissioners may remove, &c., lamp post, &c., where not lighted according to regulations.*—If the Commissioners shall have given permission to any person to erect any lamp posts, lamp globes, gas fittings, or other articles, and if the same shall not be kept lighted, or otherwise disposed, according to the orders or regulations of the Commissioners, the Commissioners may take possession of or remove the same without compensation being made therefor: Provided always, that any such lamp posts, lamp globes, gas fittings, or other articles so removed shall be delivered up to the owner thereof, in the event of his claiming the same, within six months after such removal, and paying all costs and expenses attending the removal and preservation of the same.

CLEANSING.

107. *Dust, &c., collected to be vested in Commissioners.*—The dust, night soil, dung, ashes, rubbish, filth, and manure, including slaughter-house manure, whether such slaughter-house is or is not the property of the Commissioners (excepting always cattle dung, mill dust, and the ashes of any kiln, engine, furnace, baker's oven, or the clinkers of any stove, and the refuse of any breweries, tanworks, soap, or chemical or other work), within the burgh, shall be vested in the Commissioners, who shall have power to sell and dispose of the same as they think proper, and the money arising therefrom shall be applied to the general purposes of this Act; and the Commissioners shall cause all the streets and footpaths from time to time to be properly swept and cleansed, and all the dust, night soil, dung, ashes, rubbish, filth, and manure which is found on them, or in privies, sewers, cesspools, houses, or other premises, to be collected and removed at such convenient hours and times as they shall consider proper; and in all cases where there is insufficient access for a cart or wheel-barrow to the dungstead, ashpit, or privy, the owner shall be bound to provide such access to the satisfaction of the Commissioners, and, failing his doing so, he shall be bound to pay the extra expenses of the removal as the same shall be fixed by the Commissioners, and the same shall be recoverable as a private improvement assessment.

108. *Commissioners may provide lands, &c., for deposit of soil and materials.*—The Commissioners may from time to time provide places convenient for the deposit, treatment, and disposal of the dust, night soil, dung, ashes, rubbish, filth, and manure to be collected under the authority of this Act, and for stabling and keeping all horses, carts, implements, and other things required for the purposes of this Act; and for any of such purposes the Commissioners may purchase or hire any lands or premises by them considered necessary, either within or beyond the boundaries of the burgh, and may for this purpose acquire the said lands and premises otherwise than by agreement under the provisions of the Lands Clauses Acts with the authority of the Board of Supervision in the manner herein-before provided, or they may cause any new buildings, machinery, appliances, and plant to be erected and provided upon any lands which shall be purchased or hired by them under the provisions of this Act.

109. *Removal of dust, ashes, and other refuse.*—The Commissioners may cause carts, having a covering proper to prevent the escape of the contents thereof, to pass through any street or district every morning between such hours as may be fixed by the Commissioners for the purpose of collecting and removing the dust, ashes, and other material composing the burgh refuse from the lands and premises in and adjoining such street or district; and may by public notice in one or more newspapers published or circulating in the burgh, or by handbills posted in such street or district, require the occupiers of lands and premises within and adjoining such street or district to cause all their dust, ashes, and other material composing the burgh refuse to be deposited in a suitable box to be

approved of by the inspector of cleansing, and placed daily on the outer side of the foot pavement opposite the lands and premises occupied by them, or at such other place near thereto as the inspector of cleansing shall appoint, not later than the time fixed as aforesaid ; and when such daily service is in operation in any such street or district, the Commissioners may direct any ashpit in connexion with the lands and premises in or adjoining such street or district to be shut up or removed ; and every occupier failing to comply with such notice shall be liable to a penalty not exceeding ten shillings for each offence.

110. *Public conveniences.*—The Commissioners may erect or continue public water-closets or earth closets, and latrines and urinals, in suitable places, and may place movable or fixed boxes for the temporary deposit of street sweepings in any of the streets in such situations as shall, in the opinion of the Commissioners, cause the least inconvenience or nuisance, and may defray the expense thereof and of keeping the same in good order.

111. *Streets to be watered, and wells, pumps, &c., provided.*—The Commissioners shall, as often as in their opinion occasion requires, cause the streets to be watered, and they may contract with any water company or person for a supply of water for that purpose, and for cleansing the sewers and drains ; and if necessary they may place pipes, conduits, and pumps in any such streets, or provide any other works and engines proper for that purpose, and remove and alter the same when and as they think proper.

112. *Scavengers.*—The Commissioners shall employ a sufficient number of scavengers, or contract with any person for sweeping, cleansing, and watering the streets, including the foot-pavements, and for removing all dust, ashes, rubbish, and filth therefrom, and for emptying privies and cesspools in the manner by this Act directed ; and every such contractor who in any instance fails to discharge any duty imposed on him by his contract shall for every such offence be liable to a penalty not exceeding five pounds.

113. *Penalty for obstructing scavengers.*—Every person who refuses to permit the scavengers to remove such dirt, ashes, or rubbish as by this Act they are authorised to do, or who obstructs the scavengers in the performance of their duty, shall for every such offence be liable to a penalty not exceeding five pounds.

114. *Penalty on persons other than scavengers removing dirt.*—Every person other than the person employed by the Commissioners, or by some person contracting with the Commissioners for that purpose, who collects or carries away any dung, night soil, dust, ashes, rubbish, or filth by this Act directed to be collected or removed by the Commissioners, or by persons employed by them, shall be liable to a penalty not exceeding forty shillings for every such offence.

115. *Sweeping and washing of common stairs.*—The occupiers of every house, flat, or storey having entrance by a common stair shall cause the landing and the stair immediately below the flat or storey possessed by them to be kept clean to the satisfaction of the sanitary inspector. If any flat or storey of the tenement be unoccupied, the occupiers of the flats or storeys above shall cause the landings and stairs below, leading to such empty flat or storey, to be kept clean and washed downwards to the next house which shall be occupied, and if the top flat or storey be unoccupied, then the stair leading thereto shall be kept clean by the occupier of the flat or storey immediately below such top flat or storey ; and any watercloset or other closet used in common, and any passage or continuation of a passage to any area, back green, or any ground used in common, shall be kept clean and washed by the occupiers of the several houses in such tenement in

weekly rotation; and all areas and common passages leading to cellars shall be cleansed weekly by the occupiers of the cellars in the same, or by parties having a right to use such areas or passages, or who shall use such areas or passages. In cases where the common stair enters from or off a street (public or private) above, the occupiers of every house, flat, or storey shall keep clean the passage and stair from such street or flat immediately above them downwards to the house, flat, or storey possessed by them, and also cleanse any area or any passage leading to any ground or back green connected therewith; and if any flat or storey of the tenement be unoccupied, the occupiers of the flats or houses occupied shall keep clean the stair and passages upwards to such street, and clean the area, if there be one, or to the next house that shall be occupied; and owners or persons having charge of houses or buildings shall clean out unoccupied cellars and apartments. The occupiers of every house or building having entrance from a common passage shall, in weekly rotation, cause such passage and steps to the street to be kept clean: Provided always, that where there is no house or other occupied building having entrance from such passage, the duty of keeping clean the passage and steps to such street shall devolve upon the occupiers of the several flats above, in weekly rotation. Every person failing in any of the above matters shall for each offence be liable to a penalty not exceeding five shillings.

116. *Foot pavements to be swept by occupier.*—The Commissioners shall keep properly swept and cleansed the foot pavement of every street, so far as is reasonably practicable, and shall collect and remove from the said foot pavements, so far as is reasonably practicable, all dust, ashes, rubbish, filth, and snow.

117. *Common stairs and houses let for short periods to be cleansed by owners.*—The owners of all common stairs and common passages shall whitewash or, at the option of the owner, paint the same once every year if required to do so by the sanitary inspector, and the owners of all premises occupied as dwelling-houses let for shorter periods than six months shall whitewash such premises, and every part and pertinent thereof, to the satisfaction of the sanitary inspector, once every year, if required to do so by such officer; and any such owner failing to do so shall be liable to a penalty not exceeding forty shillings.

118. *Surveyor, medical officer, or inspector may enter and cleanse dwelling-houses, &c., at expense of owners.*—It shall be lawful, at all reasonable times, for the burgh surveyor, inspector of cleansing, medical officer of health, and sanitary inspector, to enter all dwelling-houses and other premises, and their pertinents, where he has reason to believe that they are not in a cleanly condition, and to cleanse and purify the same, and to remove any filth therefrom, at the expense of the owner of such dwelling-houses and other premises if they are unoccupied, but if they are occupied then at the expense of the occupier: Provided always, that if the owner or occupier of such dwelling-house or other premises shall object to the entrance of such surveyor, medical officer, or inspectors as aforesaid, it shall not be lawful for such surveyor, medical officer, or inspectors, to enter without a warrant from the magistrate authorising him to do so, and the magistrate is hereby authorised to grant such warrant.

119. *Penalty on keeping dwelling-houses in dirty condition.*—Every person occupying any part of a building let out as separate dwelling-houses who shall keep the same, or any building or place appurtenant thereto, in a dirty, unwholesome, or unhealthy condition, after notice shall have been served upon him by the sanitary inspector to cleanse the same, shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day during which such offence shall continue after conviction.

120. *Areas, &c., to be cleansed by occupiers.*—All private courts, yards, areas, roofs of outbuildings in the same, and other places which are not cleansed by scavengers appointed under this Act, shall be kept clean to the satisfaction of the inspector of cleansing or sanitary inspector, by or at the expense of the occupiers of such courts, yards, areas, or other places respectively; and if such courts, yards, areas, roofs therein, or other places shall not be so kept clean, the occupiers thereof, or such of them as in the judgment of the magistrate may be found to be the real offender, shall, in addition to the expense of cleaning the same, be liable to a penalty not exceeding ten shillings for every such offence: And the word "occupiers" in this section shall include all persons having a right to use such courts, yards, areas, or other places for any purpose whatever, or if the Commissioners think fit they may cleanse all such private courts, yards, areas, roofs therein, and other places, and charge the expense thereof to the burgh general assessment, or if the property is unoccupied may charge the expense thereof to the owners.

121. *Stables and byres to be kept clean.*—All stables and byres, and areas therewith connected, and roofs of outhouses, shall be constantly kept in a clean condition to the satisfaction of the inspector of cleansing or sanitary inspector by the occupier thereof, under a penalty not exceeding twenty shillings for each offence; and it shall be the duty of the inspector from time to time to examine the state of all such places, with a view to the enforcement of this enactment.

122. *Horse and cow dung to be kept off the streets.*—It shall not be lawful to deposit, except for the purpose of removal, any cattle dung upon the streets (mews or stable lanes excepted); and no cattle dung, wherever lawfully kept, shall be mixed with any dung, soil, dirt, ashes, or filth declared by this Act to be the property of the Commissioners; and where any cattle dung shall be found in any street (excepting as aforesaid), or shall be so mixed, the same shall be taken possession of by the inspector of cleansing, and sold, and the proceeds of such sale accounted for and applied to the police purposes of this Act.

123. *Dungsteads, &c., to be cleaned out.*—It shall be lawful for the Commissioners, after inspection and report by the chief constable or inspector of cleansing or sanitary inspector, to regulate and limit the time within which all common necessaries and dungsteads shall be emptied and cleaned out; and if any person, under obligation by contract or otherwise to empty or clean out such places, shall fail so to do within the time so limited, such person shall be liable in a penalty not exceeding twenty shillings, besides forfeiture of any dung in such place; which dung the inspector of cleansing, or sanitary inspector, or any officer authorised by the Commissioners, may remove or dispose of as aforesaid.

124. *As to removal of dung.*—Every person who shall lay, or cause to be laid, on any street any dung or manure, or any hay or straw, for the purpose of removing the same, shall remove and take the same away before eight of the clock of the morning of the day on which it shall be so laid in any street, from the first day of October to the first day of April, and before seven of the clock of the morning from the first day of April to the first day of October; and if dung or manure shall be allowed to remain on any part of such streets after the said hours, the person offending shall be liable to a penalty not exceeding forty shillings for each offence, and that over and above the forfeiture of the dung or manure, which shall be removed and disposed of as aforesaid.

125. *Penalty for conveying offensive matter at improper times.*—The Commissioners may from time to time fix the hours within which only it shall be lawful to remove any offensive matter or thing from any premises within, or into, or

through the burgh; and when the Commissioners have fixed such hours, and given public notice thereof in such manner as they may deem proper, every person who removes any offensive matter or thing from any premises within, or into, or through the burgh at any time, except within the hours so fixed, and every person who at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart or carriage not having a covering proper for preventing the escape of the contents of such cart or carriage, or of the stench thereof, or who wilfully or negligently spills any such offensive matter or thing in the removal or passage thereof, or who does not carefully sweep and cleanse every place in which any such offensive matter or thing has been placed or unavoidably spilled, shall for every such offence be liable to a penalty not exceeding forty shillings, and in default of the apprehension of the actual offender, the driver or person having charge of the cart or carriage employed for any such purpose shall be deemed to be the offender.

126. *As to laying down dung on fields, nursery, or garden grounds.*—Nothing in this Act contained shall have the effect of prohibiting any person laying down dung on any field, nursery, or garden ground, for the purpose of manuring the same; but if in any case the medical officer of health shall certify that the manure so laid down in any place within the burgh is offensive or prejudicial to health, the magistrate may order it to be removed or otherwise disposed of forthwith; and every person failing to comply with such order shall be liable to a penalty not exceeding five pounds, besides the forfeiture of such manure.

127. *Commissioners may make byelaws.*—The Commissioners shall have power to make byelaws for enforcing the provisions of the preceding sections with reference to cleansing.

### Paving and Maintaining Streets.

128. *Carriageway of streets to be under control of Commissioners.*—Subject to the provisions of this Act, and of the Roads and Streets in Police Burghs (Scotland) Act, 1891, the Commissioners shall have the sole charge and control of the carriageway of all the streets within the burgh maintained or which shall be maintained by the Commissioners and also of all foot pavements and footpaths.

129. *Power to Commissioners to improve and form public streets.*—The Commissioners may from time to time cause all or any of the streets, foot pavements and footpaths, or any part thereof, to be raised, lowered, altered, and formed in such manner and with such materials as they think fit, and they shall also maintain the streets, other than private streets: Provided always, that nothing in this Act contained shall interfere with any right to have applied to the streets, so far as applicable thereto, the assessment under the Roads and Bridges (Scotland) Act, 1878, or any local Act, and any fund by law applicable to the maintenance or repair of the streets.

130. *Commissioners may place fences to footways.*—The Commissioners may from time to time place and maintain such fences and posts on the side of the footways of streets as they may consider necessary for the protection of passengers, as also posts in the carriageways of the streets, so as to make the crossing thereof less dangerous for foot passengers, or may remove the same, or any obstructions to any such carriageway or footway.

131. *Penalty on altering pavements without consent of Commissioners.*—Every person who wilfully displaces or makes any alteration in the pavement, flags, or other materials of any street, without the consent of the Commissioners in writing, or without other lawful authority, shall be liable to a penalty not exceeding five pounds.

132. *Commissioners may allow telegraph poles, &c., in or under the streets.*—The Commissioners may allow any person on such terms and conditions as may be arranged :—

(1.) To erect telegraph or telephone poles in the streets :

(2.) To erect or place telegraph or telephone wires either over, in, or under such streets :

(3.) To make tunnels under or bridges over such streets :

Provided always, that the persons who erect such poles or wires, or make such tunnels or bridges, shall be responsible for their proper maintenance, and for any accident that may result from any default in that respect ; and any person considering himself aggrieved by any such arrangement made by the Commissioners may appeal to the sheriff in manner after provided. But nothing in this Act shall take away or abridge or prejudicially affect any right, power, or authority of Her Majesty's Postmaster General under the Telegraph Acts, 1863 to 1889, or otherwise.

### Private Streets.

133. *Private streets not properly formed.*—Where any private street in which houses or permanent buildings have been erected on one-fourth of the ground fronting the same, or part of such street has not, together with the footways thereof, been sufficiently levelled, paved, or causewayed and flagged to the satisfaction of the Commissioners, it shall be lawful for the Commissioners to cause any such street or part thereof, and the footways, to be freed from obstructions, and to be properly levelled, paved, or causewayed, and flagged and channelled in such way and with such materials as to them shall seem most expedient, and completed with fences, posts, crossings, kerbstones, and gutters, and street gratings or gullies, and thereafter maintained, to the satisfaction of the Commissioners.

134. *Private streets may be declared streets, as defined in this Act.*—If any private street shall at any time be made, paved, or causewayed and flagged, together with the footways thereof, and put in good order and condition, to the satisfaction of the Commissioners, then, and on application of any one or more of the owners of premises fronting or abutting upon such street, or of the superior or owner of the ground on which such private street has been formed, it shall be lawful for the Commissioners to declare, and if such street has been paved and put in order, on their requisition, as herein-before provided, they shall declare the same to be vested in the Commissioners, and it shall be thenceforward maintained by the Commissioners.

135. *Temporary works on private streets.*—Where, in the judgment of the Commissioners, it is not expedient that any private street should be paved or causewayed and flagged and channelled to the full extent, as above provided for, it shall be lawful for the Commissioners to cause any such private street, or any part thereof, to be only temporarily put in order ; and in carrying out this enactment the Commissioners may cause all or any of the following works to be executed, viz. :—

(1.) The carriageway to be properly levelled, and laid with road metal or such other material as they shall deem proper :

(2.) Lines of kerb to be laid in such position to such level, and of such size, shape, and material as the Commissioners may determine :

(3.) Channels or gutters with gratings or gullies to be made to carry off the water :

(4.) Temporary footways or crossings to be formed and made, using gravel, or road metal, or other material, to secure the public convenience :

And it shall be lawful for the Commissioners from time to time to cause such temporary works to be renewed : And provided always that the Commissioners

may at any time after two years, subsequently to the execution of such temporary works, or any renewals thereof, cause the street, or any part thereof, to be permanently paved or causewayed and flagged and channelled in the manner herein provided for in regard to private streets, or to cause the footways to be permanently laid in the manner herein provided for in regard to foot pavements of streets, at any time they may deem proper, though the causeway and channels or gutters be not permanently completed till a subsequent time.

136. *Carriageway of private streets may in certain cases be macadamised.*—Where, in the judgment of the Commissioners, it is not necessary to pave or causeway the carriageway of any private street, as herein provided for, but only to macadamise the same, it shall be lawful for the Commissioners to cause the carriageway of any such street, or any parts thereof, to be macadamised in such manner and with such material as they shall deem proper, provided that the owners of two-thirds of the frontage of the lands and premises in such street consent to such macadamising thereof; and where such macadamising of the carriageway is so agreed on, and completed, with all necessary fences, posts, crossings, kerbs, and gutters, to the satisfaction of the Commissioners, such streets, or parts thereof, shall be maintained by the Commissioners; and in such case the footpaths of such street shall be dealt with as the Commissioners shall deem proper;—that is to say, the Commissioners may cause the same to be paved in the ordinary way, as herein provided for in regard to foot pavements; or they may allow the same to be temporarily dealt with by the owners using gravel, or road metal, or other material, to serve the public convenience, for such time, and from time to time, as the Commissioners shall see fit; but all such owners shall be bound to lay and maintain foot pavements before their respective properties in the ordinary way, as herein provided for, whenever required to do so by the Commissioners.

137. *Expense to be paid by owners.*—The whole of the costs, charges, and expenses incurred by the Commissioners in respect of private streets, including the footways, fences, posts, crossings, kerbs, gutters, and gratings or gullies thereof, shall be paid and reimbursed to them by the owners of the lands or premises fronting or abutting on each street, as the same shall be ascertained and fixed by the Commissioners or their surveyor, and the whole of such costs, charges, and expenses shall be recoverable as private improvement expenses.

138. *In certain cases proportion of expenses to be fixed by Commissioners.*—Where one or more private streets, or parts thereof, serve for or lead to various premises adjoining the same, or where, from the peculiar nature of the locality, in the judgment of the Commissioners, the proportions of each owner cannot be regulated according to the frontage as above provided for, the Commissioners shall fix and determine the premises, the owners of which shall be liable for such costs, charges, and expenses, and the proportions leviable from each owner, as they shall consider, under all the circumstances of the case, to be just, and their determination shall be final.

139. *Owners to be liable only for proportions of expenses.*—Each owner shall be liable only for his own proportion of the said costs, charges, and expenses, and any owner who shall have well and substantially, and to the satisfaction of the Commissioners, levelled, made, paved or causewayed, or macadamised, and flagged and channelled, any part of such private street, or of the footways thereof, or done any of such works, shall be entitled to such relief as shall appear to the Commissioners to be just.

140. *Right of relief, &c., not to be affected.*—Nothing in this Act contained shall affect any right of relief in regard to the making, paving or causewaying, maintaining, or cleansing of streets which the owner or any other person may have

by feu-contract or otherwise, or the right to claim repayment of any expense incurred by the Commissioners in making any street in terms of any local Act of Parliament; nor shall any liability attaching in law to any persons liable to make, pave, or causeway, maintain, or cleanse streets, or the footways therof, be affected, altered, or abridged hereby.

### Foot Pavements.

141. *Foot pavements.*—The owners of all lands or premises fronting or abutting on any street shall, at their own expense, when required by the Commissioners, cause footways before their properties respectively on the sides of such street to be made, and to be well and sufficiently paved, or constructed with such material and in such manner and form and of such breadth as the Commissioners shall direct, and the Commissioners shall thereafter from time to time repair and uphold such footways: Provided always, that where the lands or premises of any owner front or abut on any street for a continuous length exceeding one hundred yards, and such lands or premises are unfeued or unbuilt on, or not laid out or used as a garden, or pleasure ground, or pertinent of a house, it shall not be lawful for the Commissioners to require such owner to construct such footway, but the Commissioners may themselves cause such footway to be constructed in so far as they think proper, and shall be entitled forthwith to recover from such owner one-third of the expense thereof, and the remaining two-thirds thereof whenever the lands fronting or abutting on the footway so constructed by them are actually feued or built upon, or laid out or used as a garden, or pleasure ground, or pertinent of a house; and all expenses to be incurred by the Commissioners, in so far as recoverable from the owners, shall be recoverable as a private improvement expense: Provided that nothing contained in this section shall apply to the footways of private streets.

142. *When Commissioners undertake maintenance of foot pavements, owners to put same in a sufficient state of repair.*—It shall be lawful for the Commissioners to resolve, at a meeting specially called for the purpose, to undertake the maintenance and repair of all the footways of the burgh. When the Commissioners shall undertake the maintenance and repair of the foot pavements in the burgh, they shall call upon all owners to have their foot pavements before their properties put in a sufficient state of repair, and failing their doing so within six weeks, the Commissioners may cause the same to be done at the expense of such owners, and thereafter the said foot pavements shall be maintained by the Commissioners: Provided that nothing contained in this section shall apply to the footways of private streets.

143. *Right of appeal.*—As regards the making, altering, paving, or causeweaying and maintaining streets, and foot pavements, it shall be lawful for any person whose property may be affected, and who thinks himself thereby aggrieved, to appeal to the sheriff in manner herein-after provided.

### Naming the Streets and Numbering the Houses.

144. *Houses to be numbered and streets named.*—The Commissioners shall from time to time cause the houses and buildings in all or any of the streets to be marked with numbers, as they think fit, and shall put up or paint on a conspicuous part of some house, building, or place, in legible characters, at or near each end, corner, or entrance of every such street, the name of such street; and no name shall be given to any street except by the Commissioners or with their consent, and they shall have power to alter the name and the numbers of any streets; and every person who destroys, pulls down, or defaces any such number or name, or

puts up any number or name different from the number or name put up, or caused to be put up, by the Commissioners, shall be liable to a penalty not exceeding forty shillings for every such offence.

145. *Numbers of houses to be marked and renewed by owners.*—The owners of houses and other buildings in the said street shall mark their houses with such numbers as the Commissioners direct, and shall renew such numbers as often as they become obliterated or defaced; and every such owner who fails, within one week after notice for that purpose from the Commissioners, to mark his house with a number to the satisfaction of the Commissioners, or to renew such number when obliterated, shall be liable to a penalty not exceeding forty shillings; and the Commissioners shall cause such numbers to be marked or to be renewed, as the case may require, and charge the cost thereof to the burgh general assessment.

LAYING OUT NEW STREETS.

146. *Notice of intention to lay out new streets to be given to Commissioners.*—Every person who intends to form or lay out any new street shall give notice thereof to the Commissioners, and along with such notice he shall lodge a plan of the proposed street, with longitudinal and cross sections, showing the proposed levels and means of drainage thereof, in order that the level of such street may be fixed by the Commissioners; but where any such street is, at the time of the coming into force of this Act, in whole or in part, the subject of any contract then existing for the formation thereof, the same shall not be held or taken to be a new street within the meaning of this Act.

147. *Levels to be fixed by Commissioners.*—The level and gradient of every such new street shall be fixed by the Commissioners within one month after the delivery of such notice, and the level and gradient so fixed shall be kept thereafter by every person erecting any house or other building in such street.

148. *If Commissioners fail to fix level, party may proceed without.*—If the Commissioners do not fix such level and gradient within one month from the time of the delivery of such notice as aforesaid, the person giving such notice may proceed to lay out such street at any level or gradient which will allow of compliance with the other provisions of this Act, as if such level and gradient had been fixed by the Commissioners; and in such case every change of the level and gradient which the Commissioners afterwards deem requisite, and the works consequent thereon, shall be made by the Commissioners, and the expense thereof, and any damage which any person may sustain in consequence of such alteration, shall be defrayed by them out of the burgh general assessment.

149. *Situation of gas and water pipes to be altered if required by Commissioners.*—If the Commissioners deem it necessary to raise, sink, or otherwise alter the situation of any water pipe or gas pipe, or other waterworks or gasworks, laid in any such streets, they may from time to time, by notice in writing, require the person to whom any such pipes or works belong to cause forthwith any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Commissioners may direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing freely and conveniently; and the expenses attending such alteration shall be paid by the Commissioners out of the burgh general assessment, or other rates or assessments, as the case may be.

150. *Commissioners may agree as to making of new streets.*—It shall be lawful for the Commissioners to agree with any person for the making of new streets for the public use through the lands and at the expense of such person, and to agree

that such streets shall become, and the same shall accordingly become, on completion, streets to be maintained and repaired at the public expense, and it shall be lawful for the Commissioners to agree with such person to advance any portion of the expense of making such streets out of the burgh general assessment by way of loan, and accordingly to advance the same: Provided that the expense so advanced shall be repaid to the Commissioners in such manner as they may fix.

Provided that such street shall be formed and made by the proprietor within two years from the date of granting such application, or within such reasonable time as may be fixed by the Dean of Guild Court or the Commissioners; and that no building shall be erected in such street until it is so formed and made from its junction with another street as far as any proposed building may extend in such street.

151. *Commissioners may make new streets.*—Whereas it may happen that the whole or part of the ground on the line of a new street will remain for a time unfeued or unbuilt upon, and it is expedient to encourage the opening up of streets that might be or become main thoroughfares for the public use: Therefore, upon the approval of any new street becoming final, or at any time thereafter, and in the event of such new street not being opened up and paved, flagged, or otherwise made good to the satisfaction of the Commissioners by the owners or others interested, in whole or in part, it shall be lawful for the Commissioners to open up and make any such street in whole or in part according to its approved lines and levels, and that either temporarily or permanently as to the Commissioners may seem proper, and to advance and pay ad interim the expense of so doing in so far effeiring to vacant or unfeued ground, subject to relief from the feuars or other persons erecting buildings along such street when and as the same are erected: Provided that so soon as buildings are erected along such street, the Commissioners shall be entitled to charge the expense advanced by them, without interest thereon, against the feuars or other persons erecting buildings thereon respectively, proportionally to the length of the frontages of their feus or properties along such street, as such proportions of expense, without interest thereon, shall be certified by the treasurer, and the said expense, without interest thereon, may be recovered in the same way and by the same means as any assessments levied under this Act: Provided further, that should any such street be only temporarily laid out by the Commissioners, the said feuars or other persons erecting buildings shall, in proportion to the length of their frontages respectively, be also bound to pave and flag or otherwise make good such street to the satisfaction of the Commissioners, as and when required by the Commissioners, and after such street shall have been paved, flagged, or otherwse made good as aforesaid, it shall be maintained and repaired by the Commissioners out of the assessments levied under this Act.

152. *Width of new streets.*—From and after the date when this Act comes into force within the burgh, it shall not be lawful to form or lay out any new street, or part thereof, or court, within the burgh, unless the same shall (measuring from the buildings or intended buildings therein at the level of the surface of the boundary of such street) be at least thirty-six feet wide for the carriageway and foot pavements; and no dwelling-house shall be built in any such street or court which shall exceed in height, from the level of the pavement to the roof of the highest habitable room, one and a quarter times the width of such street, measuring from the front wall of the buildings or intended buildings on each side thereof: Provided always, that where any road or street fronts any links or common, or other open area, or in other exceptional circumstances, the Commissioners may allow buildings of greater height; and provided also, that for the purposes of this enactment a street shall not include a mews or other lane which

may be made twelve feet and a half wide, or such other width according to the case to be made thereof, of which the Commissioners shall judge, and shall fix the width accordingly; but in no case shall the dwelling-houses fronting such lane exceed in height one and a half times the width of the lane: Provided also, that where a building shall be situated so as to abut on two streets or courts of different levels, the height shall be measured from the street which lies on the higher level.

153. *Penalty for forming streets and courts contrary to Act.*—Every person who shall, from and after the date when this Act shall come into operation in the burgh, form or lay out, or permit or suffer to be formed or laid out, any new street or court, or any part thereof, or who shall build, raise, or add to any house or premises, or permit or suffer the same to be done, contrary to the provisions of this Act, unless the same shall have been formally sanctioned by the Commissioners on a consideration of the special circumstances of the case, which sanction they are hereby empowered to give, shall forfeit and pay a sum not exceeding twenty pounds, and a further sum not exceeding five pounds per day for every day after the first during which he shall permit or suffer such new street or court, or part thereof, or such house or premises, to remain so formed, laid out, built, or added to as last aforesaid: Provided always, that the provisions of this Act relating to the width and construction of streets or courts shall not extend or apply to any existing streets or courts, which shall be proved to the satisfaction of the Commissioners to have been agreed to, or to have been formed previous to the application of this Act.

## Improvement of Streets.

154. *Power to purchase houses, &c., for additional improvements.*—The Commissioners may, at a meeting to be held for the purpose, resolve to acquire lands or premises within the burgh for the purpose of widening, enlarging, or otherwise improving any of the streets, and they may re-sell any parts of such lands or premises which shall not be required for such purposes; and they may also drain, repair, or otherwise improve courts and places where there may be doubts as to the liability of owners to execute such works; and in localities within the burgh, where houses or other buildings are, in the opinion of the Commissioners, built too close to each other, or have become waste and ruinous, or are liable to other objections on sanitary grounds, it shall also be lawful to the Commissioners to resolve to acquire lands or premises, for the purpose of reserving them as vacant spaces, or of improving or taking down the buildings, or of otherwise disposing of them so as to improve the sanitary condition of such localities, or for the purpose of widening streets and closes; and the expense of such acquisitions and improvements shall be a charge against the general improvement rate herein-after authorised to be levied.

In order to acquire such lands and premises, the Commissioners shall have power to purchase and take the same by agreement under the Lands Clauses Acts, and failing such purchase they may present a petition to the sheriff for authority to put in force the powers of the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement in manner herein-before provided; and the expense of such acquisitions and improvements and procedure shall be a charge against the general improvement rate herein-after authorised to be levied.

It shall be lawful for any owner or occupier whose property may be affected, or for the Commissioners, if dissatisfied with the decision of the sheriff, to appeal to the Secretary for Scotland, who may order further inquiry or take such other step or steps as he may think desirable in the circumstances, and he may there-

after issue an order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him to be requisite, and may make such order as he thinks fit in reference to the costs, charges, and expenses incurred in connexion therewith.

### Obstructions and Line of Streets.

155. *Gates may be erected by Commissioners across any court.*—The Commissioners may erect across the whole or any part of any court an iron gate or gates for the purpose of preventing the public from passing through the same during such hours as they consider expedient for the purposes of police, and may cause such gate or gates to be locked and the keys thereof to be kept during the said period by the constable on duty in the district, or by some other person residing in the neighbourhood ; but such gate or gates shall be so placed and managed that free and uninterrupted communication shall at all hours exist between every land or heritage in such court and some street in the neighbourhood.

156. *Commissioners may require dangerous openings in streets and courts to be built up.*—The Commissioners may require any owner or occupier of a land or heritage to build up or cease to use any opening in the foot pavement, or in the causeway of any street or any court, which has been made or is used for the purpose of giving light or access to some apartment in a building adjoining such street or court, or to some cellar or vault underneath the said foot pavement, if such opening extends beyond the footway or if it is not provided with a sufficient fluted iron grating or other sufficient covering, or if it is insecure or otherwise dangerous to the public ; and if such owner or occupier shall not, within eight days after such notice, build up or cease to use any such opening, or to provide the same with a sufficient covering to the satisfaction of the Commissioners, he shall be guilty of an offence, and shall be liable to a penalty not exceeding forty shillings.

157. *Houses may be set forward for improving line of street.*—The Commissioners may allow, upon such terms as they think fit, any building within the burgh to be set forward for improving the line of the street in which such building or any building adjacent thereto is situated.

158. *Houses projecting beyond line of street, when taken down, to be set back.*—When any house or building has been taken down in whole or in part in order to be altered, or is to be rebuilt, the Commissioners may require the same to be set backwards to or toward the line of the street, or the line of the adjoining houses or buildings, or such other line as may be fixed by the Commissioners in such manner as the Commissioners may direct, for the improvement of such street : Provided always, that the Commissioners shall make full compensation to the owner of any such house or building for any damage he may thereby sustain, which compensation may be settled by mutual agreement, or in the same manner as compensation for land to be taken under the provisions of the Lands Clauses Acts is directed to be settled, and shall form a charge against the general improvement rate.

159. *Future projections of houses, &c., to be removed on notice.*—The Commissioners may give notice to the owner of any house or building requiring him to remove or alter any porch, shed, projecting window, step, cellar, cellar door or window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate, or fence, or any other projection erected or placed, after the application of this Act, against or in front of any house or building within the burgh, and which is an obstruction to the safe and convenient passage along any street, public or private ;

and if such owner shall not, within fourteen days after the service of such notice, comply with such requirement, he shall be liable to a penalty not exceeding forty shillings; and no person shall erect any projection or make any erection whatever in any street, public or private, without the written consent of the Commissioners, under a penalty of forty shillings for each offence: Provided that in the event of the failure of such person to remove any such projection within three days after being convicted of a contravention hereof, the Commissioners may summarily remove such projection and recover the expense of doing the same from such person.

160. *Commissioners may cause existing projections to be removed, and compensation to be made.*—If any such obstructions, projections, or erections were erected or placed against or in front of any house or building in any such street before the application of this Act, the Commissioners may cause the same to be removed or altered as they think fit, provided that they give notice of such intended removal or alteration to the owner of the house or building thirty days before such alteration or removal is begun; and if such obstructions, projections, or erections shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

161. *Doors in future to be made to open inwards.*—All doors, gates, window-shutters, and bars put up after the application of this Act within the burgh, and which open upon any street, public or private, shall be hung or placed so as not to open outwards, except when, in the case of public buildings, the Commissioners allow such doors, gates, window-shutters, or bars to be otherwise hung or placed; and if, except as aforesaid, any such door, gate, window-shutter, or bar be hung or placed so as to open outwards on any such street, the owner of the premises to which such door, gate, or bar is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards; and in case he neglects so to do, he shall be liable to a penalty not exceeding forty shillings.

162. *Doors opening outwards may be altered.*—If any such door, gate, window-shutter, or bar was, before the application of this Act, hung so as to open outwards upon any street, public or private, the Commissioners may alter the same, so that no part thereof, when open, shall project over any public way.

163. *Coverings for cellar doors to be made by owner.*—When any opening is made in any pavement or footpath as an entrance to any vault or cellar, a door or covering shall be made and maintained by the owner of such vault or cellar, of iron, or such other materials and in such manner as the Commissioners direct, but before such opening is made the consent of the Commissioners thereto shall be obtained in writing; and if such owner do not within a reasonable time make such door or covering, or if he make any such door or covering contrary to the directions of the Commissioners, or if he do not keep the same, when properly made, in good repair, he shall for every such offence be liable to a penalty not exceeding five pounds.

164. *Rain water to be conveyed from roofs of houses in pipes.*—The owner of every house or building or covered way shall put up and keep in good condition shoots or rhones or gutters thereon, both at the front and back of such houses or buildings, as also at the sides thereof, in positions to the satisfaction of the Commissioners, and shall connect the same with a pipe or trunk or cistern to carry the water from the roof thereof to the adjacent sewer or drain; and for the latter purpose it shall be lawful for any such owner to take up so much of the pavement, causeway, or flagging of any such street as may be requisite, and to lay down such drains or tunnels, or fix iron drain gutters under the direction of the Com-

missioners ; and all damage which may thereby be occasioned to the pavement, causeway, or flagging of the footpath or carriageway or the sewer or drain, shall be made good at the expense of such owner ; and in default of compliance with this enactment such owner shall be liable to a penalty not exceeding forty shillings for every day that he shall so make default, after being required by the Commissioners to comply therewith ; and where any railway bridge, aqueduct, or canal crosses any footpath or public thoroughfare, the owner thereof shall erect and place an iron or zinc screen under such bridge, to carry off the rain water, or the moisture that flows from or percolates through the bridge, to prevent the same falling on persons passing along such footpath, or public thoroughfare ; and any such owners failing to erect or place such screen shall be liable to a penalty of forty shillings for every day that default is made, after being required by the Commissioners to comply with this enactment.

165. *Parties aggrieved may appeal to sheriff.*—As regards the improving the line or level of any street and removing obstructions, or any other work to be executed by the Commissioners, under the provisions of this Act, for the improvement of any street, it shall be lawful for any person whose property may be taken or affected, and who thinks himself thereby aggrieved, to appeal to the sheriff in manner herein-after provided.

## Plans of New Buildings, and Regulations.

166. *Petition with plans and sections to be lodged.*—Every person who proposes to erect any house or building, or to alter the structure of, and to use for human habitation, any existing house or building which had not been previously used for that purpose, or alter the mode of occupancy of any existing house in such a manner as to increase the number of houses or occupants, shall lodge with the clerk of the Commissioners a petition for warrant so to do, and such petition shall set forth a description of the intended house, or building, or alteration, and shall be accompanied by a plan of the site, showing the immediately conterminous properties, and also the position and width of any street, court, or footpath from which the property has access, or upon which it abuts ; and also plans, sections, elevations, and such detailed drawings as are necessary to show the height and mode of structure and arrangement of the intended house or building or alteration, and the lines of the intended drainage thereof, and the levels thereof relatively to the street, court, foot pavement, or footpath, and to the sewer or drain with which the soil pipes and drains of the property to be built or altered are intended to be connected ; and in regard to any building of a public character intended as a place of public resort such plans shall show the arrangements for ventilation and the provision intended to be made for ingress and egress ; and all plans to be lodged as aforesaid shall be drawn to a graduated scale as follows, viz., of one and one quarter inch to every ten feet for buildings under one hundred feet long ; of one inch to every ten feet for buildings one hundred feet and under three hundred feet long ; and of three quarters of an inch to every ten feet for buildings three hundred feet long and upwards ; and such plans and sections, with such alterations thereon as may be made as after provided, shall be registered and indexed by the clerk of the Commissioners : and the said plans and sections and register and index shall be open to inspection by any owner or ratepayer upon payment of a fee of one shilling.

167. *Notice of Petitions to be given to Commissioners and proceedings thereon.*—The clerk of the Commissioners shall, at their first meeting, after receiving such petition, give notice thereof to the Commissioners, who may decline to grant

warrant for the erection of any new house or building, or for the alteration of the structure of any existing house or building, until satisfied that the plans provide suitably for stability, light, ventilation, and other sanitary requirements thereof.

168. *Regulating existing buildings for places of public meetings, &c.*—The Commissioners shall cause every existing building used or proposed to be used as a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, to be inspected, and shall, in case of refusal, after hearing the persons interested, direct such means to be taken for providing proper means of access to and exit from such buildings, and for protection from fire and other dangers to the public, as to the Commissioners shall seem fit.

169. *Penalty for erecting or altering any house or building without sanction of Commissioners.*—Every person who shall erect or begin to erect any house or building, or who shall alter the structure of any existing house or building, or use for human habitation any building not previously so used, or alter the mode of occupancy of any existing house in such a manner as will increase the number of separate houses or occupiers without a warrant, or otherwise than in conformity with a warrant of the Commissioners, and every person who shall, in the erection or alteration of any house or building, the erection of which has been sanctioned by the Commissioners, deviate from the plan or plans and section or sections so sanctioned, or shall otherwise contravene the building provisions of this Act, shall be liable to a penalty not exceeding five pounds, besides being bound, if and in so far as required by the Commissioners, to take down and remove the said house or building, or to restore it to the state it was in previous to the alterations thereon, or to alter it in such way as the Commissioners shall direct, so as to make it in conformity with the warrant of the Commissioners.

170. *Free space in rear of houses.*—Every building erected for the purpose of being used as a dwelling-house, or any building not previously used as a dwelling-house when the same is altered for the purpose of being so used, shall have all the rooms sufficiently lighted and ventilated from an adjoining street, or other open space directly attached thereto, equal to at least three-fourths of the area to be occupied by the intended building; and such space shall be free from any erections thereon other than waterclosets, ash-pits, coal-houses, or other conveniences, all which conveniences shall, as to height, position, and dimensions, be erected subject to the consent and approval of the Commissioners: Provided also, that in cases of conversion of a house into a building for business premises the Commissioners may sanction the erection of saloons upon such open space, of such height and construction as to them shall seem proper, such saloons to continue so long only as such building is so used for business purposes only.

171. *Limit to number of houses in common stairs.*—No new tenement of houses, except with the authority of the Commissioners, which in special circumstances the Commissioners may grant, shall have more than twelve dwelling-houses entering from one common stair or passage where the common stair or passage is within the tenement, but where there is an outside stair with balconies, twenty-four houses may be permitted to enter from said common stair or passage, and the width of such stairs, passages, balconies, and stair landings shall in no case be less than four feet, finished size.

172. *Height of rooms.*—In every new building to be used as a dwelling-house, and in every building not previously used as a dwelling-house, when altered to be used as a dwelling-house, every habitable room in the ground floor shall be in every part thereof nine feet six inches in height at least from the floor to the ceiling, and every other habitable room, except attic rooms, shall be in every part

thereof nine feet in height at least from the floor to the ceiling, and every habitable attic room shall be at least eight feet in height from the floor to the ceiling, through not less than one-third of the area of the room, and it shall at no part thereof be less than three feet.

173. *Windows in rooms.*—In every new or altered building to be used as a dwelling-house, every habitable room shall have at least one window, and the total area of glass in the windows, clear of the frame and sash, shall be (unless in any case the Commissioners otherwise determine) at least one tenth of the area of the room, and the top of at least one of the windows shall not be less than seven feet six inches above the floor, and in case of a sash window the upper half at least shall be made to open the full width, and in case of a casement window one half at least shall be made to open.

174. *Common stairs to be kept in repair.*—The owners of premises in or entering from common stairs and common passages shall keep the steps, landing-places, and passages in a proper state of repair, and provide and keep in proper repair rails at the side of such stairs, landing-places, and passages, to the satisfaction of the surveyor, and when required by him, shall fence, in such manner as he shall direct, all windows in such common stairs and passages; and any owner who fails so to do, after notice served on him by the surveyor, shall be liable in a penalty not exceeding five pounds.

175. *Lighting, &c., of public buildings.*—Every public building, theatre, or place of public entertainment shall be supplied with means of lighting, and of sufficient ingress and egress for the protection of the public in cases of emergency, to be approved of by the Commissioners from time to time as they shall deem necessary.

176. *Pipes to be approved by Commissioners.*—No pipe for conveying smoke or heated air shall be fixed in any new building otherwise than in the wall thereof, except in a manner to be approved by the Commissioners.

177. *Provisions regarding new buildings.*—With regard to new buildings, the rules contained in Schedule IV. of this Act shall be observed, but such rules may be altered by the Commissioners with the approval of the sheriff.

178. *Restriction as to steam pipes and funnels for conveying smoke.*—From and after the commencement of this Act, all steam from high-pressure engines, in or connected with any building, shall be conveyed to and carried away by a high chimney, to the satisfaction of the Commissioners, or otherwise disposed of to their satisfaction, and no pipe or funnel for conveying smoke shall at any time be newly fixed against any building next to any street, public or private, or on the inside of any building, nearer than nine inches to any timber or other combustible material, nor shall any funnel built or made of brick or stone, or both, be newly placed on the outside of any building next to any such street so as to extend beyond the general line of the buildings in the street; and if any high-pressure engine shall be used and steam discharged therefrom, except as aforesaid, or if any pipe or funnel is fixed or placed contrary to this Act, the occupier, or in case of their being no occupier, then the owner of the engine or building, as the case may be, shall, within fourteen days after receiving notice from the Commissioners, cause such engine, or pipe, or funnel, as the case may be, to be removed, and on default shall be liable to a penalty of ten shillings a day for every day during which such default continues after the expiration of the time specified in such notice.

179. *Preventing building on ground filled up with offensive matter.*—It shall not be lawful for any person to erect any building upon any ground which shall have

been filled up with any material impregnated with fœcal matter, or with any animal or vegetable or other offensive matter, which, in the opinion of the medical officer or sanitary inspector, may tend by decomposition or otherwise to the prejudice of the health of any future resident or occupier of such building, or of any resident in the neighbourhood, except upon a certificate of such medical officer or sanitary inspector that proper precautions, in his opinion, have been taken to obviate any such result; and every person who erects or causes to be erected, either wholly or partially, any building on any such ground, shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which such building, or part of a building, shall continue upon any such ground.

180. *New houses, &c. to be surveyed before occupation.*—The Commissioners or their surveyor may, at any reasonable time, inspect any buildings in progress of construction or alteration, or any work connected therewith, and within one month after any new house or building, or any alteration on the structure of any existing house or building, has been completed, or before such house or building or any portion thereof has been occupied, the owner or the builder shall give notice to the clerk of the Commissioners that the house or building, or any part thereof, is ready for inspection before being occupied, and the said clerk shall thereupon transmit such notice to the surveyor of the burgh, who shall forthwith proceed to survey such house or building or alteration; and if he is satisfied that such house or building is fit for occupation, and is in accordance with the provisions of this Act, he shall grant a certificate under his hand to that effect, and all such certificates shall be entered in the register of plans and sections; and every owner or builder who shall fail to give such notice aforesaid, or shall permit such house or building or altered building to be occupied before a certificate applicable thereto has been obtained, shall be liable to a penalty not exceeding five pounds, with an additional penalty of forty shillings for every day during which such occupation shall continue.

## Ventilation.

181. *Regulating construction of buildings intended as places for public meetings.*—Any person before beginning to alter or erect any building intended to be used as a church, chapel, or school, or a place of public entertainment, or for holding large numbers of people for any purpose whatsoever, shall give thirty days' notice in writing to the Commissioners, and shall accompany such notice with a plan and description of its proposed construction, with respect to the supplying of fresh air, and removing vitiated air; and unless the Commissioners approve thereof they may cause such building, or such part of it as they consider necessary, to be altered at the expense of the owner, which expense may be recovered as a private improvement expense; but if the Commissioners fail to signify in writing their approval or disapproval of such proposal, within seven days after their first meeting, occurring after receipt of the notice, the person giving such notice may proceed to erect the building therein referred to in the manner proposed, provided that such building be otherwise in accordance with the provisions of this Act; and with regard to such existing buildings as are at the application of this Act, or may thereafter be, used for any of the said purposes, the Commissioners may cause the same to be inspected, and may direct such means to be taken for their proper ventilation as to them shall seem fit.

182. *Persons may appeal against determination of Commissioners.*—Provided also, if the owner or other person so intending to build, or the owner of any existing building, be dissatisfied with the determination of the Commissioners as to the said proposed manner of construction, he shall have the same right of appeal

against the determination of the Commissioners, and such appeal shall be conducted in the same manner as is herein provided in the case of appeals against any order of the Commissioners with respect to works to be constructed by or subject to the approval of the Commissioners.

183. *Ventilation of habitable rooms.*—Every habitable room built after the commencement of this Act of less area than one hundred superficial feet, and without a fireplace, shall be provided with special means of ventilation, to be determined by the Commissioners.

184. *Ventilation of buildings.*—Means of ventilation to be approved of by the Commissioners shall, on their order, after cause shown, be provided in or for every building, whether erected before or after the application of this Act, and in every case by the owner of such building; and any owner who fails to carry into effect the order of the Commissioners in respect to such means of ventilation shall be liable to a penalty not exceeding forty shillings for every day or part of a day during which such failure continues.

185. *Common stairs, &c. to be properly lighted and ventilated.*—The owners of all common stairs and common passages constructed or which may be constructed shall provide proper means of ventilating the same, where practicable, by means of windows or skylights, or otherwise ventilating the same to the satisfaction of the Commissioners or their surveyor or sanitary inspector; and any owner failing so to do when required by the Commissioners shall be liable to a penalty not exceeding forty shillings.

### Precautions during the Construction or Repair of Buildings and Streets, and in Regard to Old and Ruinous Tenements.

186. *Bars to be erected across streets during repairs or alterations, and lights placed at night.*—The Commissioners shall, during the construction or repair of any street, and during the construction or repair of any sewers, drains, or other public works, take proper precaution against accident, by shoring up and protecting the adjoining houses, and may prevent any such street from being used as a common passage or thoroughfare, while such works are carried on; and the Commissioners shall cause any sewer or drain or other works, during the construction or repair thereof, to be lighted, fenced, and guarded during the night, so as to prevent accidents; and every person who uses such street while so stopped as a common passage or thoroughfare, or extinguishes any light, without the authority or consent of the Commissioners, shall for every such offence be liable to any penalty not exceeding five pounds.

187. *Hoarding to be set up during repairs.*—Every person intending to build or take down any building or alter or repair any building, where any street or footway may be obstructed or rendered inconvenient by means of such work, shall obtain authority from the Commissioners to put up and such authority being obtained, shall put up, and maintain to the satisfaction of the surveyor for such time as he may fix, hoarding or fences in order to separate the building from such street with a convenient platform and handrail, if there be room enough, to serve as a footway for passengers outside of such hoarding or fence, and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted from sun-setting to sun-rising; and every such person who puts up such hoardings or fences without previously obtaining the authority of the Commissioners so to do, or who, after such authority, fails to put up and maintain during the time aforesaid and keep lighted during the night such fence or hoarding, or platform with such handrail as aforesaid, or who does not remove the same,

when directed by the Commissioners, within a time specified for that purpose, shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day while such default is continued, and the Commissioners shall have power to make such charge for the occupation of such ground so enclosed as they shall consider just.

188. *Penalty for not lighting deposits of building materials or excavations.*—When any building materials, rubbish, or other things are laid, or any hole made, in the streets, whether by order of the Commissioners or not, the person causing such materials or other things to be so laid, or hole to be made, shall at his own expense cause a sufficient light to be fixed upon or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and cause such materials or hole to be sufficiently fenced and enclosed until they are removed, or the hole filled up or otherwise made secure; and every such person who fails so to light, fence, or enclose such materials or other things, or hole, shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day while such default is continued.

189. *Penalty for continuing deposits of building materials or excavations an unreasonable time.*—In no case shall any such building materials or other things, or such hole, be allowed to remain longer than may be fixed by the surveyor, under a penalty not exceeding five pounds, to be paid for every such offence by the person who causes such materials or other things to be laid, or such hole to be made, and a further penalty not exceeding forty shillings for every day during which such offence is continued after the conviction for such offence.

190. *Dangerous places to be repaired or enclosed.*—If any building, hoarding, or hole, or any other place, in or near any street be, in the opinion of the burgh surveyor, for want of sufficient repair, protection, or enclosure, dangerous to the passengers along such street, the Commissioners shall cause the same to be protected or enclosed so as to prevent danger therefrom, and shall be entitled to recover the expense thereof from the owner of such building or place and the persons who caused such hoarding or hole to be made respectively.

191. *Ruinous or dangerous buildings to be taken down or secured.*—If any building or wall, or anything affixed thereon, be deemed by the surveyor of the Commissioners to be in a ruinous state, or dangerous to passengers, or to the occupiers thereof or of the neighbouring buildings, he shall immediately cause such occupiers endangered thereby to remove from the occupancy of such buildings until the same are put into a safe condition, and shall cause a proper hoard or fence, or props, to be put up for the protection of passengers, and shall also cause, if he shall judge necessary, the neighbouring buildings to be properly shored up, and shall cause notice in writing to be given to the owner of such building or wall, if he be known, and shall also cause such notice to be put on the door of such building or on such wall, or on a conspicuous part thereof, or otherwise to be given to the occupier thereof, if any, requiring such owner forthwith to take down, secure, or repair such building, wall, or other thing, or as the case shall require; and if such owner do not begin to repair, take down, or secure such building, wall, or other thing within the space of three days after any such notice has been so given or put up as aforesaid, and complete such repairs or taking down or securing as speedily as the nature of the case will admit, such surveyor may make complaint thereof to the sheriff; and it shall be lawful for the sheriff, after inquiry, to order the owner of such building, wall, or other thing to take down, rebuild, repair, or otherwise secure, to the satisfaction of such surveyor, the same, or such part thereof as appears to them to be in a dangerous state, within a time to be fixed by the sheriff; and in case the same be not taken down, repaired, rebuilt, or

otherwise secured within the time so limited, the Commissioners shall, with all convenient speed, cause all or so much of such building, wall, or other thing as shall be in a ruinous condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such manner as shall be requisite ; and all the expenses of enforcing such removal and of putting up every such fence, and of shoring up such buildings, and of taking down, repairing, rebuilding, watching, or securing such building, wall, or other thing, shall be paid by the owner thereof.

192. *Expenses to be levied on owner.*—If the owner of such building or wall, or thing affixed thereon, can be found, and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, the sheriff shall, on a certificate of such demand and neglect or refusal, signed by the clerk, grant decree against such owner for payment thereof, on which decree all legal diligence may proceed, or the Commissioners may proceed against such owner for the recovery of the said expenses in terms of the general provisions for recovery of expenses under this Act, or otherwise as accords of law.

193. *If owner cannot be found, Commissioners may take the house or ground, making compensation.*—If such owner cannot be found, or if such expenses are not otherwise fully recovered, the Commissioners, after giving twenty-eight days' notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building or wall, or on the land whereon such building or wall stood, and by sending through the post office to such owner's last known address a copy of such notice, may take such building or land, provided that such expenses be not paid or tendered to them within the said twenty-eight days, making compensation to the owner of such building or land in the manner provided by the Lands Clauses Acts in the case of lands taken otherwise than with the consent of the owners and occupiers thereof, and the Commissioners shall be entitled to deduct out of such compensation the amount of the expenses aforesaid, and may thereupon sell or otherwise dispose of the said building or land for the purposes of this Act.

194. *Commissioners may sell materials, restoring to the owner surplus arising from sale.*—If any such building or wall as aforesaid, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building or wall ; and the Commissioners shall restore any surplus arising from such sale to the owner of such building or wall on demand ; nevertheless, the Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due, after the application of the proceeds of such sale, as are herein-before given to them for compelling the payment of the whole of the said expenses.

195. *Ruinous buildings belonging to two or more owners may be sold.*—If any houses, buildings, or areas have become waste and ruinous within the burgh, and have become receptacles for filth and other nuisances, or unsafe and unfit for use and occupation, and which, being held by two or more joint owners, cannot be rebuilt or disposed of to advantage without the consent of all the parties interested therein, and the same are allowed to continue in a waste or ruinous or unsafe state in consequence of the parties being unable or unwilling or delaying to agree as to the sale or rebuilding thereof, it shall be lawful to the sheriff, upon the petition of the burgh prosecutor, or of the Commissioners, or their surveyor, or sanitary inspector, or of any owner or party interested in any such houses, buildings, or areas, to call

all parties interested therein before the sheriff, in the usual manner and form followed in his court, and to order such houses, buildings, or areas, to be valued by not less than three men of skill, upon oath, who shall distinguish the portions of the subjects, and the corresponding proportion of the appraised value, which belong to the several parties interested, and thereupon to give each party the option to buy and acquire from, or to sell and convey to the others, their respective portions of or interests in such houses, buildings, and areas, agreeably to such valuation, or at such other price as shall be agreed on amongst themselves, and that within a reasonable time to be fixed by the sheriff, not exceeding six weeks.

196. *How sale to be carried through.*—If any of the said parties fail to take advantage of the said option within the time so fixed, or shall not be able to agree as to which shall be the buyer and which the seller, it shall be lawful to the said sheriff to cause such houses, buildings, and areas to be exposed to sale by public auction at a price not being less than the appraised value, and in case of no offers to reduce the upset price from time to time, and to sell the same to the highest bidder, under such regulations, and upon such conditions, and after such public notice, by advertisement in the newspapers or otherwise, as the sheriff shall appoint, and the purchaser thereof shall be then bound within ten days after the sale, or within such time as may be fixed by the sheriff, to consign the purchase money in any bank to be named by the sheriff, upon a receipt or voucher subject to the orders of the sheriff, otherwise the sale to be void and null, and the money so deposited shall remain at interest for the behoof of all parties interested therein, and subject to the future orders of the sheriff.

197. *Completion of purchaser's title.*—Upon such deposit being so made, the sheriff shall pronounce his decree or warrant declaring the purchase duly completed, and authorising immediate possession of the tenements so sold to be given to the purchaser thereof; and such warrant or decree shall, upon being registered in the proper register of sasines, be a valid and sufficient title to such purchaser.

198. *If purchaser do not fulfil conditions of sale, tenement may be re-sold.*—In case the purchaser at any such sale as aforesaid shall fail to fulfil the conditions thereof within the time thereby prescribed, it shall be lawful to the sheriff to cause the tenements to be re-exposed and sold anew; and such sale shall proceed in like manner as the first sale; and the sheriff shall continue, in case of failure as aforesaid, to cause the said subjects to be re-exposed for sale, until the same shall be sold, and the price thereof consigned or deposited in bank as aforesaid.

199. *Apportionment of price.*—Upon the completion of any such sale, the sheriff shall, on the application of any of the parties concerned, after such inquiry as he may deem expedient, proceed to ascertain and determine the extent and value of the share of each party claiming interest in the tenements so sold, and to apportion the price and order payment thereof to the several parties accordingly, subject always to such finding or order in respect of costs as the sheriff may pronounce.

200. *Ruinous tenements may be sold.*—If any houses, buildings, or areas have become waste and ruinous, or have become receptacles for filth and other nuisances, or unsafe and unfit for use and occupation, the Commissioners may, by a notice addressed to the owner if his address shall be known, or if not known by a notice affixed to a conspicuous part of such houses, buildings, or areas, require the same to be rebuilt or otherwise put into a state of repair to their satisfaction, within three months from the date of such notice; and in the event of such requisition not being complied with, the Commissioners may apply to the sheriff for warrant to sell such houses, buildings, or areas, and it shall be lawful to the

sheriff to order the same to be valued, and exposed for sale by public auction, and to sell the same and such sale shall be made and carried out, or re-sale effected, the price deposited and applied, and the purchaser's title completed, in the way and manner herein-before directed with reference to waste and ruinous buildings, houses, or areas within burgh, held by two or more joint owners.

### Dean of Guild Court.

201. *Dean of Guild Court.*—In burghs where there is a Dean of Guild Court at the commencement of this Act, or where such court shall be established as herein-after provided, the Dean of Guild Court shall come in room and place of the Commissioners for carrying out the provisions of this Act, in so far as they apply to new buildings or alteration of existing buildings, ventilation, and precautions during the construction, alteration, or repair of buildings and streets, and to old and ruinous tenements, and to the setting up of hoardings; and in that case all the powers and duties of the Commissioners in reference to these provisions, and also in reference to the inspection of buildings in process of construction or alteration, or any work connected therewith, and the surveying and certifying of buildings before occupation, shall devolve on and be carried out by the Dean of Guild Court and the officers thereof, as herein provided for, but nothing herein contained shall be taken to restrict or prejudice the jurisdiction or to alter the constitution of any Dean of Guild Court as existing at the commencement of this Act.

202. *Dean of Guild Court may be established.*—In burghs having no Dean of Guild Court at the commencement of this Act, it shall be lawful for the Commissioners to establish a Dean of Guild Court by resolution passed at a meeting specially called for the purpose, and it shall also be lawful for the Commissioners of any burgh having an existing Dean of Guild Court to resolve to discontinue the same as constituted at the commencement of this Act, and to pass a resolution at a meeting specially called for the purpose of establishing a new court in terms of the immediately succeeding section of this Act: Provided always, that nothing herein contained shall alter, prejudice, or affect the existing constitution, rights, or privileges of any Dean of Guild Court existing at the commencement of this Act, the members, lyners, or assessors whereof are not, under the existing constitution, wholly appointed by the town council of the burgh.

203. *Dean of Guild Court, how constituted.*—The Dean of Guild Court so established shall consist of the Dean of Guild or of the provost of any burgh not having a Dean of Guild, and not less than two of the Commissioners, who may also be magistrates, and who shall be elected annually: Provided always, that it shall not be lawful for any member of the Dean of Guild Court to sit as a member of the said court when any matter in which he is personally interested is under consideration.

204. *Commissioners may appoint master of works, who may also be the surveyor of burgh.*—The Commissioners may appoint a master of works in connexion with the Dean of Guild Court, who may also be the surveyor of the burgh, at such salary as they shall deem proper, whose duty it shall be to report to the said court upon all plans lodged with petitions to the Dean of Guild Court, and to see that the orders made by the said court are duly carried into execution, and from time to time to inspect the works in progress in execution of plans for which warrant has been given by the said court, and to report to the prosecutor in the said court any deviation therefrom, and also to perform any other duties which he may be required to perform by the Commissioners; and such master of works or surveyor shall not be connected directly or indirectly with or interested in any contract or

works belonging to any branch of the building trade, nor give any assistance or receive any fees in connexion with plans to be submitted to the court.

205. *Clerk and prosecutor of Guild Court.*—In any Dean of Guild Court to be established after the commencement of this Act the clerk to the Commissioners shall be the clerk of the Dean of Guild Court, and the burgh prosecutor shall be the prosecutor in the Dean of Guild Court.

206. *Courts to be held.*—Dean of Guild Courts shall be held from time to time, and as often as may be necessary, in some convenient place in the burgh.

207. *Guild Court to fix fees and charges.*—The Dean of Guild Court shall have power from time to time to fix such fees as they may consider sufficient, according to a scale subject to approval by the auditor of the Court of Session, and they may apply such fees and charges in or towards payment of the salaries of the prosecutor in the Dean of Guild Court, clerk of Dean of Guild Court, master of works, or surveyor, or other officers; and any balance of such fees, and of the fines imposed by the said court, shall annually be paid to the credit of the burgh general assessment, and an account of such fees and fines shall be made annually to the Commissioners, and in the event of the amount of fees and fines recovered in any year being insufficient to meet the expenses of the year, such deficiency shall be made good out of the burgh general assessment.

208. *Service of petitions, &c.*—Any copy of a petition or any notice to be served upon any owner of lands and premises, or other person whom it is necessary to proceed against or make a party to proceedings before the Dean of Guild Court, may be lawfully and effectually served in the manner herein-after provided with regard to the service of any notice by the Commissioners.

209. *Rules and regulations for building.*—Every proceeding before the Dean of Guild Court shall be subject to the following rules and regulations:—

It shall commence by an application in writing or in print, or partly in writing and partly in print; and except where otherwise specially directed, the subsequent steps may be in writing or vivâ voce, as shall be ordered by the court:

In all other respects the proceedings before the Dean of Guild Court shall be such as apply to the proceedings before the Dean of Guild Court in Royal burghs in Scotland; and the judgments of the court shall be subject to review, as the judgments of such Dean of Guild are subject to review.

## Surveys and Plans.

210. *Commissioners to procure a map of the burgh, which is to be open to inspection.*—The Commissioners shall procure as herein-after provided a survey and map or maps of the burgh on a scale of not less than twenty-five inches to a mile, and shall cause to be marked thereon the course of all the existing sewers and drains belonging to them or under their care or management, and, as far as can be ascertained, the lines of pipes or conduits for the collection and distribution of water, the course of the pipes for the distribution of gas, and such other works, with such other particulars as may be necessary in order to show the underground works within the burgh, and shall cause the said map or maps to be from time to time corrected, and such additions to be made thereto as may show the sewers and drains for the time being belonging to the Commissioners, and such other pipes and underground works as aforesaid; and such map or maps, or a copy thereof, with the date expressed thereon of the last time when it was so corrected, shall be kept in the office of the clerk of the Commissioners, and shall

be open at all reasonable hours to the inspection of the owners or occupiers of any lands or premises within the burgh.

211. *Board of Agriculture to furnish maps or cause surveys to be made.*—The Board of Agriculture shall, on the application of the Commissioners, and at their expense, furnish, for the use of the Commissioners, one or more copies of any map of the burgh or any part thereof which shall have been made by the Ordnance Survey Department, or shall cause a survey to be made of the burgh on a scale of not less than twenty-five inches to the mile, by the said Ordnance Survey Department, for such remuneration as shall previously be agreed upon between the said Board and the Commissioners of the burgh.

212. *Level lines to be marked on map, and bench marks to be made for denoting the same.*—The Commissioners shall cause to be marked on the map so procured by them a series of marks and figures at convenient distances on the said map, denoting the height of the ground at every such mark above or below the level of a particular spot within the burgh, which may easily be found and identified, the position of which spot shall be described on the map; and shall also cause to be drawn, wherever practicable, lines of equal altitude at every four feet of elevation, or at such other intervals as may appear upon due inquiry to be the best adapted for the guidance of works of sewage and drainage, for the collection and distribution of water, and for other purposes within the burgh, for which a knowledge of the levels of the burgh may be necessary, and shall also cause proper bench marks for denoting the levels to be inscribed and marked at convenient distances and places, at the corner of streets, public or private, on posts, houses, or other prominent objects within the burgh.

213. *Commissioners may cause maps to be engraved, &c.*—The Commissioners may cause every such map to be copied, engraved, or printed, and coloured, in such manner as appears to them most convenient, and may defray the costs of any such surveys and maps out of the burgh general assessment.

214. *Commissioners to cause plans to be prepared of new works or alterations of existing works.*—The Commissioners shall cause their surveyor to prepare plans of any new works, and additions to or alterations of existing works, that may be required for the effectual drainage of lands or premises within the burgh, including provision for properly trapped drains or channels for the removal of all waste water and refuse from such lands or premises and from the surface of the streets, and also to draw on such plans the lines that appear to him most advantageous for main sewers, and the best outfalls for clearing the whole burgh of surface moisture, and effecting the drainage of the subsoil, and to point out the most approximate means and sites for the collection and sale of filth and refuse for agricultural or other purposes, and also to set forth any other matters which may assist the Commissioners in carrying into execution, in an economical and effective manner, the several works required to be carried into execution under the provisions of this Act, or which appear to be necessary for the health and convenience of the inhabitants of the burgh.

## Public Sewers.

215. *Sewers, &c., vested in Commissioners.*—All sewers and drains within the burgh, whether existing at the time when this Act comes into force or made at any time thereafter (except private branch drains, drains made and used for the purpose of draining, preserving, or improving land, and sewers made under any

local or private Act of Parliament), shall vest in and belong to and be entirely under the management and control of the Commissioners.

216. *Power to purchase, &c., certain sewers.*—The Commissioners may purchase the rights, privileges, powers, and authorities vested in any person for making sewers not hereby vested in the Commissioners, or contract for the use of any such sewers, or purchase any such sewers, with or without the buildings, works, materials, and things belonging or appertaining thereto ; and any person to whom any such rights, privileges, powers, authorities, sewers, buildings, works, materials or things belong may sell and dispose of the same to or otherwise contract with the Commissioners ; and in case of any such sale the purchase money shall be settled and applied to the same uses and purposes to which the property purchased may have been subject at the time of such sale, and the property purchased shall vest in and belong to the Commissioners, any law to the contrary notwithstanding: Provided always, that notwithstanding any such purchase, any person who previously thereto may have acquired perpetual right to use any sewer so purchased shall be entitled to use the same, or any other sewer substituted in lieu thereof, in as ample a manner as he would have done if such purchase had not been made.

217. *Private sewers or water-courses, &c., not to be used without consent.*—Nothing in this Act contained shall be construed to authorise the Commissioners, contrary to any private right, to use, injure, or interfere with any sewers or other works already made or used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating lands, or to use, injure, or interfere with any watercourse, stream, river, dock, basin, wharf, quay, or towing-path in which the owner or occupier of any lands, mills, mines, or machinery, or the proprietors of any canal or navigation, shall have right and interest, without the consent in writing of the person legally entitled to grant the same ; and nothing in this Act contained shall prejudice or affect the rights, privileges, powers, or authorities given or reserved to any person under any local or private Act of Parliament for the drainage, preservation, or improvement of land, or for or in respect of any mills, mines, machinery, canal, or navigation as last aforesaid.

218. *Drainage districts to be formed, subject to approval of the sheriff.*—The Commissioners shall form the whole burgh into one drainage district, subject to the following exceptions and provisions :—

(1.) Where at the application of this Act separate districts exist, they shall be maintained unless and until they are altered in the manner herein-after provided.

(2.) The Commissioners may divide the burgh into separate drainage districts with the approval of the sheriff, if special and exceptional circumstances exist to the satisfaction of the sheriff, making it expedient to make such division.

(3.) The Commissioners may unite or alter existing separate districts with the approval of the sheriff.

(4.) Any alteration of districts existing at the application of this Act shall be subject to such conditions as the sheriff may impose, having regard to the assessments which have been paid in the existing districts, so as to afford equitable relief to the properties in respect of which such assessments have been paid.

(5.) The Commissioners shall cause their surveyor to define and describe the several drainage districts, and any alterations that may from time to time be made thereof, upon a plan of the burgh to be made as herein provided for.

219. *Power to Commissioners to construct sewers where none exist, making compensation to owners of property.*—The Commissioners shall from time to time, subject to the restrictions herein contained as to the notice to be given and the plans and estimates to be prepared, cause to be made, under the streets, or elsewhere, such main and other sewers as shall be necessary for the effectual draining of the burgh, and shall also cause to be made all such reservoirs, sluices, engines, and other works as shall be necessary for cleansing such sewers, and if needful they may carry such sewers through and across all underground cellars and vaults under any such streets, doing as little damage as may be, and making full compensation for any damage done; and may carry the same into or through any enclosed or other lands, making full compensation to the owners and occupiers thereof, and they may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for its collection and sale, for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case become a nuisance: Provided always, that if in making any such main and other sewers, or in repairing, constructing, or enlarging the same or existing drains or sewers, the contents at present carried into any existing outlet shall be diverted therefrom to the prejudice of any actual existing legal right, the Commissioners shall be bound to make compensation therefor; compensation under this section shall be settled in the same manner as compensation for land to be taken under the provisions of the Lands Clauses Acts is directed to be settled.

220. *Commissioners to give notice of new levels or sewers.*—Twenty-eight days at the least before making any new sewer where none previously existed, or altering the course or level of or abandoning or stopping any sewer, the Commissioners shall give notice of their intention, by posting a notice in a conspicuous place at each end of every such street through or in which such work is to be undertaken, which notice shall set forth the names of the streets and places through or near which it is intended that the new sewer shall pass, or the existing sewer be altered or stopped up, and also the places at the beginning and the end thereof, and shall refer to the plans of such intended work, and shall specify a place where such plans may be seen, and a time when and place where all persons interested in such intended work may be heard thereupon.

221. *Meeting of Commissioners to hear objections.*—The Commissioners shall meet at the time and place mentioned in the said notice to consider, in the presence of the surveyor of the Commissioners, any objections made against such intended work, and all persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such meeting; and thereupon the Commissioners may, at their discretion, abandon or make such alterations in the said intended work as they judge fit; and no such work to which any objection is made at such meeting shall be executed unless the burgh surveyor, after the person making such objection, or his agent, has been heard, shall certify that the work ought to be executed, nor shall such work be begun until the end of seven days after an order for the execution thereof has been duly made by the Commissioners, and entered in their books.

222. *Where works for sewage provided, streams not to be polluted.*—Whenever the Commissioners shall have caused pipes or other works to be laid in or along any river, burn, or watercourse within the burgh for the purpose of intercepting and conveying away the sewage which would otherwise flow into and pollute the same, it shall not be lawful for any person to introduce into any part of such river, burn, or watercourse, along which such pipes are laid, any sewage or other offensive matter or thing from any source; and the Commissioners are hereby authorised and required to allow junctions to be made with such pipes or works for the purpose of drainage of any lands and premises which would naturally fall

into such river, burn, or watercourse, on such terms as they may arrange with the persons requiring such drainage, and failing such arrangement, on such terms as may be fixed by the sheriff; and the sheriff is hereby required to hear and determine any questions affecting such drainage that may be submitted to him; and every person who shall infringe the provisions of this enactment shall be liable to a penalty not exceeding five pounds and a further penalty not exceeding twenty shillings for each day during which such infringement shall be continued.

223. *Throwing rubbish into streams.*—Any person who shall lay or throw, or cause or procure to be laid or thrown, any rubbish, earth, ashes, corks, straw, soil, filth, or refuse, or any other matter, whether offensive or not, into the channel or on the banks or on the sides of any river, burn, or watercourse flowing through or on the boundary of the burgh, shall, upon conviction of such offence before the magistrate, be liable to a penalty not exceeding forty shillings.

224. *Commissioners may alter sewers from time to time.*—The Commissioners may from time to time, as they see fit, repair, enlarge, extend, alter, arch, or cover over, and otherwise improve all or any of the sewers vested in them: and if any of such sewers at any time appear to them to have become useless, the Commissioners may demolish and discontinue such sewer, provided that it be so done as not to create a nuisance.

225. *Commissioners not to destroy existing sewers, &c., without providing others.*—If any person, by means of any alteration, or discontinuance of any sewer, or other proceeding of the Commissioners, be deprived of the use of any sewer or drain which such person was theretofore lawfully entitled to use, the Commissioners shall provide some other sewer or drain equally effectual for such purpose; and if the Commissioners do not within seven days after notice in writing served upon them begin, and thereupon diligently proceed, to restore to its former effective state such drain or sewer, or to provide such other sewer or drain as aforesaid, they shall forfeit to the person aggrieved a sum not exceeding forty shillings for every day after the expiration of such seven days during which he is deprived of the use of the drain or sewer to which he was so entitled, and is not provided with such other drain or sewer as aforesaid.

226. *Commissioners to cause estimates to be prepared before execution of works.*—Before entering into any contract for executing any such work as aforesaid, the Commissioners shall procure from their surveyor an estimate of the probable expense of constructing the same in a substantial manner, and of the yearly expense of maintaining the same in repair, and such surveyor shall accompany such estimate with a report as to the most advantageous mode of constructing such work, whether under a contract for constructing the same merely, or a contract for constructing the same and maintaining it in repair during a given term of years.

227. *Penalty for making unauthorised drains.*—Every person, not being employed or authorised for that purpose by the Commissioners, who shall make any drain from any lands or premises into any of the sewers vested in the Commissioners, shall be liable to a penalty not exceeding five pounds; and the Commissioners may cause such drain to be re-made as they think fit, and the expense incurred thereby shall be paid by the owner of the lands or premises, and that over and above a reasonable sum of money for the use of the sewers, which the Commissioners are herein-after authorised and required to exact for the use of the sewers.

228. *Vaults and cellars under streets not to be made without consent of Commissioners.*—No building shall be erected over any sewer belonging to the Commis

sioners, and no vault, arch, or cellar shall be made under the carriageway of any street, public or private, without the consent of the Commissioners first obtained in writing; and if such consent be obtained all such vaults, arches, and cellars shall be substantially made, and so as not to interfere or communicate with any sewers belonging to the Commissioners; and if after this Act comes into operation in the burgh any building be erected, or any vault, arch, or cellar be made therein, contrary to the provisions herein contained, the Commissioners may demolish or fill up the same, and the expenses incurred thereby shall be paid by the person erecting such building, or making such vault, arch, or cellar.

229. *Sewers, &c., to be trapped and ventilated.*—All sewers and drains, whether public or private, shall be trapped and ventilated by the Commissioners or other persons to whom they severally belong.

230. *Ventilation of sewers.*—The Commissioners shall have power for the purpose of providing ventilation for the existing sewers or drains, or for such sewers or drains as may hereafter be constructed, to acquire, by agreement, lands and premises, and to construct all ventilating shafts, furnaces, and other means of ventilating the sewers and other works which may from time to time be found necessary, and if for completing any works required in the execution of this provision it be found necessary to carry them upon, into, or through any enclosed or other private premises, the Commissioners shall have and may exercise the like powers and be liable to the like conditions and restrictions which are by this Act provided with reference to the construction of sewers.

231. *Commissioners may arrange with the occupier of any manufactory, &c.*—The Commissioners may also arrange with the owners or occupiers of any manufactory, gaswork, or brewery, having furnace and chimney shafts so situated as to be available for the ventilation of the adjacent sewers and drains for such ventilation, or of other suitable premises, to lay and fix such ventilators, pipes, or shafts into, on, or against all such buildings or premises as to them may seem proper, and as may be agreed on, making compensation to the owners thereof.

232. *Costs and charges.*—All costs and expenses which may be incurred by the Commissioners in carrying the provisions for ventilating the sewers or drains into effect shall form a charge against the "general sewer rate" or against any "special sewer rate" which in their judgment may be properly chargeable therewith.

233. *Distillers and others to construct reservoirs to deposit refuse.*—Any owner or occupier of distilleries, manufactories, or other works who causes or permits any refuse, refuse water, steam, or other substance fitted to interrupt the free passage of a sewer or to be otherwise injurious thereto, or to be injurious to the health of persons living in the vicinity, to enter a public sewer, river, or inland loch, or public reservoir or dock from any such works shall be guilty of an offence, and shall, on conviction before the sheriff, be liable to a penalty of five pounds for every day or part of a day during which such offence continues, besides being liable for all damages, and for all expenses for taking out of the sewer any refuse or substance that may have entered it from his works.

Such owners and occupiers shall construct pools or reservoirs as near their works as possible, for receiving and depositing such refuse and other substances.

If it shall be impracticable, in the judgment of the Commissioners, to render such refuse or other substances inoffensive or innocuous, or to prevent the same from interrupting the free passage of the sewer, or otherwise injuring the same, it shall be lawful for the Commissioners to prohibit and interdict such owner or occupier from permitting the same to run into such sewer from his works afore-

said; and while such prohibition and interdict are in force, or if and so long as the owner or occupier of such works makes no use of the sewers, in consequence of having before this Act came into operation made separate arrangements for the drainage of the works, such owner or occupier shall be entitled to be exempted from the sewer rates to the extent of seventy-five per centum thereof applicable to the whole building or such part or parts thereof as by such prohibition or previous separate arrangement are deprived directly or indirectly of any benefit from the sewer; provided that the sewer rates payable in respect of the other parts of such distilleries, manufactories, and other works, and all warehouses, offices, and other buildings connected therewith, shall still remain payable; and if the prohibition and interdict be at any time by the Commissioners withdrawn, or the owner or occupier having previous separate arrangements shall begin to use the sewers, then the exemption shall cease so soon as the owner or occupier avails himself to any extent of the withdrawal of the prohibition by permitting the substances prohibited to pass into the sewers, and if the owner or occupier is dissatisfied with the decision of the Commissioners as to the question of practicability aforesaid, or as to the part of the works for which such exemption ought to be made, it shall be lawful for such owner or occupier to appeal to the sheriff in manner after provided.

234. *Sewers may be used by owners and occupiers of land or premises beyond limits of burgh.*—Any person, being the owner or occupier of any lands or premises beyond the burgh, or not included in any drainage district thereof, and in respect of which he would not be liable for the payment of the rates authorised to be levied under this Act or the local authority of any district under the Public Health Acts, may, with the consent of the Commissioners in writing, upon payment to them of a reasonable sum of money, to be agreed upon between them, at his or their own expense, and under the superintendence of the surveyor of the Commissioners, cause to branch into and to communicate with any of the sewers belonging to the Commissioners any sewer or drain in respect of the said lands or premises or district which may be lawfully made therefrom, of such size and in such form of communication as the Commissioners approve of: but nothing in this Act contained shall affect any right theretofore acquired by such owner or occupier to use any of the sewers or drains belonging to the Commissioners.

235. *Drains may be made to discharge below high-water mark.*—If the Commissioners shall consider it necessary for public health that any drain should discharge itself below high-water mark they shall be entitled, with the consent of the Board of Trade, to construct the requisite works for that purpose under the regulations provided in regard to works authorised by this Act.

236. *Power to borrow money for the construction of sewers.*—It shall be lawful for the Commissioners to borrow, for the purpose of making, purchasing, enlarging, ventilating, reconstructing, and maintaining sewers, and on the security of the said special sewer rates and general sewer rates, such sums of money, and at such times, as the Commissioners shall deem necessary for that purpose, and to assign the said special sewer rates and general sewer rates in security of the money to be so borrowed; and the provisions of this Act with respect to the borrowing of money and the granting of bonds therefor, and the transference and recording of such bonds, shall be applicable to the borrowing of money for such purpose; and the bonds to be granted for the money so to be borrowed shall, *mutatis mutandis*, be as near as may be in the form set forth in this Act for bonds to be granted for money borrowed under the general powers of this Act, and shall constitute a lien over the special sewer rates and general sewer rates thereby assigned, and shall entitle the creditors therein to recover the sums thereby due from the Commissioners and their officers out of the first and readiest of the said

special and general sewer rates: and the money so borrowed shall be applied wholly to the purpose aforesaid, and to no other purpose whatsoever; and the special and general sewer rates shall not be liable for nor be assigned in security of the payment of any sums borrowed by the Commissioners for any other than such purpose.

237. *Appeal by persons aggrieved by making, &c., sewers.*—It shall be lawful for any person whose property may be taken or injuriously affected by the making, altering, and maintaining sewers, or who may think himself thereby aggrieved, to appeal to the sheriff in manner after provided.

### Drainage of Houses.

238. *Commissioners may construct drains from houses, charging owners, &c., with the expense.*—If any house or building and its pertinents be at any time not drained by a sufficient drain or pipe communicating with some sewer or with the sea, to the satisfaction of the Commissioners, and if there shall be such means of drainage within one hundred yards of any part of such house or building, the Commissioners shall construct or lay therefrom a covered branch drain or pipe of such materials, of such size, at such level, and with such fall as they think necessary for the drainage of such house or building, its areas, waterclosets, and offices; and the expense thereof shall be recoverable from the owner of such house or building, over and above any sum that may be charged for the use of the sewers as after provided for.

239. *No house to be hereafter built without drains being constructed.*—No house or building shall be built upon a lower level than will allow the drainage of the wash and refuse thereof to fall into some sewer belonging to the Commissioners, either then existing or marked out upon the map herein directed to be made by them; and if there be such means of drainage existing within one hundred yards of such intended house or building, the Commissioners shall cause a branch drain leading thereunto from the intended site of such house to be made of such materials, of such size, at such level, and with such fall as they think fit; or if there be no such means of drainage within one hundred yards of any part of the said intended site of such house or building, then such drain shall be made so as to lead into such covered cesspool or other place as the Commissioners direct, not being under any dwelling-house or other occupied building, and shall be constructed and kept in complete repair to the satisfaction of the Commissioners, so as effectually to prevent any leakage or effluvium therefrom until such sewer as aforesaid is made by the Commissioners, when they shall make a drain to communicate with such new made sewer, and shall demolish and fill up any such cesspool; and all such expenses shall be recoverable from the owners as a private improvement assessment.

240. *Where houses are rebuilt, the level shall be sufficient to allow a drain to be constructed.*—Whenever any house is rebuilt, the level of the cellar or other lowest floor of such house shall be raised sufficiently to allow of the construction of such drain as is herein-before provided in the case of houses to be built after the application of this Act; and whenever any house is taken down to or below the ceiling of the floor, commonly called the ground or street floor, for the purpose of being built up again, such building shall be deemed a rebuilding within the meaning of this Act.

241. *Ventilation of house drainage.*—Proper ventilation shall, if required by the Commissioners, be provided in the drainage of every house or building by special pipe or shaft, or by such other method as they shall direct; and all other inlets to drains shall be properly trapped.

242. *Drains and cesspools to be kept in good order by owners.*—All branch drains, as well within as without the premises to which they belong, and all cesspools or reservoirs, shall be under the survey and control of the Commissioners, and shall be reconstructed or altered, repaired, and kept in proper order at the cost and charges of the owners of the premises to which the same belong, or for the use of which they are constructed or continued.

243. *Inspection of drains and cesspools.*—The surveyor of the Commissioners may, and when requested by the medical officer of health or the sanitary inspector shall inspect any drain or cesspool or reservoir, and for that purpose, at all reasonable times in the daytime, after twenty-four hours notice in writing to the occupier of the premises to which such drain or cesspool or reservoir is attached, may enter upon any premises with such assistants or workmen as may be necessary, and cause the ground to be opened where he thinks fit, doing as little damage as may be; and if such drain or cesspool or reservoir be found to be in proper order and condition, he shall cause the ground to be closed and made good as soon as may be; and the expense of opening, closing, and making good such drain or cesspool or reservoir shall in that case be defrayed by the Commissioners; and all branch drains which have been opened for repairs, or for any purpose whatever, shall not be covered up before they have been inspected and tested by the Commissioners or their surveyor, which inspection and testing shall be made within twenty-four hours after notice has been given by the owner of the branch drain; and any owner or agent or builder who opens or causes to be opened, and who covers up or causes to be covered up any branch drain without such notice to the Commissioners or their surveyor shall be liable to a penalty of five pounds; and the Commissioners may order such branch drain to be again uncovered for the purpose of inspection and test at the expense of the owner or agent or builder who opened or caused the drain to be opened.

244. *Penalty on persons making or altering drains, &c., contrary to orders of Commissioners.*—If such drain or cesspool or reservoir be on inspection found to have been constructed after this Act came into force, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, shall construct, rebuild, or unstop any drain or cesspool or reservoir, every person so doing shall be liable to a penalty not exceeding five pounds; and the Commissioners may cause such amendments or alterations to be made in any such drain or cesspool or reservoir as they think fit.

245. *Parties aggrieved may appeal to sheriff.*—It shall be lawful for any person whose property may be thereby taken or injuriously affected by the construction or use of house or branch drains, and who thinks himself thereby aggrieved, to appeal to the sheriff in manner herein-after provided.

### Soil-Pipes and Waterclosets.

246. *Water and waterclosets.*—Within one month after notice given by the Commissioners in writing for that purpose, the owner of every house or part of a house occupied by a separate family, into which water has not been already introduced, shall, subject to the provisions of any byelaws made by the Commissioners, introduce water thereto, and shall fit up in some window, recess, or other well-lighted and ventilated place, a sink sufficient to carry off the whole foul water; and after a like notice every such owner shall also, subject as aforesaid, provide for such house or part of a house occupied by a separate family, wherever practicable, a sufficient watercloset: Provided always, that if, in the opinion of the Commissioners, it is not advisable to introduce waterclosets into each house, or

part of a house, they, after a like notice, may, subject as aforesaid, require the owners of a tenement to construct on each flat, or in some convenient place or places adjacent to such tenement, a sufficient number of waterclosets for the separate use of each sex of the inmates and occupiers of the said tenements: Provided further, that this enactment shall not be enforced by the Commissioners where, from water not having been laid under sufficient pressure, or from drains being still unmade, or from any other cause, such works shall be impracticable or inexpedient.

247. *Owners of flats of houses to have supply pipe from water-pipe.*—It shall be lawful for the owners of any one or more floors or storeys of any house or other building to have a supply pipe from any water-pipe in the street brought up the common staircase, or along the back or side wall of the tenement on the outside, and either passing underground through the sunken story or lowest flat, or, where practicable, through any common entry: Provided always, that authority shall be first obtained from the magistrate, which may be granted summarily, on hearing the parties concerned, without written pleading, to lay and put up such pipe; and the expense thereof, and of keeping the same in repair, and the damage thereby occasioned to the street and otherwise, shall be defrayed by the person, owner or owners of the properties for which such supply pipe has been provided; and no person shall have power to join the supply pipe to any main pipe without the sanction of the magistrate so obtained, and of any water company or other persons who may supply such water.

248. *Soil-pipes may be carried through the different houses.*—Where there are two or more houses in any tenement, the owner and occupier of each house shall permit soil-pipes, if unavoidably necessary, to be carried through the same; and the owner and occupier of the lowest storey shall permit such soil-pipes, if necessary, to be carried through and under the same, and all such owners and occupiers shall at all reasonable times afford access to all such houses for the construction of the works, and for making all repairs necessary thereon, without any claim for compensation: Provided always, that the work shall be so executed at the sight of the burgh surveyor, and so as to occasion the least inconvenience to any such owner and occupier, and that any injury done to such houses in the execution of the works shall be forthwith repaired, and that the authority of the magistrate shall first be obtained, in the manner herein-before provided with respect to supply-pipes from water-mains.

249. *Penalty for introducing ashes into soil-pipes.*—The occupier of any house or other place into the cesspool or soil-pipe of which any ashes, or other matter calculated to choke the same, shall be introduced or allowed to enter by him or others in his house, shall be liable in a penalty not exceeding forty shillings, besides being liable to repair any damage.

250. *Owners of flats of houses may erect waste-pipes to communicate with drains.*—In all streets and other places where common sewers are or may be constructed, it shall be lawful for any owner of one or more floors or storeys of any house or other building divided into separate floors or storeys (on obtaining authority for the purpose from the magistrate summarily, on the report and recommendation of the surveyor, or of such other person skilled in building as any of the magistrates may appoint, and on hearing the parties interested), to erect a waste or foul water-pipe or soil-pipe with trap in or upon the common staircase, or upon any wall of the tenement on the outside, to communicate with any drain under ground leading into the common sewer where there is such drain, and with power to make such drain if none such already exist: Provided always, that the sanction of the Commissioners shall be obtained before connecting such drain with any common sewer in the street; and the expense and damage occasioned by

erecting and constructing such pipe, drain, and communication, with the expense of restoring the street, so far as interfered with, and the expense of keeping such drain and communication clean and in good repair, with such reasonable allowance for the use of the common sewer in the street as the Commissioners may fix, shall be defrayed by the owners of the floors or flats making use thereof, in proportion to their respective rents or annual value, as the same may be ascertained from the valuation roll or police assessment books or otherwise; and in case of dispute among the parties or any of them relative to their proportion of such expense, the same shall be determined by the magistrates, or any one of them, in a summary manner, and such decision shall be final.

251. *Construction of waterclosets, &c.*—The situation, dimensions, materials, and construction of every watercloset or earth-closet and privy shall be subject to the approval of the Commissioners, and every watercloset, earth-closet, or privy hereafter to be constructed shall be placed in such a position that one of its sides shall be an external wall, with a window therein, containing an area of at least six superficial feet, one-half of which shall be made to open; and the cistern which supplies the water-closet (except the service pipe connected therewith) shall have no communication with the watercloset: Provided that in the case of water-closets, earth-closets, or privies constructed prior to the passing of this Act it shall be optional for the Commissioners to require the owner or occupier to comply with the provisions of this section, or otherwise to provide ventilation therefor, and any owner or occupier who is dissatisfied with the requirement of the Commissioners may appeal to the sheriff, whose judgment shall be final.

252. *Construction of cesspools, &c.*—A cesspool shall not be allowed for any house or building except when unavoidable, in which event it shall be constructed in such situation and in such manner and under such conditions as the Commissioners direct. It shall in every case be made water-tight, it shall be arched or otherwise covered over, and shall have a current of fresh air conducted by pipe or shaft thereinto, and a pipe or shaft for ventilation shall be carried up from it or from the drain communicating with it from the watercloset or privy, as the Commissioners may direct.

253. *Construction of ashpits, &c., and use of same.*—The situation, dimensions, drainage, materials, mode of access, and construction of every ashpit shall be subject to the approval of the Commissioners, and shall be of sufficient size to contain the ashes and dry refuse likely to accumulate between such visits of the scavengers as the Commissioners may prescribe: Provided further, that if any person, not being the owner or occupier of the house or premises to which any ashpit belongs or is attached, shall deposit or use the said ashpit for the deposit of ashes or dry refuse, or any other matter or thing, such party shall be guilty of an offence, and on conviction thereof liable to a penalty not exceeding forty shillings.

254. *Owners to remove cesspools after notice.*—The owner of any privy, ashpit, cesspool, or midden, extending wholly or partially under or close to any room built before or after this Act comes into operation in the burgh, shall within one month after notice to that effect from the Commissioners remove or cleanse and rebuild up such privy, ashpit, cesspool, and midden.

255. *Power to enforce conversion of privies into waterclosets.*—Where any privy, ashpit, or cesspool is certified by the medical officer of health to be prejudicial to health, of defective construction, or without drainage, or in a bad state of repair, or to be so situate that the removal of filth or refuse therefrom is prejudicial to health, the Commissioners may, by written notice, require the owner of the same within a reasonable time, to be specified in the notice, to reconstruct, or alter, of

repair, such privy, ashpit, or cesspool, or to convert the privy into a watercloset or earth-closet, all as the case may require, to the satisfaction of the Commissioners; and the Commissioners may, if they think fit, order the removal of such privy, ashpit, or cesspool.

256. *Urinals, &c., attached to public-houses, &c.*—The Commissioners may order the owner or occupier of any inn, public-house, beerhouse, eating-house, cook-shop, or other place of public entertainment or amusement, built before or after this Act, to provide within such time as the Commissioners think fit, and thenceforward to maintain upon or adjoining his premises, waterclosets, earth-closets, and urinals, one or more, to the satisfaction of the Commissioners; and if any person fail in any respect to comply with the provisions of this enactment he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him, and the Commissioners may order the owner and occupier of any premises to remove any watercloset, earth-closet, or urinal belonging thereto, where it appears to them so situated or constructed as to be a nuisance or offensive to public decency, or otherwise objectionable, and all such urinals shall be cleansed once in twenty-four hours by the occupier of the house or place to which they belong, to the satisfaction of the Commissioners; and in default thereof such occupier shall be liable to a penalty not exceeding forty shillings for every offence.

## Supply of Water.

257. *Power to Commissioners to construct public cisterns and pumps for supply of water to baths and wash-houses.*—The Commissioners, except when provision is otherwise made under the authority of an Act of Parliament, shall cause all existing public cisterns, pumps, wells, conduits, fountains, and other waterworks used for the gratuitous supply of water to the inhabitants within the burgh, unless the water therein is found to be dangerous or injurious to health or unfit for dietetic purposes, to be continued, maintained, and supplied with water, or they shall substitute other such works equally convenient, and shall cause them to be maintained and supplied with water; and such public cisterns and other works shall be vested in the Commissioners, and be under their management and control; and the Commissioners may construct and maintain any number of new cisterns, pumps, conduits, fountains, and other waterworks for the gratuitous use of any persons who choose to carry the water away, not for sale, but for their own private use, and may supply with water any public baths or wash-houses.

258. *Commissioners may contract for supply of water.*—The Commissioners may contract, for any period not exceeding three years at one time, with the owners of any waterworks, or any other person, for such supply of water as the Commissioners shall think necessary for the purposes of this Act.

259. *For ascertaining price to be paid for water in case of dispute.*—If the Commissioners and the owners of any waterworks for supplying water within the burgh, with whom the Commissioners may be desirous of contracting for the supply of water to the inhabitants, do not agree as to the terms and conditions of the supply and the price to be paid for such supply, then such terms and conditions and price (except where by the Act authorising such waterworks some other mode of determining such terms and conditions and price shall be provided) shall be settled by arbitration, and for that purpose the clauses of the Lands Clauses Acts with respect to the settlement of disputes by arbitration shall be incorporated with this Act.

260. *Firecocks may be placed on pipes of water companies.*—It shall be lawful for the Commissioners, at the sight of the engineer of any water company established or to be established for supplying water within the burgh, or any company or corporation actually supplying water within the burgh, to place proper firecocks upon the pipes belonging to any such company within the burgh, at such convenient distances from each other and at such places as may be considered proper for the supply of the fire engines when brought into operation, the positions of such firecocks being first arranged by the Commissioners with the directors of such water company; and in case of difference of opinion between them, the same shall be determined by the sheriff, whose judgment thereon shall be final, and not subject to review.

261. *Commissioners may provide sufficient supplies of water, and may erect waterworks, &c.*—The Commissioners may provide the burgh with such a supply of water as may be proper and sufficient for the purposes of this Act, and may maintain such a constant flow of water, by means of a reservoir or reservoirs or otherwise, as may be requisite for the health of the inhabitants or the amenity of the burgh, and for private use to the extent required by this Act; and for other purposes, or any of them, the Commissioners may from time to time contract with any person whomsoever, or purchase, take upon lease, hire, construct, lay down, and maintain such reservoirs and waterworks, and do and execute all such works, matters, and things as shall be necessary and proper, including the opening of streets, public or private, from time to time for the purpose of laying down, altering, or repairing water pipes therein; and any waterworks company or owners or lessees of reservoirs may contract with the Commissioners to supply water for the purposes of this Act in any manner whatsoever, or may sell and dispose of or lease their reservoirs and waterworks to the Commissioners; and the Commissioners may provide and keep in any waterworks constructed or laid down by them under the powers of this Act a supply of pure and wholesome water, and the water so supplied may be constantly laid on at such pressure as will carry the same to the top storey of the highest dwelling-house within the burgh; and the Commissioners, by means of such reservoirs and waterworks, or either of them, may maintain such a constant flow of water as may be requisite for the health of the inhabitants or the amenity of the burgh: Provided always, that before constructing or laying down any waterworks under the powers of this Act, within any limits within, for, or in respect of which any waterworks company or water commissioners shall have been established for supplying water, the Commissioners shall give notice in writing to every waterworks company or water commissioners within whose limits the Commissioners may be desirous of laying on or supplying water, stating the purposes for and (as far as may be practicable) the extent to which water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any waterworks within such limits, if and so long as any such company or water commissioners shall be able and willing to lay on water proper and sufficient for all reasonable purposes for which it is required by the Commissioners; and in case any difference shall arise as to whether the water which any such company is able and willing to supply or lay on is proper and sufficient for the purposes for which it is required by the Commissioners, or whether the purposes for which it is required are reasonable, the same shall be settled by the sheriff, upon summary application by either of the parties, and the decision of the sheriff shall be final.

262. *Burghs having less than five thousand inhabitants may obtain from the sheriff compulsory powers for water supply.*—In every burgh having less than five thousand inhabitants at the date of the last census, if the Commissioners resolve that, in order to obtain a supply of water for the burgh, it is necessary for them

to acquire land otherwise than by agreement, they may, instead of proceeding under the Public Health Acts, present a petition to the sheriff in manner hereinbefore provided, and obtain his authority to put in force the provisions of the Lands Clauses Acts with reference to the acquisition of lands otherwise than by agreement.

263. *Service pipes to be laid by owners.*—Where the Commissioners resolve to supply the houses or tenements within the burgh with water for domestic and ordinary purposes, the owners of such houses and tenements shall be entitled to obtain such supply by connecting a service pipe with the main pipes to be laid down by the Commissioners, the expense of such service pipes and of connecting the same with the main pipes being defrayed by such owners ; and where the houses and tenements generally in any street within the burgh shall be supplied with water by means of such service pipes, it shall be competent to the Commissioners to require the owner of any tenement in such streets not so supplied to take a supply of water by connecting a service pipe with the main pipe as aforesaid ; and in the event of refusal or delay on the part of such owner to comply with such requisition, it shall be lawful for the Commissioners to enter such house or premises and proceed to lay down such service pipe themselves, and to recover the expense thereof from such owner ; and wherever it is practicable all supplies of water for domestic use shall be taken direct from the main or service pipes and not from cisterns.

264. *Water to be used only for domestic and ordinary purposes, unless by agreement with Commissioners.*—No person shall be entitled, without special agreement with the Commissioners, to use the water supplied through the pipes of the Commissioners, except for domestic and ordinary purposes ; but where there is a supply of water more than is required for such domestic and ordinary purposes within the burgh, it shall be lawful for the Commissioners to contract with any person or persons within the burgh to supply any public baths and washhouses, works, manufactories, or other premises within the burgh with water, at such rate and upon such terms and conditions as may be agreed on ; or, in the event of disagreement, either as to the ability of the Commissioners to give the supply, or as to the rate, terms, or conditions on or in respect of which the supply is to be given, the same shall be fixed by the sheriff, upon summary application by either of the parties, and the decision of the sheriff shall be final : Provided that when water is thus supplied from such surplus, it shall not be lawful for the Commissioners to charge the parties obtaining the same both with the portion of the burgh general assessment applicable to water supply, and also for the supply of water obtained by them ; but the Commissioners may either charge the said assessment leviable on such premises or charge for the supply of water furnished to the same, as they shall think fit ; and it shall also be lawful for the Commissioners to dispose of any surplus water, not required for any purpose within the burgh, to any person or persons outside the burgh, at such rate and upon such terms and conditions as may be agreed on.

It shall further be lawful for the Commissioners to dispose of any surplus water not required for any of the purposes aforesaid within the burgh to the commissioners or trustees of any harbour or other person owning or managing any harbour within or near to the burgh for the purpose of supplying vessels within the harbour and for the extinction of fires in such vessels, or in any buildings or other property within the limits of the harbour and subject to the administration of such commissioners or trustees of the harbour or other persons, and such commissioners or trustees of the harbour or other persons may demand and levy from the owner, master, agent, manager, or other person in charge of any vessel applying for and receiving such supply of water, a reasonable sum of money in respect thereof, and in the event of disagreement as to the rate, terms, or conditions on which such

supply shall be given by such commissioners or trustees of the harbour or other persons to such vessels, the same shall be fixed by the sheriff upon summary application by either of the parties, and the decision of the sheriff shall be final.

265. *Supply of water for domestic purposes.*—A supply of water for domestic and ordinary purposes shall not include a supply of water for cattle or for horses, or for washing carriages, or for steam engines, or for railway purposes, or for warming or ventilating purposes in public buildings, or for working any machine or apparatus, or for any trade, manufacture, or business whatsoever, or for watering gardens by means of any tap, tube, pipe, or other such like apparatus, or for fountains, or for flushing sewers or drains, or for public baths or washhouses, or for any ornamental purpose whatever.

266. *Drinking fountains.*—The Commissioners may from time to time erect and maintain, or allow to be erected and maintained, in any street or public place any ornamental drinking fountain or trough.

267. *Incorporation of certain provisions of the Waterworks Clauses Acts.*—With respect to the supply of water all the clauses and provisions of the Waterworks Clauses Acts, 1847 and 1863, and any Act amending the same, with respect to the following matters; (that is to say,)

The construction of the waterworks:
The communication pipes to be laid by the inhabitants:
Waste or misuse of the water supplied by the undertakers:
Guarding against fouling the water of the undertakers:
The payment and recovery of the water rates:
The recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices or to the sheriff:

shall, so far as the same are not varied by the provisions of this Act, be incorporated with this Act; and the expression "the undertakers" in the said Waterworks Clauses Acts shall, in reference to this Act, mean the Commissioners under this Act: Provided always, that the water to be supplied by the Commissioners need not be constantly laid on under pressure; and provided also, that for shops the water rate, or portion of burgh general assessment applicable to water, shall be chargeable only on one-fourth of the rental of the premises, unless in special circumstances the Commissioners see cause to charge the ordinary rates, and in that case it shall be lawful for any person who may think himself thereby aggrieved to appeal to the sheriff in manner herein-after provided.

268. *Byelaws in reference to water.*—It shall be lawful for the Commissioners to make byelaws regulating all or any matters and things whatsoever connected with the water to be supplied within the burgh through their pipes.

269. *Provisions with respect to supplying water not to apply in certain cases.*—The provisions of this Act with respect to supply of water shall not apply in the case of any burgh which is or may be before the thirty-first day of December, one thousand eight hundred and ninety-four, supplied with water under the powers of any local Act or Acts.

## Hackney Carriages, Omnibuses, and Porters.

270. *Hackney carriages to be licensed.*—The magistrates may from time to time license to ply for hire within five miles from the principal post office of the burgh such number of hackney coaches, omnibuses, or carriages of any kind or descrip-

tion, adapted to the carriage of persons, as they shall think fit, and they shall also license all other carriages let for hire within the burgh.

271. *Regulations for hackney carriages.*—With respect to hackney carriages the regulations contained in schedule V. of this Act shall be observed, but such regulations may be altered by the magistrates, with the approval of the sheriff.

272. *Regulations as to omnibuses or carriages plying within burgh.*—The magistrates may prevent within the limits of their jurisdiction the plying or running of omnibuses, tramway cars, or other carriages for the conveyance of passengers which shall be in a state of disrepair or insecurity, or not adapted in all other respects for the conveyance of passengers with safety and comfort, or drawn by horses not sufficiently strong or in good condition, or not sufficiently trained or broken-in, and that by refusing, suspending, or recalling licences, and imposing penalties not exceeding for each offence five pounds on the owners or contractors, guards or drivers of such omnibuses, tramway cars, or other carriages which shall, on the complaint of the burgh prosecutor, be found by the magistrate before whom such owners, contractors, guards, or drivers may be brought to be in an unsafe or unfit state for the conveyance of passengers, or drawn as aforesaid ; and the magistrates are further empowered to make byelaws for regulating the number of passengers to be carried by and times of running of such omnibuses, tramway cars, or other carriages, the places at which the same shall stand, the time at which the same shall start, and all other matters tending to promote regularity and public convenience and safety, and also for ensuring good conduct on the part of the passengers or other persons making use of such omnibuses, tramway cars, and other carriages, and to enforce such byelaws against persons found guilty of any breach thereof, upon the complaint of the burgh prosecutor and under a like penalty, and they may alter and repeal such byelaws from time to time.

273. *Cabmen's shelters.*—The Commissioners may authorise suitable erections for the use, convenience, and shelter of drivers of hackney carriages, omnibuses, and tramway cars, or of carters or porters, to be placed in such of the streets of the burgh as they may think fit, and may make regulations for the management and use of such places, and the conduct of the persons resorting thereto.

274. *Shoeblack stands.*—The Commissioners may authorise suitable moveable stands, for the purpose of enabling persons to follow the occupation of shoeblacks, to be placed in such streets as they may think fit, and they may make regulations for the conduct of such persons, and the use by them or the public of such stands.

275. *Magistrates may license porters and others who apply for license and badge of office.*—It shall be lawful for the magistrates to license all persons who may be desirous of becoming porters, messengers (that is to say, persons following the business of carrying errands, messages, parcels or luggage for hire), chimney sweepers, golf cadies, or vendors of newspapers or small wares within the burgh, after being satisfied as to their character and qualifications, and to grant them a license badge, for which a small sum shall be exigible, and which badge shall be held during their good behaviour ; and the magistrates may also make byelaws to regulate the conduct of all such persons and their charges, and from time to time to rescind, alter, or amend such byelaws, and shall set down what penalties shall be incurred by persons breaking or evading any of them, not exceeding the sum of ten shillings for each offence.

276. *Restriction as to vending by children.*—No child under the age of twelve years shall be permitted to vend newspapers or other articles within the burgh who has not obtained a license and a license badge from the magistrates ; nor

shall any child under the said age in any case be permitted to vend newspapers or other articles after nine of the clock at night; and the magistrates shall from time to time make such byelaws as shall to them seem proper to regulate the conduct of such children; and the parents and guardians of any child under the said age who knowingly suffer such child to vend newspapers or other articles without such license or after the said hour of nine of the clock at night, or to contravene any of the byelaws made by the magistrates, shall be liable on conviction to a penalty not exceeding twenty shillings for each offence; and any person supplying newspapers for the purpose of sale by any child, knowing such child to be under twelve years of age, and that such child has no license, shall be liable on conviction to a penalty not exceeding forty shillings for each offence.

### Markets.

277. *Commissioners' powers as to markets, &c.*—The Commissioners shall have power to do the following things, or any of them:

To improve any existing market places:

To provide a market place, and construct a market house and other conveniences for the purpose of holding markets:

To provide houses and places for weighing carts:

To make convenient approaches to such market:

To provide all such matters and things as may be necessary for the convenient use of such market:

To take stallages, rents, and tolls in respect of the use by any person of such market house:

But no market shall be established in pursuance hereof so as to interfere with any rights, powers, or privileges enjoyed by any person without his consent.

For the purpose of enabling the Commissioners to establish markets in manner aforesaid, or to improve and regulate markets already established in any burgh, there shall be incorporated with this Act the provisions of the Markets and Fairs Clauses Act, 1847, and the Markets and Fairs (Weighing of Cattle) Act, 1887, in so far as the same relate to markets:

With respect to the holding of the market or fair and the protection thereof; and

With respect to the weighing goods and carts; and

With respect to the stallages, rents, and tolls; and

With repect to byelaws:

Subject to this proviso, that all tolls leviable by the Commissioners in pursuance of this Act shall be approved of by the sheriff.

### Slaughter-Houses.

278. *Commissioners may license slaughter-houses.*—The Commissioners may provide, establish, improve, or extend, within or without the burgh, fit shambles or slaughter-houses for the purpose of slaughtering cattle, and for that purpose may borrow such sums of money as they shall find necessary, on the security of the burgh general assessment, and of the rates to be taken and levied for the use of such shambles and slaughter-houses, and of the shambles or slaughter-houses and ground on which the same are erected, or on any one or more thereof, and they may also license such slaughter-houses as they may from time to time think proper for slaughtering cattle within the burgh.

And where in any burgh the Commissioners, or their predecessors in office, shall have provided and established such shambles or slaughter-houses, and shall have paid for that purpose moneys out of the police or other funds under their charge, the Commissioners may repay such moneys out of the burgh general

assessment, or out of any moneys borrowed on the security thereof, in so far as the moneys so paid exceed in amount the moneys borrowed for the purposes of such shambles or slaughter-houses, under the powers of any special Act or provisional order, and may for the purpose of such repayment borrow money on the security of the burgh general assessment; and they may also apply any funds under their charge towards the maintenance and management of such shambles or slaughter-houses, and the payment of any feu duties or other annual burdens affecting the same, in the event of the rates levied for the use thereof not being sufficient for those purposes.

279. *No slaughter-houses in future to be erected without a license.*—No place shall be used or occupied as a slaughter-house within the burgh unless and until a license for the erection thereof, or for the use or occupation thereof as a slaughter-house, has been obtained from the Commissioners; and every person who, without such license, uses as a slaughter-house any place within the burgh, shall for each offence be liable to a penalty not exceeding five pounds, and a like penalty for every day after the conviction for such offence upon which such offence is continued.

280. *Officer of health to report on sanitary condition of slaughter-houses.*—The medical officer of health of the burgh shall report to the Commissioners on the sanitary condition of all slaughter-houses belonging to or licensed by the Commissioners at least twice every year, and he, as well as the sanitary inspector, and any other person who may be specially appointed by the Commissioners for the purpose, shall have right of access to such slaughter-houses at all reasonable times for the purpose of inspecting the same.

281. *Commissioners may make byelaws for regulation of slaughter-houses, &c.*—The Commissioners shall from time to time make byelaws to be confirmed in the manner herein provided, for the licensing, registering, regulation, and inspection of slaughter-houses, and preventing cruelty in slaughter-houses, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours, and for having them properly floored, drained, and provided with a sufficient supply of water, and they may impose pecuniary penalties on persons breaking such byelaws; provided that no such penalty exceed for any one offence the sum of five pounds, and in the case of a continuous violation of such byelaws, the sum of ten shillings for every day during which such nuisance shall be continued after the conviction for the first offence.

282. *License of slaughter-houses may be suspended in addition to penalty imposed.*—The magistrate before whom any person is convicted of killing or dressing any cattle contrary to the provisions of this Act, or of the said byelaws in addition to the penalty imposed may suspend for any period not exceeding two months the license granted to such person; and such magistrate, upon the conviction of any person for a second or other subsequent like offence, may, in addition to the penalty imposed, declare the license granted to be revoked; and whenever the license of any such person is revoked as aforesaid the Commissioners may refuse to grant any license whatever to him.

283. *Penalty for slaughtering cattle during suspension of license, &c.*—Every person who, during the period for which any such license is suspended, or after the same is revoked as aforesaid, slaughters cattle in the slaughter-house to which such license relates, or otherwise uses such slaughter-house, or allows the same to be used as a slaughter-house, shall be liable to a penalty not exceeding five pounds for such offence, and a further penalty of five pounds for every day on which any such offence is committed after the conviction for the first offence.

284. *If Commissioners provide slaughter-houses, no other places to be used.*—If the Commissioners have provided under any former Act or resolve to provide and establish, and do provide and establish, shambles or slaughter-houses, as herein provided, no person shall thereafter slaughter any cattle or beasts, or scald or dress the carcases of any slaughtered cattle, or cause the same to be done, within the boundaries of the burgh, elsewhere than within the said slaughter-houses, under a penalty of five pounds for each offence; provided always that this enactment shall not apply to any owner or occupier within the burgh who may keep any cattle or beasts within the burgh, and who may kill the same for his own or family consumption; and it shall be lawful for the Commissioners to charge, for the use of the said slaughter-houses, such reasonable rate or sum as may be agreed on between them and the persons using the same; and in case of difference as to the rate to be taken for the use of such slaughter-houses, the same shall, upon the application of either party, and after seven days' previous notice to the other party of such intended application, be fixed by the sheriff in a summary manner, and the decision of the sheriff shall be final.

And to prevent evasion of the use of such slaughter-houses, all persons who shall, after such slaughter-houses are provided, bring within the boundaries of the burgh, for sale or consumption therein, the carcase or part of a carcase of any cattle or beast slaughtered within the distance of two miles beyond such boundaries elsewhere than in slaughter-houses provided or duly licensed in pursuance of any Act of Parliament shall, on bringing such carcase or part of a carcase within the said boundaries, be liable in payment to the Commissioners of the amount of the rates or sums then being levied for cattle or beasts slaughtered in such slaughter-houses provided by them: Provided that where before the passing of this Act or within one year thereafter, any burgh shall have erected slaughter-houses, no other slaughter-house shall be erected within the distance of two miles from the existing boundaries of such burgh, unless either it is erected with the consent of the Commissioners of such burgh or is situated within the area of another burgh.

285. *Places for slaughtering horses to be licensed.*—It shall not be lawful to use any place within the burgh for the slaughtering of horses, or as a place of deposit for the carcases of the animals, unless and until every such place is licensed by the Commissioners, who are hereby authorised to give and recall such licenses at pleasure; and it shall not be lawful to carry or convey within the burgh any dead horse unless in a covered cart or waggon, or unless the dead carcase be sufficiently covered; and any person who shall offend against this enactment shall be liable for a penalty not exceeding ten pounds, and a further penalty not exceeding two pounds for every day on which such offence shall continue.

286. *Saving for Acts, &c. relating to dairies, slaughter-houses, &c.*—Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts, 1878 to 1890, or of any order, licence, or act of the Board of Agriculture made, granted, or done, or to be made, granted, or done thereunder, or of any order, regulation, license, or act of a local authority made, granted, or done, or to be made, granted, or done, under any such order of the Board of Agriculture, or prohibit or interfere with the slaughter of any animals in accordance with the provisions of the said Act or of any such order, license, or regulation.

287. *Offences under* 29 *&* 30 *Vict., c.* 16.—The provisions of the Cattle Sheds in Burghs (Scotland) Act, 1866, or any Acts amending the same, may be carried into effect and enforced in the burgh by the magistrates, and offences against the same may be tried by the magistrate as police offences, and the penalties may be recovered and applied in the same way as penalties for police offences under this Act.

### Public Clocks.

288. *Power to Commissioners to provide public clocks.*—The Commissioners may from time to time provide and maintain such clocks as they consider necessary, and cause them to be fixed upon or against any public building, or, with the consent of the owner or occupier, upon or against any private building, the situation of which may be convenient for that purpose, and from time to time alter and remove any such clocks to such other like situation as they shall consider expedient, and the Commissioners may from time to time light all clocks belonging to, or hired by or lent to them, or which may be dedicated for public purposes: Provided that in the case of any post office or other Government building the consent of the post office or other Government authority in charge of such building shall be first obtained to the fixing, alteration, and removal of any such clock.

### Fire and Fire Establishment.

289. *Penalty for wilfully setting chimneys on fire.*—Every person who wilfully sets or causes to be set on fire any chimney shall be liable to a penalty not exceeding five pounds; Provided always, that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be indicted or prosecuted therefor before any criminal court.

290. *Penalty for allowing chimneys to catch fire.*—If any chimney catch or be on fire, the person occupying or using the premises in which such chimney is situated shall be liable to a penalty not exceeding ten shillings, unless he shall prove to the satisfaction of the magistrate that such fire was in nowise owing to omission, neglect, or carelessness of himself or servant, and such person shall pay the expenses incurred in extinguishing the fire, as the same shall be fixed by the magistrate.

291. *Fire engines may be provided.*—The Commissioners may purchase or provide such engines for extinguishing fire, and such water buckets, pipes, and other appurtenances for such engines, and such fire escapes and other implements for safety or use in case of fire, and may purchase, keep, or hire such horses for drawing such engines, as they think fit, and may build, provide, or hire places for keeping such engines with their appurtenances, and may employ a proper number of persons to act as firemen, and to be named the fire brigade, and may appoint a firemaster, who may be the chief constable, and who shall be the superintendent of the fire brigade, and may provide suitable dwellings for such firemaster and firemen, and make such rules for their regulation as they think proper, and give such firemaster and firemen such salaries and such rewards for their exertions in cases of fire as they think fit.

292. *Index plates showing position of fireplugs.*—The Commissioners may cause to be put up, at or upon the railings or in or upon the walls of buildings or elsewhere in the streets, public or private fire alarms, battery boxes and index plates, or make markings showing the position of the fireplugs in such streets or places, and may put down fireplugs in any footpath or street whether public or private, and may attach telephone or telegraph wires necessary for the working of the fire establishment to any land or heritage without being liable to any claim for compensation for so doing; and any person who shall cause any obstruction to the putting up of such plates or markings or who shall pull down, injure, deface, or destroy the same, or shall wantonly ring any such fire alarm, shall be liable to a penalty not exceeding five pounds for each offence; and any person feeling himself aggrieved as to the mode in which the Commissioners may carry out any of

the powers herein contained may appeal to the sheriff, whose decision shall be final: Provided that no such telephone or telegraph wires shall be used, nor shall the powers herein contained be in any way exercised in contravention of the exclusive privileges conferred on Her Majesty's Postmaster General by the Telegraph Act, 1869.

293. *Power to enter and break open premises in case of fire.*—The fire brigade may enter, and, if necessary, break into any building in the burgh being on fire, or any buildings or lands adjoining or near thereto, without the consent of any owner or occupier thereof respectively, and may do all such acts and things as they may deem necessary for extinguishing fire in any such building, or for protecting the same or rescuing any person or property therein from fire; and any damage done in the exercise of such powers shall be deemed to be damage done by fire.

294. *Senior officer of fire brigade to have control of operations.*—The senior officer of the fire brigade present at any fire shall have the sole charge and control of all operations for the extinction of such fire, whether by the Commissioners' engines or appliances, or any other or others, including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes or water supply, the shutting off the water from other parts of the building on fire or of adjoining buildings against which the water is to be directed.

295. *Power to shut up streets temporarily.*—The senior officer of the fire brigade or of police present on the occasion of any fire shall be entitled, where he considers the same necessary, to enable the fire brigade better to discharge their duties, or for the protection of the hose or other appurtenances, or for the safety of the public, to shut up temporarily by means of a guard of constables or other persons, or a rope, chain, tressels, or barricade, any street, court, or passage in or near the place where such fire exists; and every person wilfully using such street, court, or passage while it is temporarily shut up, without the consent of the fire brigade or police, shall be liable to a penalty not exceeding five pounds.

296. *Burgh prosecutor, &c., shall examine witnesses as to cause of fire.*—The burgh prosecutor or depute burgh prosecutor shall examine and take the evidence of all or any parties reasonably supposed by him to be able to give information as to how the fire originated; and any parties refusing to be examined shall be liable to a penalty not exceeding ten pounds, but parties suspected of wilful fire-raising shall not be bound to give evidence or be examined by the burgh prosecutor or depute burgh prosecutor relative to such fire.

297. *Police may retain possession of premises till case reported to burgh prosecutor.*—The chief constable or chief officer of police shall, if he consider it necessary for the ends of justice, be entitled to retain possession of the premises in which the fire has occurred until twenty-four hours after the circumstances of the fire have been reported to the burgh prosecutor.

298. *Fire police permitted to go beyond the limits of the burgh in certain cases.*—The Commissioners or the firemaster may use such engines, with their appurtenances, and the said firemen, beyond the boundaries of the burgh, for extinguishing fire in the neighbourhood of the burgh; and the owner or, if the Commissioners think fit, the occupier of the premises where such fire shall have happened shall in such case defray the actual expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable charge for the use of such engines, with their appurtenances, and for the attendance of such firemen; and in case of any difference between the Commissioners and the owner or occupier of such premises,

the amount of the said expenses and charge shall be determined by the sheriff, whose decision shall be final; and the amount of the said expenses and charge shall be recoverable by the Commissioners as any debt may be recovered.

299. *Statement of expenses attending fires to be made up by firemaster.*—The firemaster shall make up and deliver to the Commissioners a statement of the whole expense attending each fire, which shall include the wages payable to the firemen and other persons employed at it, the rewards or premiums which he recommends to be given to them, the outlay incurred in taking them and the engines to the spot where such fire occurred, and in obtaining a supply of water, and other the like expense, and such statement, in so far as approved of or as altered by the Commissioners, shall be primâ facie evidence of the amount of expenses attending the said fire.

## Public Bathing, &c.

300. *Bathing machines and bathing.*—Where any part of the seashore or strand of any river used as a public bathing place is within the burgh, the magistrates may make byelaws for the following purposes; that is to say,

For fixing the stands of bathing machines on the seashore or strand, and the limits within which persons of each sex shall be set down for bathing, and within which persons shall bathe:

For regulating the occupation of such stands of bathing machines, and apportioning the same temporarily among the owners of such machines for the time:

For preventing any indecent exposure of the persons of the bathers:

For regulating the manner in which and the times at which the bathing machines shall be used, and the charges to be made for the same:

For insuring that the bathing machines shall be kept in a proper state of repair:

For regulating the distance at which boats and vessels let for hire for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within such prescribed limits:

When bathing machines are not used, the magistrates shall have power to regulate the places and hours for both sexes bathing.

301. *Power to provide drags, life-buoys, &c.*—The Commissioners may from time to time provide and maintain drags, life-buoys, and other implements for the prevention of drowning, and employ such persons as superintendents and servants for that purpose, on such terms, and allow them such wages and rewards for exertion, and make such byelaws for their government as the Commissioners think fit.

302. *Precautions in skating and bathing.*—Every person who persists in going upon the ice on any skating pond, loch, pool, or place partly or wholly within the burgh belonging to or under the charge of the Commissioners, or open to the public, at any time when placards are exhibited or other signals intimating that it is in a dangerous state, and every person who wilfully breaks the ice on any such pond or place, and every person who goes beyond the ropes or danger signals at any open bathing place under the charge of the Commissioners, shall be guilty of an offence, and, on conviction, liable to a penalty not exceeding forty shillings.

303. *Seashore adjoining burgh.*—Subject to the rights of the Crown, with consent of the Board of Trade, and without prejudice to any existing right of pro-

yy, the Commissioners shall have jurisdiction over the seashore down to water mark, and the strand adjoining the same, within or *ex adverso* of the gh, for the purpose of preventing nuisance, and preserving and improving the nity of the burgh, with power to the Commissioners to make byelaws for ulating the use of such seashore and strand by the public for bathing, recrea-, and general purposes; and, without prejudice to any existing right of pro-y, from and after this Act coming into operation, no sewage or other offensive ter shall be allowed to run over such seashore or strand.

304. *Special enactments where sea-shore and strand are within burgh.*—Where, in so far as the seashore and strand of the sea or of any tidal river, so far as tide flows, are within the boundaries of the burgh, subject to the rights of the wn, with consent of the Board of Trade, and to any existing rights of property, following enactments shall be applicable to the burgh:

(1.) No boat or vessel shall be let for hire by any person for the purpose of sailing or rowing for pleasure from the sea beach or any pier or jetty within the boundaries of the burgh, except under license from the magistrates, who shall have power to require that every boat or vessel let for hire as aforesaid shall be made good and seaworthy to their satisfaction, and to impose such other conditions in granting a license as they may think necessary for the safety of the lieges, and such license, when granted, shall continue in force until the term of Whitsunday in each year, and no longer, unless sooner revoked or suspended, which the magistrates are hereby authorised to do on legal conviction of any violation of any conditions of such license; and if any person shall within the burgh let for hire any boat or vessel for the purpose aforesaid, without having first obtained a license, or after the revocation or suspension thereof, or shall contravene the terms of such license, such person shall for each offence be liable to a penalty not exceeding five pounds:

(2.) The magistrates shall have jurisdiction over the sea beach or strand down to low-water mark within the boundaries of the burgh for the purpose of preventing the riding or driving of any horse or carriage, except for such times and hours as the magistrates shall see fit, and of regulating the hiring of ponies and donkeys for pleasure riding thereon, and shall have power to make byelaws for said purposes, and to impose a penalty for breach thereof, not exceeding the sum of forty shillings for any one offence:

(3.) No person shall erect any booth, stall, or stand for the sale of goods, wares, or merchandise of any kind, on the seashore or strand within the burgh, except under authority from the magistrates, and only at such places thereon as they may appoint; and any person who shall contravene this enactment, shall be liable to a penalty not exceeding forty shillings.

305. *Saving rights of the Crown in the foreshore.*—Nothing contained in this Act shall authorise the Commissioners or magistrates to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river channel, creek, bay or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, or of Her Majesty's Commissioners of the Woods and Forests, without the previous consent in writing of the Board of Trade, or of the Commissioners of the Woods and Forests respectively, on behalf of Her Majesty: neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exercisable by the Queen's Majesty, Her heirs or successors.

SPECIAL ORDERS.

306. *Special orders, procedure and restrictions in cases of.*—Where by this Act the Commissioners are empowered to do anything by special order only, it shall not be lawful for them to do such thing unless the resolution so to do shall have been agreed to by two-thirds of the Commissioners present at a meeting whereof special notice has been given, and has been confirmed by two-thirds of the Commissioners present at a subsequent meeting, held not sooner than four weeks after the preceding meeting, and which subsequent meeting has been advertised once at least in each of the weeks intervening between the two meetings in some newspaper circulating within the burgh, if any be, or otherwise, in some newspaper circulating in the county in which the burgh is situated, and of which special notice in writing has been given to each of the Commissioners. Provided always, that after any resolution has been confirmed at a subsequent meeting as aforesaid the Commissioners shall not proceed to carry the same into effect until after the expiration of one month from the date of such second meeting, and during such month such resolution shall be advertised once at least in each week in such newspaper as aforesaid, and public notice thereof shall also be given by means of placards posted in public places within the burgh, and reference shall, in such advertisement and notice, be made to some place provided by the Commissioners where the plan or particulars of the work or matter to which such resolution relates may be gratuitously seen by the ratepayers; and if before the expiration of such month a representation in writing by seven or more householders against carrying into effect such resolution or any part thereof be lodged with the Commissioners, such resolution, or such part thereof as such representation applies to, shall not be carried into effect unless confirmed by a majority of the householders qualified and voting at the poll to be taken thereanent; and upon such representation being lodged as aforesaid, the Commissioners, or the chief magistrate of such burgh, shall be bound to direct a poll to be taken in the manner herein prescribed in regard to polls for the adoption of this Act, and the whole enactments and procedure provided in regard to such polls shall, so far as applicable, extend and apply to the poll hereby authorised and directed to be taken: Provided always, that where any such representation applies to part only of such resolution, the Commissioners may either carry into effect the remainder of such resolution, or rescind the same, as they think fit; but provided also, that if the said resolution shall not be so confirmed, it shall be lawful for the Commissioners, as often as they shall think proper thereafter, but not sooner than one year from the date of any preceding resolution, by such and the like procedure, again to adopt the same, but such resolution shall always be subject to be confirmed by the electors in the event of a representation being made thereagainst, all in manner above provided.*

307. *Lands and grounds for public recreation.*—The Commissioners may after resolution, by special order, as herein defined, purchase, rent, or otherwise provide lands, grounds, or other places, either within the burgh, or at a reasonable distance therefrom, not exceeding two miles from the boundary of the burgh, to be used as a pleasure ground or place of public resort or recreation; and the Commissioners may from time to time level, enclose, drain, plant, light, and otherwise lay out and improve any such public lands or grounds for the more convenient use and enjoyment thereof, and make and maintain roads to and within and seats on the same, and make byelaws for the regulation thereof; but nothing in this section shall affect the powers of the Commissioners under the Public Health Acts or the Public Parks (Scotland) Act, 1878.

308. *Commissioners may manage open spaces, &c.*—The Commissioners may accept the management and control of any park or open space devoted to the

* The procedure under 56 and 57 Vict., c. 25, is applicable to a poll under the above section.

blic use in or near the burgh; and it shall be lawful for the Commissioners to pply money levied under the burgh general assessment, or under the Public ealth Acts or under the Public Parks (Scotland) Act, 1878, for the purpose of aintaining commons, parks, or open spaces, and for defending public rights erein.

3309. *Public baths and drying grounds.*—The Commissioners may after resolution, by special order, as herein defined, but not otherwise, purchase, rent, or herwise provide, either within the burgh, or at a reasonable distance therefrom, itable and convenient premises to be used for public baths and wash-houses, and blic covered or open bathing places, and public drying grounds, for the use and commodation of the inhabitants within the burgh in washing and drying clothes d other articles, and may fit up the same respectively with all requisite and pper conveniences, and from time to time enlarge, renew, and repair the same spectively, and afford the use thereof respectively to such inhabitants at such asonable charges, and under and subject to such byelaws as the Commissioners ay deem expedient; and every person who offends against any such byelaws all be liable to a penalty not exceeding forty shillings for every offence.

3310. *Proportion of baths for working classes.*—The number of baths for the use the working classes provided by the Commissioners shall not be less than twice e number of the other baths of higher class.

3311. *Charges for use of baths.*—The Commissioners may make such reasonable arges for the use of such baths, bathing places, wash-houses, and drying grounds they think fit.

3312. *Recovery of charges for use of baths, &c.*—For the recovery of the charges such wash-houses and drying grounds, the officers, servants, and others having e management thereof may, at the period of using the same, or at any subsequent me detain the clothes or other goods and effects, in or upon any such wash-house drying ground, of any person refusing to pay the charge to which such person ay be liable, or any part thereof, till full payment thereof be made; and in case ch payment be not made within seven days, the Commissioners may sell such thes, goods, and effects, or any of them, returning the surplus proceeds of such le, after deducting the unpaid charge and the expenses of such detention and le, and the unsold articles, if any, on demand to such person.

3313. *Publication of byelaws in regard to baths, &c.*—A printed copy or sufficient stract of the byelaws made by the Commissioners relating to the use of such ths, bathing places, and wash-houses, so far as regards every such bath, bathing ace, or wash-house, shall be put up in such bath room, bathing place, and wash-use.

3314. *Sale of baths, &c., on discontinuing them.*—Whenever any of such public ths, bathing places, wash-houses, or drying grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners ay after resolution, by special order, as herein defined, but not otherwise, discontinue the same, and sell the lands, buildings, and materials for the best price at can reasonably be obtained, and convey the same accordingly; and the rchase money shall be paid to the treasurer of the Commissioners, and be disesed of for behoof of the burgh as the Commissioners direct.

3315. *Commissioners may erect a public hall, &c.*—The Commissioners may after solution, by special order, as herein defined, but not otherwise, acquire ground r the erection of and may thereafter erect thereon a public hall and offices, and a urt-hall and police offices, with all public conveniences thereto, and also such

number of houses for the accommodation of constables as they may consider necessary, or may acquire any building or block of buildings already erected, and which may be suitable for such halls and offices, and may repair the same from time to time, and they may also contribute towards the expenses of enlarging any existing townhall, or municipal buildings the property of the burgh, and furnish and fit up the same, and employ proper persons to take care thereof; and for that purpose it shall be lawful for them to apply, for a period not exceeding twenty years, the general improvement assessment hereby authorised to be levied, or such portion thereof as they may think proper, towards the expense of such acquisition, erection, furnishing, and fitting up; and they shall be and are hereby authorised, upon the security of the said general improvement assessment, to borrow, as herein-after provided with regard to the borrowing of money, such sum as they may require for that purpose.

### Byelaws to be made by virtue of this Act.

316. *Byelaws.*—The Commissioners may from time to time make byelaws as they think fit for the purposes after mentioned, *videlicet*:—

#### A.—For General Purposes.

(1.) For preventing nuisances and annoyances in any street, or any other place within the burgh:
(2.) For controlling persons offering to purchase or sell old clothes:
(3.) For preserving and regulating public bleaching greens, drying greens and grounds, public wash-houses, baths, gymnasiums, pleasure grounds and places of public resort or recreation, and open spaces, and preventing offences, nuisances, and annoyances therein:
(4.) For fixing the times of lighting and extinguishing the lights in common stairs, passages, or private courts, and the order or rotation in which the occupiers of houses or flats in common stairs, passages, or private courts shall be responsible for the lighting and extinguishing of such lights:
(5.) For regulating the beating or shaking of carpets, rugs, or mats, in streets or courts, and open spaces and squares held in common, and the hours within which carpets, rugs, or mats may be beaten or shaken:
(6.) For regulating the fencing, pulling down, clearing out, or securing of ruinous or unclaimed lands and heritages:
(7.) For regulating the driving of cattle through the streets and prescribing through what streets and at what hours cattle may be driven:
(8.) For the better preservation of any common, links, bleaching green, recreation ground, open area, or space, or other places of public resort or recreation existing within the burgh, and for regulating the use of the same, and for ensuring good order in the use thereof: Provided that if any adjoining burgh has any right or interest in such common, links, open area, or space, or other place of public resort or recreation, all such byelaws shall also be subject to the consent and approval of the magistrates and council or the Commissioners of such burgh; and in case of any difference or dispute the sheriff shall hear the parties, and decide all questions in reference to such byelaws, and his decision shall be final:
(9.) For providing that drift logs of wood are secured by the owners:
(10.) For carrying out or enforcing any other provisions of this Act not herein specially mentioned.

B.—For Sanitary Purposes.

(1.) For inspecting all places where horses are killed, and carrion is kept or sold, and keeping such places in a cleanly and proper state, and removing the filth therefrom, and requiring that all such places shall be provided by the occupiers with proper paving, drainage, and a sufficient supply of water:

(2.) For removing the contents of ashpits, dungsteads, drains, cesspools, water-closets, lavatories, baths, and privies within reasonable periods, for preventing foul water soaking from any house or building, and for preventing any ashpit, dungstead, privy, drain, ditch, cesspool, dunghill, or manure heap from being a nuisance or annoyance:

(3.) For inspecting and periodical cleaning of cisterns erected in buildings for the use of two or more families:

(4.) For regulating the time and mode of the removal of any offensive matter or thing:

(5.) For regulating the keeping of depôts of bones, carrion, rags, or any other offensive matter or thing:

(6.) For reducing or removing the noxious or injurious effects attending the business of a blood boiler, bone boiler, tanner, slaughterer of horses or animals of any description, soap boiler, tallow melter, tripe boiler, or other noxious or offensive business, trade, or manufacture:

(7.) For providing that cattle, dogs, and poultry shall not be kept in such places or in such manner as to be a nuisance or annoyance to the inhabitants; for prescribing the situations or places in which swine may be kept, and for prohibiting, on cause shown, the keeping of swine:

(8.) For requiring owners or occupiers of houses and buildings to keep clean closes, areas, courts, passages, stairs, roofs of outhouses, and common water-closets, and thoroughfares owned or occupied by them; and also for paving private courts, common passages, and common areas other than bleaching greens:

(9.) For regulating the sweeping and cleansing of common stairs in accordance with the sections of this Act relating to cleansing and fencing and keeping the same clear of obstruction:

(10.) For carrying out the provisions of sections two hundred and thirty-eight to two hundred and fifty-six, both inclusive.

The Commissioners may from time to time repeal, alter, or amend any such byelaws, provided the byelaws after such repeal, alterations, or amendment, be not repugnant to the law of Scotland or the provisions of this Act, and be reduced into writing, and have affixed thereto the signatures of three of the Commissioners, and also of the clerk, and if they affect other persons than the officers or servants of the Commissioners, be confirmed and published as herein provided.

317. *Byelaws may be enforced by imposition of penalties.*—The magistrates and the Commissioners, by the byelaws authorised by this Act so to be made by them respectively, may impose such reasonable penalties as they think fit, not exceeding forty shillings for each breach of such byelaw, and in case of continuous violation of such byelaws, the sum of ten shillings for every day during which such violation shall be continued; and may regulate the fees to be paid to them or to their officers, or others employed by them in connexion with the inspection of plans, records, or other documents in their possession, and with applications for their sanction or authority to the execution of works to which by this Act such sanction or authority is requisite: Provided always, that such byelaws be so framed as to allow the magistrate before whom any penalty imposed thereby is sought to be recovered to order the whole or part only of such penalty to be paid, or to remit the whole penalty.

318. *Byelaws to be confirmed.*—No byelaws made under the authority of this Act, except such as relate solely to the Commissioners or their officers or servants shall come into operation until the same be confirmed by the sheriff, or, in the case of byelaws relating to sanitary matters, by the Board of Supervision, and authenticated by the signature of the sheriff or the chairman of the board respectively; and it shall be incumbent on the sheriff, on the request of the Commissioners, to inquire into any byelaws tendered to him for that purpose, and to allow or disallow the same as he may think fit. Before coming into operation the said byelaws shall also be confirmed by the Secretary for Scotland.

319. *Notice of confirmation to be given.*—No such byelaws shall be confirmed unless notice of the intention to apply for a confirmation of the same has been given in one or more newspapers circulating within the burgh, if any be, or otherwise, in some newspaper circulating in the county in which the burgh is situated, one month at least before the hearing of such application; and any person desiring to object to any such byelaw, on giving to the magistrates and the Commissioners respectively notice of the nature of his objection ten days before the hearing of the application for the allowance thereof, may, by himself, or his counsel or agent, be heard thereon, but not so as to allow more than one objecting party to be heard on the same matter of objection without leave of the sheriff.

320. *A copy of proposed byelaws to be open to inspection.*—For one month at least previous to any such application for confirmation of any byelaw, a copy of the proposed byelaw shall be kept at the office of the clerk of the Commissioners, and all persons may at all reasonable times inspect such copy without fee or reward; and the magistrates and the Commissioners respectively shall furnish every person who applies for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words so to be copied.

321. *Publication of byelaws.*—Byelaws, when confirmed, shall be printed; and the clerk to the Commissioners shall deliver a printed copy thereof to every person applying for the same at a charge not exceeding one penny; and a copy thereof shall be painted or printed or placed on boards, which shall be hung up on the front or in some conspicuous part of the principal office of the Commissioners, and also on some conspicuous part of the works or locality to which the same relate for a period of not less than three months after the date of such confirmation; and any such clerk who does not allow the same to be inspected at all reasonable times shall for every such offence be liable to a penalty not exceeding five pounds.

322. *Byelaws to be binding on all parties.*—Byelaws, when so confirmed and published, shall be binding upon and be observed by all parties, and shall be sufficient to justify all parties acting under the same.

323. *Evidence of byelaws.*—The production of a written or printed copy of any byelaws authenticated by the signature of the clerk shall be evidence of the existence and of the due making of such byelaws, and of the proper publication thereof, in all prosecutions under the same, unless proof to the contrary be adduced by the party complained against.

324. *Burgh byelaws not annulled.*—Nothing herein contained shall be held to annul the byelaws, rules, orders, or regulations in force in any burgh except in so far as they are inconsistent with the provisions of this Act.

## Execution of Works.

### *By Commissioners.*

325. *Commissioners empowered to enter upon premises for purposes of this Act.*—The Commissioners shall for the purposes of this Act have power, by themselves or their officers, to enter at all reasonable hours in the daytime into and upon any premises within the burgh, as well for the purpose of inspection as for the purpose of executing any work authorised to be executed by them under this Act, without being liable to any legal proceedings on account thereof: provided always that, except when herein otherwise provided, the Commissioners or their officers shall not make any such entry, unless with the consent of the occupier, until after the expiration of forty-eight hours' notice for that purpose given to the occupier.

326. *Penalty on persons obstructing Commissioners or workmen employed by them.*—Every person who shall at any time obstruct the Commissioners, or shall assist, obstruct, or molest any workman or other person employed in the execution of any duty or the performance of any work, by virtue of this Act, or of any warrant of the magistrates, or any of them, or of any byelaw, regulation, or order of the Commissioners, or shall aid or incite any persons so to do, shall for every such offence be liable to a penalty not exceeding five pounds; without prejudice to any such workman or other person on whom any assault or offence may have been committed to sue in any competent court for compensation, damages, or expenses for any injury or loss he may thereby have sustained.

### *By Owners or Occupiers.*

327. *Commissioners, in default of owner or occupier, may execute works, and recover expenses.*—Whenever, under the provisions of this Act, any work of any kind is required to be executed by the owner or occupier of any premises, and default is made in the execution of such work, the Commissioners (whether there is a penalty imposed for the default or not) may cause such work to be executed, and the expense incurred by the Commissioners in respect thereof shall be repaid to them by such owner or occupier.

328. *Occupier, in default of owner may execute works, and deduct expenses from his rent.*—Whenever default is made by the owner of any premises in the execution of any work which by the provisions of this Act falls to be executed by him, the occupier of such premises may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be repaid to such occupier by the owner of such premises, and such occupier may deduct the amount of such expense out of the rent from time to time becoming due to such owner.

329. *How expenses are to be recovered from owner.*—If the owner of any premises made liable by the provisions of this Act for the special sewer rate, general sewer rate, or reasonable sum for use of sewers, private improvement expenses, or any charge for the repayment to the Commissioners of any expenses incurred by them, do not, as soon as the same become due and payable from him, pay such rate or charge, or repay all such expenses to the Commissioners, the Commissioners may without prejudice to the preferable right and summary mode of recovery and the power herein contained, recover such rate, charge, or expenses, with the legal interest thereof from the time when the same was due and payable, from such owner, in the same manner as any debt may be recovered by the law and practice of Scotland.

330. *Power to levy charges on occupier, who may deduct the same from his rent.*—The Commissioners may, by way of additional remedy, require the payment of all or any part of such rate, charge, or expenses, and interest, payable by the owner for the time being from the person who then or at any time thereafter occupies any such premises under such owner; and in default of payment thereof by such occupier, on demand, the same may be levied by seizure and sale of the goods and effects of such occupier, in the same manner as the burgh general assessment may be recovered from him under this Act; and every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from him in respect of any such charge or expenses and interest.

331. *Occupier not to be liable for more than amount of rent due.*—No occupier of any premises shall be liable to pay more money in respect of any sums charged by this Act on the owner thereof than the amount of rent due from him for the premises in respect of which such rate, charge, or expenses and interest are payable at the time of the demand, or which at any time after such demand shall have accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which is due by him at the time of such demand, or which has since accrued, shall lie upon such occupier: Provided further, that nothing herein contained shall be taken to affect, abridge, or alter any claim of relief or otherwise competent to such owner or occupier respectively against each other under any special contract made between them respecting the payment of the expenses of any such works as aforesaid.

332. *Commissioners may allow time for repayment by owners.*—Where any such rate, charge, or expenses payable to the Commissioners by any owner of any such premises shall amount to more than half of the net annual value of such building or lands, the Commissioners may, at the request of any such owner, allow time for the repayment thereof, and receive the same by such instalments as they, under the circumstances of the case, consider reasonable, but so that the same be repaid by annual instalments of not less than one-seventh part of the whole sum originally due, with interest for the principal money from time to time remaining unpaid after the yearly rate of five pounds in the hundred during the period of forbearance; and all such instalments when due shall be recoverable in like manner as the original sum.

333. *Proceeding in case of occupiers opposing execution of Act.*—If the occupier of any premises prevent the owner thereof from carrying into effect in respect of such premises any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, the magistrate may make an order in writing requiring such occupier to permit the owner to execute all such works as may be necessary for carrying into effect such provisions; and if, after the expiration of ten days from the date of such order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

334. *Respecting existing contract for building.*—Nothing in this Act contained shall extend to or make void any agreement in writing entered into before this part of this Act comes into operation in the burgh for erecting or altering any

ilding, but the same shall be performed, with such alterations as may be ndered necessary by this Act, and as if such alterations had been stipulated for such agreement; and the difference between the cost of the work according to e agreement and the cost of such work as executed according to the provisions this Act shall be ascertained by the parties to the respective agreements, and id for, or deducted, as the case may require, and if the said parties do not ree upon the amount of such difference, the same shall on a request of either rty (notice being given to the other) be decided by the surveyor to the Commis-ners, and for his trouble in making such decision each of the said parties shall y to the said surveyor such sum, not exceeding one pound, to be disposed of for ch purposes of this Act as the Commissioners shall direct.

3335. *Respecting contracts for leases.*—Nothing in this Act contained shall affect y lease, or agreement for a lease, whereby any person may be bound to erect ildings upon any building ground within the burgh, but the buildings men-ned in such lease or agreement shall be erected, according to the conditions hich may be rendered necessary by this Act, in the same manner as if this Act d been in operation at the time of making such lease or agreement, and the me had been made subject thereto, and that without either party being entitled any compensation.

## Form and Service of Notices.

3336. *Form and service of notices.*—Unless otherwise herein expressly provided, e following provisions shall apply to the making, giving, delivering or service of y notice, order, resolution, requisition, demand, or other instrument under this ct or any byelaws in force:—

(1.) It may be in print or writing, or partly print and partly writing, and may be authenticated by the name of the clerk or other proper officer being affixed thereto in print or writing.

(2.) It shall be sufficiently given to any owner or occupier of any property if addressed simply to the "owner" or "occupier" of the premises (naming them) to which it relates.

(3.) It may be served upon the person to whom it relates either personally or through the Post Office, addressed to him at his usual or last known place of abode or business, or by delivering the same to some inmate there, or in case of an occupier to an inmate of the building to which the document relates, or if the building is unoccupied and the place of abode of the person after due inquiry cannot be found, by affixing the same or a copy thereof upon some conspicuous part of such building, or in case of a person employed on any ship or vessel by leaving it in the hands of a person on board thereof and connected therewith; and where any owner resides beyond the jurisdiction of the magistrates of the burgh, such owner may be cited by delivering the citation to his known factor, or agent, or person drawing the rents; or if there be no factor, agent, or person drawing the rents, the occupier of the premises, or any of them, may be cited, and shall take burden for the owners, and have right of relief against them.

3337. *Power to cancel or vary notice.*—It shall be lawful for the person sending ch notice to cancel it, or to give a new notice to the same or to any other person n respect of the matter or for the enforcement of the obligation referred to in it: ut nothing herein contained shall authorise the withdrawing or cancelling of otices given under the Lands Clauses Acts, unless and except in so far as llowed by such Acts.

338. *Service of notice on Commissioners.*—Any notice to or demand on the Commissioners under this Act may be served on the Commissioners by being delivered to the clerk, or by being sent through the post in a registered letter directed to the clerk of the burgh according to its corporate name, in which latter case service shall be deemed to be effected on the burgh on the day on which such letter would be delivered in the ordinary course of post.

### Appeal.

339. *Appeal.*—Any person liable to pay or to contribute towards the expense of any work ordered or required by the Commissioners under this Act, and any person whose property may be affected, or who thinks himself aggrieved, by any order, or resolution, or deliverance, or act of the Commissioners made or done under any of the provisions herein contained, may, unless otherwise in this Act specially provided, appeal either to the sheriff or to the court of session by lodging a note of appeal within fourteen days after intimation of the order or deliverance of the Commissioners complained of, or within fourteen days after the commission of the act complained of, with the sheriff-clerk of the county in which the burgh is situated, if the appeal is made to the sheriff, or with any principal clerk of session at Edinburgh if the appeal is made to the court of session, which note of appeal shall state the grounds of such appeal, and be signed by the appellant or his counsel or agent, and the sheriff or court shall order a copy of the appeal to be served on the clerk to the Commissioners, and appoint him within six days after such service to lodge answers thereto, and shall thereafter hear parties and determine the matter of the appeal, and shall make such order thereon, either confirming, quashing, varying, or redressing, the order, resolution, deliverance, or act appealed against, and shall award such costs to either of the parties as the sheriff or court shall think fit: Provided always, that the judgment of the sheriff-substitute shall be subject to review by the sheriff, and, subject to this appeal to the sheriff, the judgment of the sheriff-substitute shall be final, and not subject to review by any other court.

## PART V.—RATING AND BORROWING POWERS.

### Assessment for General Purposes.

340. *Commissioners to levy burgh general assessment.*—Once in each year the Commissioners (being summoned in manner herein-before directed by notices which shall state that the meeting is for the purpose of laying on an assessment) shall assess all occupiers of lands or premises within the burgh, according to the valuation roll made up or according to an estimate of the valuation roll about to be made up in terms of the Acts in force for the valuation of lands and heritages in Scotland for the time, subject to the exceptions herein-after provided, in the sums necessary to be levied for the general purposes of this Act, and shall fix a day on or before which the same shall be payable, and another day upon which appeals by any person complaining that they have been improperly assessed shall be lodged with the clerk or collector, and another day or days on which such appeals shall be heard by the Commissioners; and the rate of assessment and days fixed by the Commissioners for payment shall be published by handbills posted in the burgh, or by advertisement in one newspaper published or circulating therein: Provided always, that such assessment shall be imposed as from the term of Whitsunday in any one year to the term of Whitsunday in the following year, and shall not in any year exceed a rate equal to four shillings in the pound of the gross yearly rent or value of such lands or premises where the Commissioners have

pplied or resolved to supply the burgh with water in terms of this Act or otherise at a rate equal to two shillings in the pound of the gross yearly rent or value s such lands or premises; and such assessment shall for the purposes of this Act e called the burgh general assessment: Provided further, that when in any burgh nder the provisions of any Act of Parliament, a higher rate of assessment is now nd has been in use to be levied upon lands or premises above a certain fixed rent an upon lower rental lands or premises, it shall be in the power of the Commissioners in laying on the assessment under this Act to continue the same relative tes of assessment if they think proper.

341. *Payment of damages occasioned by mobs.*—Out of the burgh general assessent it shall be lawful for the Commissioners to defray, to such extent as they ink proper, such claims for damages sustained in consequence of any riot or mult within the burgh as may be established to their satisfaction, or, if the ommissioners think proper, they may at any time impose and levy a special ssessment on all occupiers of lands or premises within the burgh, according to the id valuation roll, for the sums estimated by them to be necessary for the purpose paying such damages, and the occupier shall be entitled to deduct one-half of e rate levied under this assessment from the next rent payable to the landlord; nd such special assessment being so imposed and levied, the Commissioners shall t of the proceeds thereof discharge such claims, the same being established to eir satisfaction, and the Commissioners shall be bound, out of the burgh general ssessment or out of such special assessment as aforesaid, to relieve the county uthorities of any claims for damages for which the county authorities may be ound liable in respect of any riot or tumult within the burgh.

342. *Commissioners may levy proportion of burgh general assessment.*—Where n any burgh an assessment for general purposes has been imposed previous to the pplication of this Act, and is leviable for a period ending on a day prior to the rm of Whitsunday immediately following such application, it shall be lawful r the Commissioners under this Act to impose and levy a proportion of the burgh eneral assessment hereby authorised, corresponding to the time intervening etween the date when such period ended and the said term of Whitsunday.

343. *Remission of assessments.*—The Commissioners may, on the ground of the overty or inability of any person liable to the burgh general assessment under is Act, remit, in whole or part, payment of the said assessment by such person n such manner as the Commissioners shall, in their discretion, think just and easonable, but upon no other account whatsoever.

344. *Assessments not to be imposed on occupiers of premises under* £4.—The ommissioners shall assess the owners, in place of the occupiers of all lands or remises let at a rent of or under four pounds, and levy such assessment on such wners; but the Commissioners shall allow to such owners a deduction from such ssessment equal to one-tenth of the amount thereof, and such assessment shall e recoverable from such owners along with any penalty which may have become xigible thereon, in the same way as is herein provided with respect to the recovery hereof from occupiers; and every such owner charged with and paying such ssessment shall have relief against the occupiers of such lands or premises for the ull amount thereof without deduction, if and in so far as such assessment may by aw be properly chargeable upon such occupier.

345. *When owners responsible.*—Owners who shall let for rent, or hire lands or remises for less than a year, shall themselves be responsible for the said assessnent, and the same may be recovered from such owners.

346. *Assessment on premises occupied for part of a year.*—When any lands or premises in respect of which the said assessment might be imposed upon the occupier, not being premises usually let for any period shorter than one year, shall not be occupied by the same occupier for the whole year from the term of Whitsunday in any year till the term of Whitsunday in the year following, but shall be occupied for part of such year by a new occupier, it shall be lawful to the Commissioners to impose and levy on and from such new occupier who occupies the same for any part of such year, whether his name appear in the valuation roll or not, a proportion of such assessment for that year, corresponding with the period of his occupancy, and on and from the owner of such lands or premises the proportion of such assessment, if any, corresponding with the period during which such lands or premises were occupied during the said year by any other occupier.

347. *Arable land, &c., how to be valued.*—The annual value of the following lands or premises shall, for the assessments under this Act, be held to be one-fourth of the annual value thereof entered in the said valuation roll, viz.:—

1. All lands and premises used exclusively as a canal or basin of a canal, or towing path for the same, or as a railway or tramway, constructed under the powers of any Act of Parliament for public conveyance, excepting the stations, depôts, and buildings, which shall be assessable to the same extent, as other lands and premises within the burgh, and all bridges, frontages, and ferries not being private property:
2. All the underground gas and water pipes, or underground works of any gas or water company or corporation:
3. Salmon fishings, and all woodland, arable, meadow, or pasture ground, or other ground used for nurseries, market gardens, or for agricultural purposes:

And where the Commissioners shall have supplied or resolved to supply the burgh with water in terms of this Act, the annual value of all quarries and manufactories within the burgh shall, as regards the burgh general assessment, so far as is applicable to water, subject to the exception herein-after provided, be held to be one-fourth of the annual value thereof entered in the valuation roll; without prejudice, however, to the Commissioners entering into agreements for the supply of water to such lands and premises in manner herein-before provided; and in the event of any dispute arising as to the lands and premises falling under the above exceptions, it shall be lawful for the owner or occupier of such lands and premises to present a petition to the sheriff, praying to have the same declared, for the time being, liable to assessment upon the said proportion of their value only; the judgment, if by the sheriff-substitute, may be appealed to the sheriff, whose decision shall be final: Provided always, that where in any burgh such lands or premises as are in this section specified were prior to the passing of this Act liable to be assessed under any general or local police Act or under the Public Health Acts or the Local Government (Scotland) Act, 1889, on the annual value thereof, and moneys have been borrowed on the security of the assessments so authorised, or some of them, such lands or premises shall, in the case of any such burgh where the assessments on the security of which such moneys have been borrowed have been imposed, be liable to be assessed on the annual value thereof and in the same manner as heretofore until such borrowed moneys have been repaid.

348. *Assessment roll to be made up.*—The Commissioners shall annually cause to be made up a roll or book of assessment from the valuation roll aforesaid, showing the yearly rent or value of the lands or premises in the burgh liable to be assessed under this Act for the assessments herein authorised to be levied, and according to which such assessments under this Act are intended to be levied; and such roll or book of assessment shall be open to inspection by all ratepayers

the hands of the collector or other officer appointed by the Commissioners for that purpose during the whole period which shall intervene between the date of levying on the annual assessment and the day appointed for payment thereof; and the Commissioners shall have power to rectify any error which may be found in such roll or book.

349. *Town clerk or other person to allow collectors access to valuation roll.*—To enable the Commissioners to make up the roll or book of assessment from the valuation roll, the assessor, town clerk, or county clerk, or other person in the actual possession thereof, shall be bound, without making any charge, to exhibit or give access to the valuation roll in his custody to the Commissioners, and the assessment roll shall be made with all despatch after the meeting of the Commissioners at which the general assessment is resolved on, and the collector or such other officer as may be appointed by the Commissioners shall prepare the assessment roll under the orders of the Commissioners.

350. *The Commissioners may require owner to furnish written statement.*—It shall be lawful for the Commissioners to require an owner to furnish a written statement of the period or periods for which the lands and premises of which he is owner are let to the respective tenants or occupiers thereof, and of the rents for which the same are let, all which the said owner shall be bound to furnish within seven days of his being required in writing so to do; and if such owner shall fail, without reasonable excuse, to furnish such written statement, he shall be liable to a penalty not exceeding ten pounds; and if such owner shall present, or cause to be presented, any false statement of the period or periods or the rents for which any lands or premises belonging to him are let, knowing the same to be false, he shall be liable to a penalty of twenty pounds.

351. *Commissioners may alter and amend the roll.*—The Commissioners may from time to time amend the roll or book of assessment, or any assessment therein contained, by inserting therein the name of any person who ought to have been assessed, or who since the making thereof has become liable to be assessed, or by striking out the name of any person who, according to a written certificate by the assessor, ought not to have been assessed, or by correcting the amount of any rent or assessment which may have been inaccurately entered; and no such alteration shall be held to vitiate the assessment, or render it less operative; but every such alteration shall be made within one year after the expiry of the year for or applicable to which the said assessment shall have been fixed or laid on.

352. *Notices to be given of assessment and may include other assessments.*—The collector shall issue schedules or notices to every person liable for payment of any assessment; and may include in one schedule notice of any or all assessments, or rates leviable by the Commissioners or the magistrates and council from the owners or occupiers of lands and premises within the burgh.

353. *Recovery of assessments.*—It shall be lawful for the collector, on the expiration of the time specified in such notice, to recover any arrears of assessment due by any person or by any number of persons, either according to the ordinary procedure before any competent court, or by obtaining from the sheriff or any of the magistrates a summary warrant to recover such arrears, with the addition of ten per centum thereon; and such person or persons shall thereupon be bound to pay such ten per centum, which warrant the sheriff or magistrates shall grant, on production of a certificate by the collector that he had given to each such person a notice requiring him to make payment of the amount due by him within fourteen days thereafter, that the said period had expired, and that the said amount was still truly due; and such warrant shall authorise the collector or officers of court to enter into any premises in the occupancy of any person so in arrear, and to

poind, seize, remove, or secure any goods and effects therein belonging to or in the lawful possession of such person or persons, or so much thereof as will fully satisfy the arrears due by him or them, with the said addition of ten per centum thereon; and such warrant shall also authorise the collectors or officers of court or licensed auctioneer, after the lapse of four days, in the event of non-payment of the said arrears and costs, to sell and dispose of the said goods and effects by public auction on three days' notice, and apply the price in payment of the said arrears and ten per centum thereon due by such person, and the balance shall be paid to such person, and the collector shall for a period of three months after the date of every sale preserve evidence of the amount of such proceeds and the disposal thereof, and such warrant shall also decern and ordain instant execution by arrestment; and the proceedings in the application for issuing and putting in force such warrant may be in the form of Schedule VIII. of this Act.

354. *Appeal against oppressive proceedings of collector.*—The proprietor of any goods and effects which have been either poinded or sold in pursuance of the provisions herein-before contained, and who feels aggrieved by any proceeding under such warrant, may present a petition to the sheriff or magistrate who granted the warrant, and the sheriff or magistrate shall thereupon summarily call before him the party complained of and such petitioner, and, without written pleadings, shall inquire into and decide any dispute, question, or claim of damage raised by such petition, and may award expenses to either party; but, except to the effect and in the manner herein-before provided, it shall not be competent for any person to make, nor for any court of law to entertain, any complaint with respect to any warrant granted by the sheriff or magistrate in pursuance of the provisions herein-before contained on any account or pretence whatever, or with respect to any proceeding of the collector or of any officer or licensed auctioneer in the execution of such warrant; and the decision of the sheriff or magistrate on any such dispute, question or claim shall be final, and not subject to any form of review or stay of execution.

355. *Recovery of rates from persons removing.*—In case any person quits, or is about to quit, any lands or premises before he has paid all assessments due by him, and fails to pay the same on demand, the collector, or any officer of the sheriff or police court, or any police constable, may, by warrant under the hand of the sheriff or any of the magistrates (which warrant the sheriff or a magistrate is hereby authorised and required to grant, without issuing any previous summons to said person, after proof to his satisfaction of such removal or intended removal, or that there is any reason to suspect the same), poind and distrain the furniture, goods, and chattels, or other effects found in such lands or premises, and sell the same, returning the surplus (if any), after having deducted the reasonable expenses attending such proceedings, distress, and sale, together with the assessments so due, to the owners of such furniture, goods, and chattels, or other effects upon demand.

356. *Misnomers, &c., not to affect proceedings for recovery of assessments.*—No misnomer, mistake, or informality committed in any proceedings in assessing, levying, or recovering the burgh general assessment, or any other assessment, rate, charge, or expenses under this Act, shall prejudice the recovery thereof, nor shall such proceedings fall, lapse, cease, or abate by the death, resignation, or removal of the collector instituting the same, or by any change in the persons holding office as Commissioners, but it shall be lawful for the collector for the time to prosecute and follow forth procedure commenced and carried on in the name of any previous collector, in all respects as if such procedure had been taken by himself; and it shall not be competent for any person to sue, nor for any court of law to entertain, any action or proceeding against the Commissioners, or the collector

officers or other persons employed in executing any warrant in reference to y assessment, rate, charge, or expense under this Act, by reason of any mis-mer, mistake, or informality, if the goods or other effects seized or sold under such arrant were *bonâ fide* the property or in the lawful possession of the person tually liable in payment thereof under the provisions of this Act.

357. *Assessment to be recoverable beyond burgh.*—In case any person liable in yment of any of the assessments herein authorised to be levied shall remove to y place beyond the burgh, it shall nevertheless be lawful for the Commissioners, d their collectors and treasurers or other officers, or any police constable, to put e decrees and warrants which may be granted for the recovery of such assess-ent in manner before mentioned into execution within or beyond the burgh, in e same manner as if such person had continued to reside within the burgh, ch decrees or warrants being first endorsed by a magistrate or sheriff or justice the peace for the burgh or county within which they are to be put into ecution.

358. *Common good may contribute towards the purposes of Act.*—When the ovisions of this Act shall be in operation in any burgh possessed of any free come arising from the common good of such burgh, after deduction of the terest of any debt which such burgh may owe, and also the necessary annual tgoings of such burgh, there may be annually contributed therefrom such a asonable proportion towards the purposes of this Act as the town council of such rgh, having due regard to the extinction of the capital of such debt, shall think st: Provided that nothing herein contained shall prejudice the rights of the editors of any burgh secured by local Acts of Parliament or otherwise; and rther, that the application of this Act to any burgh shall not relieve the common od of such burgh from payment of any sum which such burgh is bound by any cal Act to contribute towards the police expenses of the burgh.

## General Improvement Assessment.

359. *General improvement assessment.*—Whenever the Commissioners in any rgh shall resolve, in manner herein-before provided for, to make provision r the general improvement of the burgh, it shall be lawful for them to charge, equal proportions, all owners and occupiers of lands or premises within such rgh, with reference to the said valuation roll and to all the provisions of this ct applicable to the burgh general assessment, which shall apply to the improve-ent assessment as if they were here repeated, with a special assessment not xceeding threepence in the pound of the gross rent or yearly value of such lands premises, over and above any other assessment or rate to which such persons ay be liable under this Act; and such special assessment shall, for the purposes f this Act, be called "the general improvement rate," and shall be leviable either om the owner or occupier of such lands or premises in equal proportions, or in hole from the occupiers thereof, but in the latter case the occupier shall be ntitled on payment thereof to deduct from his rent the proportion payable by e owner; and such assessment, so far as the occupier is concerned, shall be ecoverable in the same manner as the burgh general assessment is authorised to e recovered.

## Foot Pavements Assessment.

360. *Assessment for maintenance and repair of foot pavements.*—Whenever the ommissioners shall resolve, in manner herein-before provided for, to undertake he maintenance and repair of the foot pavements in any burgh, and after they ave called upon all owners to have their foot pavements before their properties

put in a sufficient state of repair, the cost of such maintenance and repair shall form part of the burgh general assessment, and such assessment shall be recoverable in the same manner as the burgh general assessment is authorised to be recovered.

### Sewer Assessments.

361. *Commissioners may impose a general sewer rate distinct from other rates.*—The Commissioners shall, if necessary, impose upon owners a sewer rate, to be called for the purposes of this Act the "general sewer rate," distinct from any other rate which they are authorised to make under this Act, to be applied in maintaining and clearing and ventilating the sewers, and all other expenses connected with such sewers not herein otherwise provided for, or which may not be fully defrayed by the special sewer rate herein-after provided for, and for securing and paying off any moneys which may be borrowed on the security of the special sewer rate under the provisions of this Act, and the interest of such moneys which the special sewer rate shall be insufficient to defray.

362. *Where new sewers are made, Commissioners may impose a special sewer rate.*—Whenever the Commissioners shall resolve to make any new sewer, they may charge owners of all the lands or premises within the burgh, or where there are separate drainage districts within the respective districts, with a special sewer rate over and above any other assessment or rates to which such persons may be liable under this Act, and such rate shall, for the purposes of this Act, be called the "special sewer rate."

363. *Separate districts to bear their share of expenses.*—The Commissioners may, in making the said assessments for the burgh, or for separate and distinct districts thereof, appoint, if they see fit, surveyors, collectors, and other officers for such burgh or for every such district, and they shall cause separate and distinct accounts to be kept of all moneys collected and received under any rate in each distinct district, and of all payments and disbursements in respect thereof, and they shall apply the moneys to be collected and received from each distinct district under any such rate as aforesaid for the several purposes to which the same may be lawfully applied under the authority of this Act, but so nevertheless that each district shall, as near as may be, bear its own expenses; and in case any such expenses shall apply to or be incurred in respect of two or more districts, the same shall be apportioned and divided between such districts in such manner as the Commissioners shall consider fair and equitable.

364. *Premises subsequently built or enlarged to pay reasonable sum for use of sewers.*—The Commissioners are hereby authorised to charge a reasonable sum of money for the use of the sewers against the owners of all lands or premises which were not assessed either under this or any other Act for the expense of making such sewers, or which shall have been built, enlarged, or altered after the assessment for making the same was first imposed or levied, and the Commissioners shall fix and determine the sum to be paid as they shall consider just; and in fixing such reasonable sum the Commissioners shall take into consideration the value and efficiency of such sewer, and the same may be recovered in the same manner as any assessment under this Act.

### Private Improvement Expenses.

365. *Assessment for private improvements.*—Where by the provisions of this Act the owner or occupier respectively, as the case may be, of any premises is directed

is bound to do any work, in relation to the same, and the work, through the ilure or delay of such owner or occupier to execute it, shall be done by the ommissioners, or where expenses are incurred by the Commissioners for or in spect of any premises, in order to carry out the provisions of this Act, the ommissioners shall charge such owner or occupier of the premises with the said penses over and above any assessments or rates to which such owner or occupier ay be liable under this Act, and such expenses shall, for the purposes of this ct, be called "private improvement expenses," and may be recovered in the me manner as any assessment under this Act.

### Mode of collecting Special Rates.

3366. *Certain rates to continue burdens on lands, &c.*—Such special sewer rate, neral sewer rate, and private improvement expenses shall, with the legal terest thereof from the time when the same shall be declared payable, together th all expenses incurred in the recovery thereof, continue burdens on the lands premises liable for the same, or in respect of which the same shall be payable, t that only for seven years from the date when the same shall be respectively yable, as against *bonâ fide* singular successors or heritable creditors, and (if the ound is unbuilt on) also superiors.

3367. *Collector of rates to grant certificate.*—The collector in any burgh shall, hen required by any person, be bound to furnish to such person a certificate der his hand in the form of Schedule VI. of this Act, showing, with reference any premises, what arrears of such rates or expenses, if any, are past due, and e name of the owner and occupier of such premises as appearing in his book, d also whether any and what instalments of such rates or expenses are still argeable in respect of such premises: Provided always, that for each certificate respect of premises separately entered or charged in the assessment books shall be entitled to a fee of two shillings and sixpence from the person quiring the same, for which fee the collector shall be bound to account to the ommissioners.

3368. *Rates and private improvement expenses how to be imposed, and how appeals be entered and disposed of.*—The said special sewer rate, general sewer rate, and ivate improvement expenses may be imposed and levied yearly, half-yearly, or such other periods as the Commissioners may think fit, and shall be payable at ch times as they appoint; and at the meeting imposing the same the Commis-oners shall appoint a day upon which such rates and expenses shall be payable d another day upon which appeals by any parties complaining that they have en improperly rated or charged may be lodged with the clerk or collector, and nother day or days on which appeals in reference to such rates or expenses shall e heard by the Commissioners; and notice to each party intended to be so rated r charged, stating the particulars of the intended rates or expenses as regards ch party, and specifying the several days fixed by the Commissioners as afore-id, shall be sent by the clerk or collector, at least two weeks preceding the day hich may be fixed for hearing the appeal of such party, and the decision of the ommissioners upon all such appeals shall be final; but the Commissioners may ectify such rates or expenses so appealed against.

369. *Recovery of the said rates and expenses.*—As soon as may be after disposing f the appeals against any such rates or expenses the Commissioners shall cause to e made up a roll or book of assessment, or separate rolls or books of assessment, pplicable thereto, and the same, or a copy thereof, docqueted and signed by the lerk and any two of the Commissioners shall forthwith be delivered over to the

collector as the rule for levying and collecting the said rates or expenses; and if the said rates or expenses shall not be paid when the same fall due, the collector shall take legal proceedings for recovery of the same, together with the legal interest thereof from the day fixed for payment thereof as aforesaid, in the same way and manner as is herein before provided for recovery of the burgh general assessment under this Act, or the said rates or expenses, or any part thereof, and interest, with the expenses attending the recovery of the same, may be recovered in the same way and manner as debts are recoverable by the law of Scotland.

370. *In case of bankruptcy assessments to be preferable to private debts.*—Such burgh general assessment and general improvement rate shall, during the year of assessment, and for the period of six months thereafter, in case of bankruptcy or insolvency, be paid out of the first proceeds of the estate, and shall be preferable to all debts of a private nature due by the parties assessed.

371. *Application of surplus assessment.*—Where the amount of any rate, charge, or assessment is more than sufficient to meet the charge for the service to which the same applies, any balance remaining over at the end of the financial year shall be credited to that service; and shall be applied *pro tanto* in diminishing the amount of the rate to be estimated for that service during the year next ensuing; and if any such rate, charge, or assessment for any year shall not be sufficient for the purpose for which it was imposed and levied, the Commissioners shall be, and they are hereby, authorised and required to make provision for the payment of such deficiency by rate, charge, or assessment for the purpose in the following year or years, until the same shall be fully paid, but so that the total rates, charges, or assessments shall not exceed the amount authorised by this Act.

372. *Recoupment of arrears of private improvement expenses.*—Where the Commissioners are unable to recoup themselves out of any private improvement assessment for any expenses to which they may have been put for works, the cost of which fell to be met by private improvement expenses, it shall be lawful for the Commissioners to take such expenses out of the burgh general assessment.

### Incidence of Assessments.

373. *Exemption and savings.*—(1.) No assessment authorised by this Act shall be imposed on any lands or premises exempt by Act of Parliament at the commencement of this Act from any corresponding assessment authorised to be imposed by the general Police Acts, or the local Police Acts respectively applicable to the burghs named in Schedule II. of this Act annexed, or any portion of a local Police Act expressly saved by this Act, unless and until such exemption is repealed by provisional order, confirmed by Parliament, as herein before provided.

(2.) Where prior to this Act coming into operation in any burgh the power of imposing assessment is by any local Act restricted in amount in any portion of the burgh:

(*a.*) for a definite period—
such restriction shall continue until the expiration of such period:

(*b.*) for an indefinite period—
it shall be lawful for the Commissioners at a meeting specially called for the purpose after a month's previous notice to resolve that such restriction shall continue for a definite period and no longer, but any owner or occupier or other person interested who considers himself aggrieved by such resolution may appeal to the sheriff who shall have powers to confirm or to cancel, or with the consent of the Commissioners to modify, such resolution, and his decision shall be final.

(3.) It shall be lawful for the Commissioners at a meeting called for the purpose er a month's previous notice to resolve for a definite period to exempt from any the assessments or to restrict any of the assessments with respect to any portion the burgh on the ground of its being newly included within the boundaries, its not being built upon, or upon any other ground to be specified in the olution.

(4.) In the case of any assessment under this Act, the whole or a portion of hich is directed to be levied from the owner, or from the occupier respectively, here under the provisions of any local or general Police Act an assessment for e same or similar purposes is authorised to be levied in any burgh, and such sessment or such portion thereof is thereby directed to be, or is in use, to be vied from the occupier instead of from the owner, or from the owner instead of e occupier respectively, whether with recourse to either against the other for the hole or any part of the assessment or not, it shall be lawful for the Commissioners, by a majority of not less than two-thirds present and voting at a meeting ecially called for the purpose, to resolve that such assessment or portion thereof all continue to be levied under this Act from the same parties, being owners or ccupiers respectively, from whom it was previously in use to be levied, and with e same right of recourse if any for a definite period of years to be specified in e resolution, and such resolution may be renewed from time to time.

(5.) Nothing contained in this Act shall alter or affect the obligations of landrd and tenant as between themselves in reference to any assessment to be posed in virtue hereof under any lease of lands or premises entered into prior the application of this Act, but such assessment as between such landlord and nant shall be payable during such lease by the tenant if previous to the passing this Act a similar assessment was leviable from him.

### Borrowing of Money for the General Purposes of this Act.

374. *Power to Commissioners to borrow money for the purposes of this Act.*—It all be lawful for the Commissioners to borrow and take up, for any of the rposes of this Act, or for repayment of any moneys borrowed for such purposes der this or any former Acts which shall have fallen due to the lenders thereof, ch sum or sums and at such time or times as the Commissioners shall deem ecessary for such purposes: Provided always, that in all cases where it shall be ecessary to borrow any sum or sums for the said purposes of this Act, it shall be wful for the Commissioners, and they are hereby required, at their first annual eeting for assessment after such borrowing, if the respective rates of assessment en leviable do not amount to the respective maximum rates by this Act uthorised, to assess all owners or occupiers of premises within the burgh respecvely liable in the several assessments under this Act in such additional assessents beyond the sums necessary for such respective purposes as will produce a nd equal to three per centum per annum upon the sum or sums of money so orrowed respectively, and also to the annual interest of such borrowed sum or ms, which sum of three per centum per annum the Commissioners shall annually ppropriate, set apart, and invest, at the highest rate of interest which can be had r the same, in the public funds, or in any chartered or other bank, or on heritable ecurity, as a sinking fund, applicable and to be applied by the Commissioners om time to time to the repayment of the moneys borrowed until the respective ebts shall be extinguished, or the Commissioners may agree with the lender, so hat the said amounts of three per centum shall annually be receivable by him in quidation *pro tanto* of the principal debt: Provided always, that such additional ssessment shall at no time increase the whole assessment leviable beyond the aximum rates of assessment, as the case may be, allowed by this Act; and prodided also, that no sum of money shall be borrowed until an estimate of the mount required shall have been laid before the Commissioners, or until the

expiration of six weeks after public notice shall have been given by the Commissioners of the amount so proposed to be borrowed, and the purpose to which the borrowed money is to be applied, in some newspaper in ordinary circulation within such burgh; and provided further, that the proposal to borrow shall be disposed of at the next meeting of the Commissioners six weeks after such public notice, and that the sum borrowed shall not exceed the amount so advertised, without a further estimate and notice in manner above provided.

375. *Commissioners not to be personally liable.*—No Commissioner, or officer acting under the Commissioners shall be personally liable for the repayment of any money so borrowed, but all such obligations shall be deemed and be taken to be granted on the sole security of the rates and assessments authorised to be assessed and levied as herein-before provided, and on the public halls or buildings or other works for which the loan of money borrowed is applied.

376. *As to bonds to be granted.*—All bonds for moneys to be borrowed as aforesaid shall be signed by three Commissioners and the treasurer of the Commissioners, and may be in the form and tenor following, *videlicet*,—

"Number [*here state the number*].

"By virtue of the Burgh Police (Scotland) Act, 1892, we, the Commissioners of the burgh of [*insert the name of the burgh, and if a royal burgh such shall be stated, as*, we, the royal burgh of ], in consideration of the sum of [*insert the sum in words*] instantly advanced and paid to us for the purposes of the said Act, by *C.D.* of *E.*, do hereby bind and oblige the said burgh, out of the first and readiest of the moneys to be raised under the annual assessments by the said Act authorised to be imposed aud levied, and designated the assessment or rate (*as the case may be*), to pay at the term of [*insert term of payment*] to the said *C.D.*, his executors or assignees, the said sum of [*state the sum*], and also the interest thereof at the rate of [*insert the rate of interest*] per centum per annum from the date hereof, at the terms of Whitsunday and Martinmas in each year, till the said sum is paid; and for the further security of the said *C.D.* we do hereby assign to him, his executors or assignees, such proportion of the said moneys to be raised under the said annual assessment as shall be equivalent to the said sum now paid to us, and the interest thereon as aforesaid from the date hereof to the term of payment; and we consent to the registration hereof for preservation and execution.—In witness whereof [*insert testing clause in common form*].

"*K.L.*, witness.
"*M.N.*, witness.

L.S.

"*A.B.*
"*C.D.* } Comrs.
"*E.F.*
"*G.H.*, Treasurer."

And till repayment such bonds respectively shall form a lien on the rates and assessments under this Act assigned by such bond, and shall entitle the creditor under the same to recover the contents thereof from the Commissioners and their officers out of the first and readiest of such rates and assessments.

377. *Bonds may be transferred by indorsement.*—Such bonds may be assigned by indorsation on the back thereof in the form and tenor following, *videlicet*,—

"I, *C.D.* within designed, do transfer this bond, with all right, title, or interest which I have under the same to *E.F.*, his [*or* her, *or* their, *as the case may be*,] executors and assignees.—In witness whereof [*insert testing clause in common form*].

"*K.L.*, witness.
"*M.N.*, witness.

"*C.D.*"

378. *Bonds to be recorded, and assignations to be registered.*—There shall be pt at the office of the clerk to the Commissioners a register of such bonds, and thin fourteen days after the date thereof an entry shall be made in the register the number and the amount and date thereof, and of the names and description the parties thereto, as stated in the deed, and also the interest payable on e same. Every such register shall be open to public inspection during office urs at the said office without fee or reward, and any clerk or other person, ving the custody of the same, refusing to allow such inspection shall be liable a penalty not exceeding five pounds. Before such bond is delivered to the editor a certificate of such entry shall be endorsed on such bond, and signed by e clerk of the Commissioners; and all assignations of such bond shall be notified the clerk to the Commissioners, who shall enter in the register aforesaid the te of the assignation, the names of the parties thereto, the number of the bond, d the date it was notified or intimated; and a certificate of such entry shall endorsed on the said bond, and signed by the treasurer and clerk; and the id bond being so certified, the assignee, his executors and assignees, shall ereafter be entitled to the benefit of such bond, in terms of such assignation.

379. *Public Works Loan Commissioners may lend money.*—It shall be lawful r the Public Works Loan Commissioners, acting in the execution of the Public orks Loans Acts, and of any Act amending or continuing the same, to make vances to the Commissioners upon the security of all or any of the moneys or tes to be assessed or levied by them under this Act, and without requiring any rther or other security than a mortgage of such moneys or rates, repayable by ch instalments within a period not exceeding thirty years as shall in each case agreed upon: Provided that nothing in this section shall be held to limit the wers of borrowing conferred upon local authorities in Scotland by the Public ealth (Scotland) Act, 1867, Amendment Act, 1875, and the reference in that ct to any enactment hereby repealed shall be deemed to refer to the corre-onding enactment in this Act.

## PART VI.—OFFENCES AND PENALTIES.

### Offences.

380. *Penalties for offences.*—Every person who is guilty of any of the following ts or omissions within the burgh shall, in respect thereof, be liable to a penalty t exceeding the respective amounts, or to imprisonment for a period not ceeding the respective periods herein-after mentioned; *videlicet*,—

To a penalty of ten pounds, or alternatively without penalty, to imprisonment for sixty days, every person who—

(1.) Wilfully or indecently exposes his person:

(2.) Occupies a building or part of a building, and suffers any breach of the peace or riotous or disorderly conduct within the same, or occupies a building or part of a building or other place of public resort for the sale or consumption of provisions or refreshments of any kind, and knowingly harbours prostitutes, or suffers persons of notoriously bad fame, or dissolute boys or girls, to assemble therein:

(3.) Publishes, prints, or offers for sale or distribution, or sells, distributes, or exhibits to view, or causes to be published, printed, exhibited to view, or distributed, any indecent, or obscene book, paper, print, photograph, drawing, painting, representation, model, or figure, or publicly exhibits any disgusting or indecent object, or writes or draws any indecent or obscene word, figure, or representation in or any place where it can be seen by the public, or sings or recites in public any obscene song or ballad:

To a penalty of five pounds, every person who—

(4.) Being the occupier of a building or part of a building or other place of public resort for the sale or consumption of provisions or refreshments of any kind, knowingly suffers to remain in his premises any constable on duty, unless for the purpose of quelling any disturbance or restoring order, or directly or indirectly supplies such constable with intoxicating or excisable liquor :

(5.) Affixes or causes to be affixed to or on any place where it can be seen by the public, or delivers or exhibits or causes to be delivered or exhibited to any inhabitant or passenger in or near any street, or sends or causes to be sent through the post office any bill or printed or written paper of an obscene or indecent nature :

(6.) Being the occupier of a building or part of a building or other place of public resort for the sale or consumption of provisions or refreshments of any kind or for the sale or consumption of tobacco or cigars, open his premises for business before five o'clock in the morning, or keeps them open or does business therein after midnight, unless specially allowed by the magistrates :

(7.) Cruelly beats, or ill-treats, over-drives, overloads, abuses, or tortures, or causes or procures to be cruelly beaten, ill-treated, over-driven, over-laden, abused, or tortured, any animal, or impounds or confines, or causes to be impounded or confined, any animal, and refuses or neglects to provide and supply such animal with fit and wholesome food and water :

To a penalty of forty shillings, every person who—

(8.) Alters or defaces the name or address, or the distinctive mark or inscription on any barrel, box, bag, plank, or other article which does not belong to him, without the authority of the owner :

(9.) Behaves in a riotous, violent, or indecent manner :

(10.) Commits a nuisance or uses any obscene, abusive, or indecent language to the annoyance of any person :

(11.) Is drunk while in charge in any street or other place of any carriage, horse, cattle, or steam engine, or when in possession of any loaded fire-arms :

(12.) Uses any threatening, abusive, or insulting words or behaviour with intent or calculated to provoke a breach of the peace :

(13.) Destroys, pulls down, injures, or defaces any board or convenience for the reception or exhibition of advertisements, or any advertisement, placard, or bill affixed thereto, or any placard or notice issued and put up by or under the direction of any lawful authority, or any notice of the position of a fireplug or hydrant, or any board on which any byelaw or part of a byelaw of any lawful authority is painted or placed :

(14.) Damages, defaces, or makes any mark on any drinking fountain or trough, or on any work appurtenant thereto, or pollutes or makes unfit for drinking by man or animal the water in any such fountain or trough, or washes in or permits to enter into that water any dog or other animal under his charge or accompanying him :

(15.) Prints or otherwise makes or circulates or uses, for any purpose whatever, any sham bank note, or a paper or document resembling in size, figure, and colour any bank note of any banking company.

381. *Penalties for certain police offences.*—Every person who in any street (and for the purposes of this section "street" shall include any harbour, railway station, canal, depôt, wharf, towing-path, public park, links, common, or open area or space, the strand and sea beach down to low-water mark, and all public places

hin the burgh), commits any of the following offences shall be liable to a alty not exceeding forty shillings for each offence: viz.,

1.) Exposes for show, hire, or sale (except in a market or market-place or fair or other place lawfully appointed by the Commissioners for that purpose) any horse or other animal; or shoes, bleeds, or farries any horse or animal (except in cases of accident); or cleans, dresses, exercises, or breaks or turns loose any horse or animal; or makes or repairs any part of any cart or carriage (except in cases of accident where repairs on the spot are necessary):

2.) Turns loose or suffers to be at large any bull or other dangerous animal, without being secured by means of a rope attached to a ring through the nose of such animal, or otherwise:

3.) Exposes to public view any stallion or bull when serving any mare or cow:

4.) Set on or urges any dog or other animal to attack, worry, or put in fear any person or animal:

5.) Slaughters any cattle or dresses any part thereof, except in the case of any cattle over-driven or which may have met with any accident, and which for the public safety or other reasonable cause ought to be killed on the spot:

6.) Having the care of any cart or carriage does not have and use bridles and reins with bits sufficient to enable him to regulate the speed of the horse or other animal drawing the same, or who not using bridle or reins does not walk on the causeway close to the side of the animal drawing such cart or carriage (or to the side of the first of such animals if there be more than one) or who rides on the shafts thereof, or otherwise than on the fore part of such cart or carriage, and in such a position as readily to see immediately before and on either side thereof, or who is at such a distance from such cart or carriage, or in such a position therein, as not to have due control over every animal drawing the same; or who does not, in meeting any other carriage, keep his cart or carriage to the left or near side, or who in passing any other carriage does not keep his cart or carriage on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation); or who wilfully prevents any person or carriage from passing him, or any cart or carriage under his care:

7.) At the same time drives more than two carts or carriages; and while driving two carts or carriages has not the halter of the horse in the last cart or carriage securely fastened to the back of the first cart or carriage, or has such halter of a greater length from such fastening to the horse's head than four feet, or who does not otherwise securely retain control by means of a halter over the horse in the second cart or carriage:

8.) Rides or drives furiously, recklessly, or carelessly any horse or any horse attached to a cart or carriage, or drives furiously, recklessly, or carelessly any animal:

9.) While in charge of any cart or carriage used for the conveyance of goods or otherwise for slow traffic, does not draw his vehicle to the near or left side of the road, when required by any person in charge of a private carriage or a cab, or other such vehicle used for swift traffic, so as to allow the swift vehicle to pass the slow vehicle:

10.) Causes any cart or carriage, with or without horses, or any beast of draught or burden, to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except hackney carriages, and horses and other beasts of draught or burden standing for hire in any place appointed for that purpose by the Commissioners or other lawful authority), or by any means wilfully interrupts any public crossing, or by any means wilfully causes any obstruction in any public footpath or other public thoroughfare:

11.) Without proper precautions, and in such manner as to be dangerous to the safety of passengers, conveys or causes to be conveyed any long, large, or heavy, keen-edged or sharp-pointed article:

(12.) Conveys or causes to be conveyed on any cart or carriage any large box, barrel, or basket, and does not sufficiently secure such article by chains or ropes to protect the public against the risk of injury:

(13.) Leads, drives, or rides any horse or other animal, or draws or drives any cart or carriage upon any footway, or fastens or places any horse or other animal so that it stands across or upon any footway:

(14.) Places or leaves and does not remove immediately therefrom any furniture, goods, or other articles, or places or uses any standing place, stool, bench, stall, or showboard on any footway of any street, or public thoroughfare, or places any shade, awning, or other projection, over or along any such footway, unless the same is eight feet in height at least in every part thereof from the ground:

(15.) To the annoyance or obstruction of the residents or passengers carries about on any carriage or on horseback any picture, placard, notice, or other advertisement.

(16.) Places, hangs up, or exposes for sale any goods, wares, merchandise, matter, or thing whatsoever, so that the same project into or over any footway, or beyond the line of any house, shop, or building at which the same are so exposed:

(17.) To the annoyance or danger of the residents or passengers, hangs or places any linen or clothes or other such article on any rail or fence of any premises:

(18.) Writes on, soils, defaces, or marks any wall, fence, hoarding, door, gate, or building, or without authority from the owner or occupier affixes or causes to be affixed to any building, or to any wall, fence, door, gate, or hoarding any bill or other notice, or wilfully breaks, destroys, or damages any part of such wall, fence, hoarding, door, gate, or building, or any tree, shrub, seat, or other thing:

(19.) Conveys in any open cart or carriage, or otherwise, through any public thoroughfare the carcases, or any parts thereof, of animals slaughtered for sale, without the same being properly covered up from public view; or exposes such slaughtered carcases, or any parts thereof, or their skins or offals outside of any shop in any street; or uses machines to mince or hash animal food, to the annoyance of the residents:

(20.) Carries, rolls, or drives any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, log of wood, basket, board, or tray, upon any footway except for the purpose of loading or unloading any cart or carriage, or of crossing the footway:

(21.) Places any line, cord, or pole, across, upon, or over any part of any street or hangs or places any clothes thereon, or on the outside of any window fronting any street, or on the outside of any other window so as to hang down in front of the window of any other person, or shakes carpets or mats from any window:

(22.) Being a common prostitute or streetwalker loiters about or importunes passengers for the purpose of prostitution:

(23.) Habitually or persistently importunes or solicits, or loiters about for the purpose of importuning or soliciting women or children for immoral purposes:

(24.) Is drunk and incapable, and not under the care and protection of some suitable person:

(25.) To the danger or annoyance of the residents or passengers, wantonly discharges any firearm, or recklessly makes use of any sling or catapult or similar article, or throws or discharges any stone or other missile, or makes any bonfire, or sets fire to and throws any firework:

(26.) To the danger or annoyance of the residents or passengers plays at any game, throws any snowball, or makes or uses any slide upon ice or snow, or flies any kite; but games may be played on any rinks, links, common or

public park, subject to the power of regulation by byelaws as herein provided:

77.) Cleanses, hoops, fires, washes, or scalds any casks or tubs, or hews, saws, bores, or cuts any timber or stone, or slacks, sifts, or screens any lime, or during the erection or demolition of any house or building, or otherwise, lays down or removes any lime or other material without the same being sufficiently watered to prevent the same being carried or blown about:

88.) Throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or glaziers' chips, or the sweepings of any house, shop, warehouse, or other premises, or other materials (except building materials so enclosed as to prevent mischief to passengers), except for the purpose of housing or removing the same, or suffers such material to remain for a longer period than is necessary:

99.) Beats or shakes any carpet, rug, or mat, contrary to the byelaws of the Commissioners:

00.) Fixes or places any flower pot or box or other heavy article at any upper window, without sufficiently guarding the same to prevent it from falling:

11.) Unnecessarily or without taking due precaution to prevent accidents throws from the roof or any part of any house or building any slate, brick, wood, rubbish, snow, or other thing:

22.) Permits any female to stand on the sill of any window, in order to clean, paint, or perform any other operation upon the outside of such window, or upon any house or other building, unless such window be in the sunk or basement storey:

33.) Wilfully jostles or annoys any person:

44.) Discharges any smoke or steam from any premises (otherwise than from the top thereof) into any such street, or suffers or permits the condensed water or moisture from any steam-pipe, flue, or funnel to fall into or upon the street:

55.) Leaves open any vault or cellar, or the entrance from any street to any cellar or room underground, without a sufficient fence or handrail, or leaves defective the door, window, or other covering of any vault or cellar, or does not sufficiently fence any area, pit, or sewer left open, or leaves such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto:

66.) Throws or lays any dirt, litter, or ashes or nightsoil, or any carrion, fish, offal, or rubbish, on any street, back area, court, except for the purpose of immediate removal, or on any place, or strand and sea beach, down to low-water mark, or into the channel or on the banks of any river or into any harbour within the burgh, or causes or allows any such matter, solid or liquid, to fall or run on any street, or lays down salt on any street, or footway in time of snow: But it shall not be deemed an offence to lay sand or other materials in any street in time of frost to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the person laying any such things causes them to be removed as soon as the occasion for them ceases:

77.) Keeps any swine near any dwelling-house so as to be a nuisance or an annoyance to the residents or passengers:

88.) Every baker who carries any board or basket, or chimney sweeper who carries any ladder, besom, or sack on the footpath or foot pavement, except for the purpose of crossing the same:

99.) Carries any basket, creel, or other burden, so as to obstruct or annoy any passenger on the footpath or foot pavement, except for the purpose of crossing the same:

10.) Conducts any wheeled vehicle on the footpath or foot pavement, except a perambulator or invalid carriage:

(41.) In vending coals or other articles, shouts or calls out, or uses any bell horn, or other instrument, to cause annoyance to any inhabitant after bei requested by a constable or inhabitant to cease:

(42.) Accumulates within any enclosure, area, house, building, garret, cellar, other apartment, any dung, soil, dirt, ashes, filth, or other offensive matt or thing:

(43.) Places or throws upon any footpath or foot pavement any orange rind peel, or other thing likely to cause danger to passengers:

(44.) Wilfully and wantonly disturbs or annoys any inhabitant by pulling ringing any door-bell, or knocking at any door, or wilfully and unlawful extinguishes the light of any lamp or stair gas:

(45.) Without proper precautions, places or leaves any petroleum, paraffi naphtha, detonator, dynamite, or other combustible or explosive material, the danger of any person:

(46.) While in charge of any horse, cart, or carriage, falls asleep, or leads drives any cart or carriage under his charge abreast of another or not in lin or, when required by any constable or other person, refuses to allow a fr space between every two of such carts or carriages, for the purpose of crossin or does not give his name and address when required by any person reaso ably apprehending danger:

(47.) In raising or lowering or causing to be raised or lowered any article to from any building by means of a chain or rope, does not sufficiently secu such article and provide and use means for protecting the public against t risk of injury:

(48.) Rides on or hangs from the back of any cart or carriage, or tramway c without authority from the owner or person in charge thereof:

(49.) Affixes or causes to be affixed to any building any sign, signboard, or i signia of trade without the consent of the owner and occupier, or affixes causes to be affixed or suffers to remain any projecting sign, signboar advertising board, or insignia of trade without the consent of the Co missioners:

(50.) Being the owner of any cart or carriage used for the conveyance of goo or plying for hire, allows the same to be used without having his Christi name, surname, and place of abode painted in a straight line horizontal upon some conspicuous part on the off or right side of such cart or carriag in legible letters, either of a dark colour upon a light ground, or of a lig colour upon a dark ground, not less than one inch in height, with numbe beginning with number one where more of such carriages respectively th one shall belong to the same owner, and proceeding in regular progression:

(51.) Being the owner of any cart or carriage permits the same to be driven any person who is not of the full age of fourteen years, or in any street pu a cart or carriage, and the animal yoked to the same, or any unyoked saddled horse, temporarily under the charge or care of a person who is not the full age of fourteen years:

(52.) On being authorised to open the carriageway or foot pavement, sh neglect sufficiently to protect such opening at all times and to light the san at night:

(53.) Stands or loiters on the footway, or sits or lies to the obstruction or anno ance of the residents or passengers on the footway or street:

Provided also that nothing contained in this section shall prejudice or affe any byelaws lawfully made by any harbour commissioners or trustees, or a prosecutions for offences under the same.

382. *Habitual drunkards.*—It may be charged as an aggravation of the offen of being drunk and incapable that the accused person has within the twel months preceding been three times previously convicted of such offence; and

ccused person is convicted and such aggravation is proved, the magistrate mpose an additional penalty, not exceeding forty shillings, in respect of such vation, and may sentence such person to imprisonment for any period not ding fourteen days without the option of a fine.

3. *Power to remove articles placed in streets.*—If any matter or thing whatever be placed or allowed to remain in any street, to the obstruction, annoyance, nger of the residents or passengers, it shall be lawful to the chief constable ner constable to remove or cause the same to be immediately removed to any of safety, there to remain at the risk of the owner and person offending, and tain the same until the expenses of removal and detention are paid; and if expenses are not paid within seven days, to sell or dispose of the same, and the proceeds as the magistrate shall direct.

4. *Prevention of nuisance arising from smoke.*—Every person who so uses, or s or permits or suffers to be used, any furnace or fire (except a household s that smoke issues therefrom, unless he proves that he uses the best practical s for preventing smoke, and has carefully attended to and managed the said ce or fire so as to prevent as far as possible the escape of smoke therefrom, be liable to a penalty not exceeding forty shillings in respect of any such act mission, and to a further penalty not exceeding five pounds in respect of every or part of a day, during which such act or omission continues after the sition of the first-mentioned penalty, or in respect of every act or omission of e nature which occurs within one month after such imposition. This enact- shall apply to any person in charge of a steamer plying on a river or estuary e sea within the jurisdiction of the magistrates of the burgh: Provided that ng in this Act shall be construed to extend to mines so as to interfere with bstruct the efficient working of the same, nor to the smelting of ores or rals, nor to the calcining, puddling, and rolling of iron and other metals, nor e conversion of pig iron into wrought iron, so as to obstruct or interfere with f such processes respectively.

5. *Regulation of street traffic.*—The magistrates may from time to time make ws and issue notices and orders:—

) Regulating the traffic, or any particular traffic, in streets within the burgh:

) Diverting temporarily out of any street or streets, traffic of every kind, or such particular kinds of traffic as may be specified in any such order or notice:

) Prescribing the streets in or through which particular kinds of traffic shall not be permitted, or where permitted the hours within which they are permitted:

) Prohibiting or regulating public processions:

nd every breach of any such byelaw, notice, or order shall be deemed an nce against this Act, and every person committing such an offence shall be le to a penalty not exceeding forty shillings.

6. *Power to impound stray cattle.*—If any cattle be at any time found at e in any street of the burgh, without any person having the charge thereof, constable or officer of police may, if he cannot readily find the owner thereof, e and impound such cattle, and may detain the same until the owner thereof to the Commissioners a penalty not exceeding forty shillings, besides the sonable expenses of impounding and keeping such cattle.

7. *Power to sell stray cattle for penalty and expenses.*—If the said penalty d expenses be not paid within three days after such impounding, the person by

whom such cattle were seized and impounded as aforesaid, or other pers appointed by the Commissioners for that purpose, may proceed to sell such catt or cause the same to be sold; but previous to such sale seven days' notice there shall be given to or left at the dwelling-house or place of abode of the owner such cattle, if he be known, or if not, then notice of such intended sale shall given by advertisement, to be inserted seven days before such sale in some new paper published or circulating within the burgh in which the seizure was mad and the money arising from such sale, after deducting the said sums, and t expenses aforesaid, and all other expenses attending the impounding, advertisin keeping, and sale of any such cattle so impounded, shall be paid to the Comm sioners, and shall be by them paid on demand to the owner of the cattle so sol Provided such balance be claimed within six months of such sale, and in defa of such claim the balance shall be applied to the purposes of this Act.

388. *Removal of furniture.*—It shall be lawful for any constable to stop a convey to the police office and there detain, until due inquiry can be made, a cart or carriage, and any person in charge thereof or connected therewith, fou within the burgh employed in removing furniture, or any person carrying fur ture, between the hours of eight in the evening and six in the morning, except the usual terms of removing observed within the burgh.

389. *Dogs or other animals, if a nuisance or annoyance, to be removed, &c.* Every person who shall keep, or suffer to be kept, within any house, buildin cellar, court, or area, or other premises, any dog, or any fowl, or any other anim which is a nuisance or an annoyance to the inhabitants in the neighbourhood, a shall not remove the cause of such nuisance or annoyance within such time as t magistrate shall determine, which he is hereby authorised to do in a summa manner; and every person who shall suffer to be at large or have at large a ferocious, rabid, or vicious dog, not being muzzled, and every person who sha after notice given by the magistrates, which they are hereby authorised to issu directing that dogs should be confined on account of any suspicion of canin madness, suffer any dog to be at large, or have the same at large during the tim specified in such notice, all such persons shall be liable to a penalty not exceedin forty shillings; and any constable may seize and take possession of any dog other animal, being a nuisance or an annoyance as aforesaid, and not removed, so ordered, or any ferocious, rabid, or vicious dog, not being muzzled as aforesai or any dog not confined after such notice, and the chief constable may cause an dog so seized to be destroyed; and he may also cause to be destroyed any do reasonably suspected to be in a rabid state, or which has been bitten by any oth dog reasonably suspected to be in a rabid state.

390. *Stray dogs.*—Any constable may take possession of any dog found strayin in the burgh, and not under the control of any person, and may detain such do for five clear days at a police station or other place selected by the chief constabl and during that time it shall be properly fed, and if at the expiration of that tim such dog be not claimed, and all expenses incurred by its detention paid, th same may be sold or destroyed. When any dog taken possession of by any con stable wears a collar with the address of any person inscribed thereon, a lette stating the fact of such dog having been taken possession of shall be forthwit sent by the chief constable by post or otherwise to the address inscribed on th collar.

391. *Street musicians.*—It shall be lawful for any householder, personally or b his servant, or by a constable of police, to require any street musician or singer t depart from the neighbourhood of the house of such householder; and every per son who shall continue to sound or play any instrument, or sing in any street, a

y time after being so required to depart, shall be liable to a penalty not exceed- ; twenty shillings.

392. *Use of steam whistles and trumpets.*—No person shall, without the sanction the Commissioners, use or employ in any manufactory or any other place any am whistle or other similar call for the purpose of summoning or dismissing rkmen or persons employed, and every person offending against this enactment ll be liable to a penalty not exceeding five pounds, and to a further penalty not ceeding forty shillings for every day during which such offence continues: Pro- led always that the Commissioners, in case they have sanctioned the use of any h instrument as aforesaid, may at any time revoke such sanction on giving one nth's notice to the person using the same.

393. *Penalty for betting in streets.*—If any two or more persons assemble gether in any street or open place within the burgh, for the purpose of engaging lotteries, betting, or gaming, each of such persons shall be liable to a penalty t exceeding forty shillings.

394. *Rules for persons using bicycles, &c.*—Bicycles, tricycles, velocipedes, and ner similar vehicles are hereby declared to be carriages within the meaning this Act, and the following rules shall be observed by any person or persons ing such carriage:

(1.) During the period between one hour after sunset and one hour before sunrise every person using such carriage shall carry attached to his vehicle a lamp, which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted as to afford adequate means of signalling the approach of the carriage:

(2.) Upon overtaking any cart or carriage, or any horse, mule, or other beast of burden, or any foot passenger, every such person shall, within a reasonable distance from and before passing such cart or carriage, horse, mule, or beast of burden, or such foot passenger, by sounding a bell or whistle, or otherwise, give audible and sufficient warning of the approach of the carriage:

d any person who breaks either of these rules shall be liable for any one offence a penalty not exceeding forty shillings.

## Theatres and Places of Public Resort.

395. *Theatres, &c., to be licensed.*—It shall not be lawful for any person to have keep any house or other place of public resort within the burgh for the performance of stage plays or other theatrical representations, or any circus, or any lace for entertainments in the nature of dramatic entertainments or exhibitions, any other place of public resort for public dancing, music, or other entertainent of a like kind (all which places are herein-after shortly described or referred as theatres or other places of public amusement), into which admission is obtained by payment of money or for money consideration, without being duly censed by the magistrates, without prejudice to any powers pertaining by statute the Lord Chamberlain.

396. *Terms of license.*—The fee to be paid for each license shall not exceed wenty shillings, and no license shall be granted to any person except the actual nd responsible manager of any such theatre or other place of public amusement, nd the name and place of abode of such manager shall be printed on every play- ill or other public notice announcing any representation at such theatre or other

place of public amusement; and such manager shall become bound, himself in such penal sum as the magistrates may require, not exceeding fifty pounds, with two sureties, to be approved of by the magistrates, in such further sum not exceeding twenty pounds each as the magistrates in like manner may require, for the due observance of the conditions of the license and of the byelaws from time to time in force in the burgh during the currency of such license for the regulation of such theatre or other place of public amusement, and for securing payment of the penalties which such manager may be adjudged to pay for breach of any of such byelaws or of this Act.

397. *Public shows, &c., not to be opened or set up in burgh without sanction of magistrates.* — No public show of any description whatever, whether in open ground or in any house or building, or caravan or tent, and no swings or hobby-horses, and no shooting-gallery, singing or dancing saloon, or bowling or nine-pin alley, and no place for playing skittles (all which are herein-after shortly described or referred to as public shows and other like places of public entertainment), shall be opened or set up within the burgh without the permission of the magistrates; and it shall be lawful for the magistrates to regulate, restrain, remove, or prohibit all such public shows and other like places of public entertainment, and to make and establish regulations and prohibitions to that effect; and if any person shall open or set up, or be concerned in opening or setting up, any such public show or other like place of public entertainment, without the sanction or permission of the magistrates, or shall contravene any such regulation or prohibition, all such persons shall for every such offence be liable to a penalty not exceeding five pounds, and also to a continuing penalty of five pounds for every day during which the offence is committed or continued.

398. *Burden of proof of licenses.*—Where in any case money or other reward shall be taken or charged directly or indirectly as an entrance fee, or where the purchase of any article is made a condition for the admission of any person into a theatre or other place of public amusement, and it shall be proved that such theatre or other place is used for any public performances or for any of the purposes of public amusement herein-before specified, the burden of proof that such theatre or other place of public amusement is duly licensed shall devolve on the party accused, and until the contrary is proved, such theatre or other place of public amusement shall be taken to be unlicensed, and every person acting therein shall be liable to a penalty not exceeding forty shillings for each offence.

399. *Byelaws may be made as to places of public amusement.*—The magistrates may from time to time make byelaws for the due licensing of theatres and other places of public amusement within the burgh, and may provide in such byelaws for the suppression of riots and disorderly conduct, and for the prevention of smoking within such theatres or other places, and for regulating the times at and during which the same shall severally be allowed to remain open.

400. *Penalty for breach of byelaws.*—In case of riot, or of the breach of any byelaws made by the magistrates, taking place in any theatre or other place of public amusement, the magistrates, after hearing the holder of the license, may order the same to be closed, or may suspend the license thereof for any period they think fit, and during that period such theatre or other place of public amusement shall be deemed to be unlicensed, and the manager thereof shall, in addition to any other penalty he may incur, be liable to a penalty not exceeding five pounds for each day on which he continues to contravene or offend against such byelaws.

401. *Constables may enter certain premises.*—Any constable shall have power, by virtue of his office, at any time to enter any premises or other place of the following description, and every part thereof, viz.:

(1.) Any place to which the public are admitted, by payment or otherwise, used for the purpose of a theatre, public show, or other place of public amusement or entertainment:

(2.) Any music, singing, or dancing saloon, or any shooting gallery, or bowling or nine-pin alley, or any place for playing skittles, or any eating-house, coffee-house, or other such place:

(3.) Any victualling house, public-house, house, or building in which wine, spirits, beer, cider, or other excisable or fermented or distilled liquors are sold or suspected to be sold, whether licensed or not:

(4.) Any house or building, or brothel for the reception of prostitutes, or usually frequented by thieves or loose and disorderly persons:

(5.) Any building or part of a building which is kept or used for a purpose in respect of which a license is required by the provisions of this Act:

(6.) Any ship or other vessel not being employed in Her Majesty's service:

and every occupier or keeper of any such premises or other place, or other person having the charge thereof, who shall not admit such constable when required, shall be liable to a penalty not exceeding ten pounds.

402. *Unlicensed theatres may be entered and occupants removed.*—Any magistrate may, by order in writing, authorise any constable to enter into any building or part of a building suspected to be kept or used for stage plays or dramatic entertainments, or as a circus, or as a public show, or for any of the purposes herein-before specified, into which admission is obtainable by payment of money or for money consideration, and which is not licensed in accordance with the requirements of this Act, at any time when the same is open for the reception of persons resorting thereto, and to remove any person found therein without lawful excuse; and every person keeping, using, or knowingly letting any building or part of a building or any place for the purposes aforesaid, or any of them, which building, part of a building, or place shall be unlicensed as aforesaid, shall be liable to a penalty not exceeding twenty pounds, and every person being therein without lawful excuse, shall be liable to a penalty not exceeding forty shillings, and the burden of proving that any such building, part of a building, or place is a licensed theatre or circus, or that any public show is sanctioned by the magistrates, shall be upon the person keeping or conducting the same.

## Disorderly Houses and Gambling Houses.

403. *Suppression of brothels.*—The magistrate may on a complaint by the burgh prosecutor grant warrant to enter into and search from time to time, during any period not exceeding thirty days from the date of such warrant, any house or building, or part of a house or building, or other place, which on examination of the chief constable or an inspector or lieutenant of police and at least one other person, not holding any office or situation under this Act, the magistrate is satisfied there is reasonable ground for believing to be kept, managed, or used, or suffered to be used as a brothel; and any constable under authority of such warrant may take him into custody and convey to the police office the occupier of such house or building, or part of a house or building or place, or any person found therein who either temporarily or permanently manages or assists in the management of such brothel, and every such person shall be liable on conviction before the sheriff or two magistrates of being the occupier of, or of temporarily or permanently managing, or assisting in the management of such brothel, to a penalty not exceeding twenty pounds, or to imprisonment, without

the option of a fine, for any period not exceeding sixty days, and failing payment of any such penalty, to imprisonment not exceeding sixty days, and the conviction of any such person as aforesaid, shall, *ipso facto*, void and terminate any lease, or any arrangement to let such house or building, or part of a house or building, from and after the date of such conviction: Provided always, that all legal rights of the owner thereof for rent or otherwise, for the year current at the date of such conviction, and consequent voidance or termination of lease, or let, or arrangement to let, shall remain unaffected, and may be enforced as if no such voidance or termination had followed such conviction.

404. *Remedy where room used for meetings becomes a nuisance.*—The magistrates, on their being satisfied on the complaint of two or more householders residing in any common tenement or any building, that any house, room, or apartment therein, used for entertainments, is a nuisance, may order the person having or keeping the same to discontinue the use thereof till the nuisance be abated, and every person continuing to use such house, room, or apartment for such purposes while any such order is in force shall be liable, on conviction before the sheriff or two magistrates, to a penalty not exceeding ten pounds, or to imprisonment for a period not exceeding sixty days.

405. *Penalty on persons keeping places for baiting animals and on persons found therein.*—Every person who within the burgh keeps or uses or acts in the management of any house, room, pit, or other place for the purpose of fighting, baiting, or worrying any animals, shall be liable to a penalty of not exceeding five pounds, or in the discretion of the magistrate before whom he is convicted, to imprisonment, with or without hard labour, for a time not exceeding one month without any penalty being imposed; and the magistrate may, by order in writing, authorise the chief constable, with such constables as he thinks necessary, to enter any premises kept or used for any of the purposes aforesaid, and take into custody all persons found therein without lawful excuse, and every person so found shall be liable to a penalty not exceeding five shillings; and a conviction for this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penal consequences to which he is liable for the nuisance thereby occasioned.

406. *Penalty against practising games of hazard, &c.*—All persons who shall be found in possession of or shall exhibit implements or articles for practising games of hazard, in order to induce or entice, or who shall induce or entice, any person to play at any game of hazard, or who, by any fraudulent act or device, shall cozen and cheat or attempt to cozen or cheat any person out of any money or property, on conviction shall be imprisoned for any term not exceeding sixty days, and shall also at the same time be sentenced to repay any money or restore any property which they may have obtained by means of any such offence, and failing such payment or restoration, may, under the same procedure, be committed to or detained in prison for any further term not exceeding sixty days.

407. *Gaming houses.*—It shall be lawful for the chief constable or any constable of police, having good grounds for believing that any house, room, or place is kept or used as a gaming or betting house, to enter such house, room, or place, and, if needful, to use force for the purpose of effecting such entry, and to take into custody all persons who shall be found therein, and to seize all tables for and instruments of gaming found in such house, room, or place, and all moneys and securities for money found therein; and the owner or keeper of such gaming or betting house, or other person having the care or management thereof, and also any person who shall act in any manner in conducting such gaming or betting, shall be liable in a penalty not exceeding fifty pounds; and upon conviction of

any such offender all such tables and instruments of gaming shall be destroyed, and all the moneys and securities for money which shall have been seized as aforesaid shall be paid over to the collector of police, and applied in the same way and manner as penalties by this Act are directed to be applied ; and every person found within such premises without lawful excuse shall be liable in a penalty not exceeding ten pounds.

It shall not be necessary, in support of any prosecution under this Act for gaming in or suffering any game or gaming in such gaming or betting house, or for keeping or using or being concerned in the management or conduct of such house, to prove that any person found playing at any game was playing for any money, wager, or stake.

### Suppression of Vagrants.

408. *Vagrant beggars, &c., to be apprehended, and upon conviction imprisoned.*—Every person found begging, or exposing wounds, or deformities, or who shall cause or permit the exposure of children of tender age to the inclemency of the weather, or causing children to sing in any street or court, or common stair, or otherwise acting so as to induce, or for the purpose of inducing, the giving of alms, and every person conducting himself as a vagrant, having no fixed place of residence, and no lawful means of getting his livelihood, shall be liable, for the first offence, to a fine not exceeding twenty shillings, or to be imprisoned for any period not exceeding thirty days, or to imprisonment for such period, without the option of a fine, and for the second or any subsequent offence, to be imprisoned for a period not exceeding sixty days.

409. *Known or reputed thieves may be apprehended, &c.*—Every known or reputed thief, or associate of known or reputed thieves, who is found in any house or building, or part of a house or building, or other enclosed place, or who is found frequenting any street, court, house, or building, or place adjacent, with intent to commit any crime, or who is in possession of any picklock, key, crow, jack, bit, or other implement usually employed in housebreaking, or who is found in possession of any money or article without being able to give a satisfactory account of his possession thereof, may be apprehended, and, on conviction, be committed to prison for any term not exceeding sixty days ; and it shall not be necessary in proving the intent to commit a crime to show that such person did any particular act or acts tending to show his purpose or intent, and he may be convicted if from the circumstances of the case and from his known character as proved to the magistrate it appears to such magistrate that his intention was to commit a crime. For the purpose of this section the word "crime" shall mean any description of theft, robbery, housebreaking, reset of theft, and any similar offence involving dishonesty ; and any money or article found upon the accused, if not claimed by the owner within twelve months, may be forfeited and applied for the purposes of this Act.

410. *Procedure against persons sending out children to beg.*—It shall be lawful for any constable to apprehend and bring before the magistrate any young person found begging or sent or suffered to go out for that purpose, and also the parents of such young person, or other relations to whose control he is subject, by whom he has been so sent or suffered to go out, and also any other person by whom such young person has been so sent out ; and on the complaint being established that such young person has been sent out or suffered to go out for that purpose by his parents, or either of them, or by any other relation to whose control he is subject or has been sent out for that purpose by any other person, it shall be lawful for the magistrate to punish such parent, relation, or other person as a vagrant or disorderly person by a fine not exceeding five pounds or by imprisonment for a period not exceeding thirty days.

411. *Beggars and vagrants to be handed over to parochial authorities.*—It shall be lawful for any constable to apprehend and bring before the magistrate all such beggars, vagrants, and idle poor persons, strolling or wandering or seeking relief, or found lying in any outhouse, stair, close, or area, or other place within the burgh; and it shall be lawful for the magistrate to direct and cause intimation of all such persons as he may not at the time convict of begging and vagrancy, as herein-before provided, to be sent to the inspector of the poor of the parish within which such person shall have been found, in order that their claim, if any, as paupers may be investigated and disposed of according to law; and the magistrate shall direct and cause all such persons to be detained in custody pending such investigation, and the said inspector shall be bound to report to the magistrate the result of such investigation.

### Articles Found or Stolen or Fraudulently obtained.

412. *Goods, &c., found to be reported to police office.*—Every person finding any goods, articles, or money shall report the fact, and deposit such goods, articles, or money with the chief constable or other officer acting for him, within forty-eight hours after the same shall have been found by such person; and every person failing so to report and deposit shall be liable to a penalty not exceeding five pounds; Provided always, that if the owner of such goods, articles, or money shall not claim the same and prove his ownership to the satisfaction of the magistrate within six months from the date of such report and deposit, the magistrate may award the same to the finder, under deduction of the expenses incurred for advertising for the owner; and where the owner shall appear and prove his ownership as aforesaid, the magistrate shall order such goods, articles, or money to be delivered to such owner, under deduction of such expenses and of such reward to the finder as in the circumstances the magistrate shall determine: Provided also, that if the owner of the same do not prove his ownership, and the finder cannot, within six months and after notice, be found, the magistrate may order such goods or articles to be sold and the proceeds thereof, or if the subject be money, such money to be applied to the purposes of this Act.

413. *Goods stolen or fraudulently disposed of to be delivered up to owner.*—If any goods or articles shall be stolen or unlawfully obtained from any person, or being lawfully obtained shall be unlawfully pawned, pledged, sold, or exchanged, and complaint shall be made thereof, and if such goods shall be found in the possession of any broker or other dealer in second-hand property, or of any person who may have advanced money upon the credit of such goods, it shall be lawful to any magistrate to issue a summons or warrant for the appearance of such broker, dealer, or other person, and for the production of the goods or articles; and the ownership of such goods or articles being established to the satisfaction of such magistrate, he shall order such goods or articles to be delivered up to the owner thereof, either with or without payment of any sum, and at such time as the magistrate shall think fit; and every broker, dealer, or other person who, being so ordered, shall refuse or neglect to deliver up the goods or articles, or who shall dispose of or make away with the same after notice that such goods were stolen or unlawfully obtained as aforesaid, or unlawfully pawned, pledged, sold, or exchanged, shall forfeit to the owner of the goods the full value thereof, to be determined by the magistrate: Provided always, that no order shall prevent any broker or dealer from recovering possession of such goods by action of law from the person into whose possession they may have come by the magistrate's order, so that such action be commenced within three months next after such order shall be made.

414. *How stolen or unclaimed goods to be kept.*—Where any stolen or unclaimed goods or effects may be brought to the police office, the chief constable or other officer of police shall forthwith make an entry of the same in a book to be kept in the police office for that purpose and of the names of the parties from whom taken or by whom pledged or brought to the police office, in which book the chief constable or other officer of police shall also enter the date and manner in which such stolen or unclaimed goods shall be retained till disposed of.

415. *Unclaimed stolen property, &c., to be disposed of.*—All goods, articles, or money known or alleged to have been stolen or unlawfully obtained, and of which the owner may be unknown or which may be unclaimed, shall be taken possession of by the chief constable, and the magistrate after the expiration of twelve months, or, in the case of perishable articles, after the expiration of such period as he shall think fit, during which periods respectively no owner shall have claimed the same, shall grant warrant for the sale or disposal of such goods, articles, or money, the proceeds to be applied for the purposes of this Act: Provided always, that except in the case of perishable articles, notice of sale shall be given in two or more newspapers published or circulating in the burgh as the magistrate may direct: Provided also, that it shall not be necessary before such goods, articles, or money can be so sold or disposed of, that any apprehension shall have taken place, or that any formal charge before the magistrate shall have been made against any person for having stolen or unlawfully obtained the same.

## Prevention of Fraud.

416. *Weighing machines to be erected.*—The Commissioners may erect, so far as not already done, and maintain steelyards, scales, or other weighing machines, upon or adjacent to the streets, or at any other convenient places within the burgh, for the purposes herein-after mentioned, or they may grant powers to others to that effect, and they may also appoint proper persons to attend the same, with suitable allowances for their trouble: The Commissioners may also sanction and regulate the management of any steelyard or other weighing machines already existing within the burgh and not otherwise regulated by Act of Parliament.

417. *Duty of keepers of weighing machines.*—It shall be the duty of the keeper of every public weighing machine, during such hours as shall be fixed by the Commissioners to weigh every cart or carriage presented to him for that purpose, and to enter in a book, and also to give to the driver a certificate of the contents or load of such cart or carriage, its gross weight, its number, or such other particulars as shall identify it, the tare weight, if marked thereon, and the exact time of weighing. It shall be lawful for the Commissioners from time to time to make byelaws fixing the charges to be made for the use of the weighing machines.

418. *Rights with respect to weighing machines not affected.*—Nothing in this Act shall prejudice or affect the rights or powers of any harbour commissioners or trustees with respect to weighing machines lawfully erected or to be erected by them and under their control.

419. *Power to provide portable machines for weighing coals.*—It shall be lawful for the Commissioners to provide, furnish, and maintain such number of portable or moveable machines for weighing coals as they may deem necessary, to be kept at convenient places within the burgh, in order that the inhabitants may have access to them for the purpose of reweighing their coals at their own expense, if they shall be so inclined, and to employ proper persons to attend such machines, and to establish the rates to be payable for such reweighing; and it shall be lawful for the chief constable or any other officer acting under this Act, to cause coals

offered for sale or for delivery to be reweighed, and to require the driver to produce the ticket thereof, as a check on the conduct of drivers and others, such reweighing being always done free of expense.

420. *Retailers of coals to keep scales and weights for weighing at the time of delivery.*—For the purpose of ascertaining the weight of coals sold in quantities of less than half a ton within any yard or place where they may be kept, or from any cart or carriage on which they may be carried by dealers for sale, such dealers shall be obliged to keep scales and weights or steelyards of the legal standard within such yard or other place, and also attached to the cart or carriage used by them for the sale of such coals, whereby the coals so sold by retail may be weighed at the time of the sale or delivery, and such dealers shall be obliged to weigh the same, upon being required to do so either by the person purchasing the same or by any officer of police ; and any such dealer failing to have and keep such scales and weights or steelyards, or refusing to weigh the coals as aforesaid, shall be liable to a penalty not exceeding forty shillings, and five pounds for any subsequent offence.

421. *Regulations as to sale of coals of half a ton weight.*—Any person who shall sell any quantity of coals equal to or exceeding half a ton weight, shall be bound to deliver to the carter, or person in charge of the said coals, to be given to the purchaser, an account or memorandum specifying the true tare of the cart or carriage conveying the said coals, and the true weight and price of the coals, and the exact time the cart or carriage has left the premises of the seller, under a penalty of twenty shillings for each offence in any one of such particulars.

422. *Carter to deliver memorandum.*—The carter or person in charge of the said coals shall be bound to exhibit such account or memorandum to any police constable who may demand the same, and immediately on his arrival at the place of delivery shall deliver the same to the purchaser or inmate or other person in charge of the house or place of delivery, under a penalty of twenty shillings for each offence in either of the said particulars.

423. *Penalty on driver refusing to weigh.*—If any driver or other person having the charge of any cart or carriage shall not, upon being so required as aforesaid, take the same to any such public weighing machine, or shall refuse to assist in the weighing of the same in such manner as the drivers of carts or carriages are used and accustomed to do, such driver or other person shall for each offence be liable to a penalty not exceeding forty shillings.

424. *Small quantities of coals to be sold from carts and in labelled bags.*—Every person who sells or delivers coals in quantities not exceeding two hundredweight in weight from any cart or carriage shall keep the specific quantities of coals to be sold by him made up in bags or boxes labelled in such a manner as to indicate the weight which such bag or box contains, and any such person failing to comply with this provision shall be liable to a penalty not exceeding forty shillings.

425. *Penalty on fraudulent weighing.*—If the keeper of any weighing machine used within the burgh for the purpose of ascertaining the weight of coals, or the seller of any coals which shall be weighed at such weighing machine, or any of their respective servants, shall wilfully, on application, refuse duly to weigh or reweigh any cart or carriage, with or without loading, or shall designedly do or omit to do anything with intent that the true weight or measurement of any coals weighed thereat shall not be ascertained, or if the owner or driver or other person having the charge of any cart or carriage shall place or knowingly have any article, matter, or thing in or about such cart or carriage, other than the proper load therein, or shall alter the tare or weight, or the ticket denoting the weight, of any

art or carriage, or the loading thereof, or shall make, use, or be privy to the making or using, any false or fraudulent ticket respecting the weight of any such cart or carriage or loading, or if by reweighing or otherwise it shall be discovered that any coals have been abstracted by such owner, driver, person in charge, keeper, or servant, from such cart or carriage, after it shall have passed the steelyard or weighing machine where it was originally weighed, or if the owner or driver or person in charge of any cart or carriage, or the keeper of any machine as aforesaid, or his servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent contrivance touching the weight of any cart or carriage, or the load therein, or shall knowingly assist in or connive at any fraud in or concerning the weight of any cart or carriage, or of the load therein, or if any other person shall knowingly aid or assist in the committing of any fraud respecting the weight of any cart or carriage, or the load therein, weighed, or intended or represented to be weighed, at any such machine as aforesaid, then and in every such case every person so offending shall for every offence be liable to a penalty not exceeding five pounds, or to be imprisoned for any period not exceeding sixty days without the option of a fine.

426. *Regulations may be made for preventing fraud in weight of hay, straw, &c.*—In order to prevent fraud in the weight of grain, hay, and straw, or other commodities usually weighed in carts or carriages, it shall be lawful for the Commissioners to make regulations for ascertaining the weight or quantity of grain, hay, or straw, or other commodities brought within the burgh, upon parties voluntarily resorting to the said weighing machines for the purpose, and for the magistrate to punish persons disobeying such regulations, by seizing, forfeiting, and selling such grain, hay, and straw, or other commodities so brought in contravention of such regulations, or by imposing on the offender a penalty to the extent and in the manner before described in respect of coals which have not been duly weighed, and also to fine any person driving carts or carriages from which grain, hay, or straw, or other commodities shall have been fraudulently taken or embezzled, and any person accessory to such fraudulent taking or embezzlement, in any penalty not exceeding five pounds, or to sentence him to imprisonment for any period not exceeding sixty days without the option of a fine.

427. *Penalty on committing frauds in weight of bread.*—All bakers and dealers in bread shall, on all bread made or exposed by them for sale (except fancy bread or rolls), impress thereon, in large and distinct figures, the imperial weight of such bread; and any person who shall expose or offer for sale, or sell any bread not so impressed shall be liable in a penalty not exceeding forty shillings for each offence; and any person who shall sell, or offer or expose for sale, any bread which shall be deficient or under the weight so impressed, shall be liable in a penalty not exceeding forty shillings for each offence.

428. *Power to seize diseased cattle.*—In the case of cattle infected with or suspected of any disease within the meaning of the Contagious Diseases (Animals) Acts, 1878 to 1890, being exposed or offered for sale, or being brought or attempted to be brought through any street or into any market or fair, any inspector, collector, or constable may seize any such cattle, and cause the same to be inspected by a veterinary inspector, and may report such seizures to any magistrate, and such magistrate may, after hearing the evidence, either order such cattle to be restored, or direct the same, and also any pens, hurdles, troughs, litter, hay, straw, and other articles which he may deem likely to have been infected thereby, to be forthwith destroyed, or otherwise disposed of; and any person bringing or attempting to bring any cattle through any street, or into any market or fair, knowing the same to be labouring under any such disease, shall for every such offence be liable to a penalty not exceeding twenty pounds.

429. *Power to proceed against original seller of diseased cattle, &c.*—Where any person is convicted by any magistrate of the offence of selling or exposing for sale, or of having in his possession for sale, any unsound or diseased animal or diseased meat, or any animal or meat unfit for the food of man, and intended for such food, it shall also be lawful for the burgh prosecutor to proceed against the original seller of such animal or meat as if he were an offender art and part with the convicted person, and as if he had committed such offence within the burgh, provided that such animal or meat were unsound or diseased, or unfit for the food of man, at the time of the sale thereof by such original seller to the convicted person ; and the purchase by the convicted person or by any one on his behalf, from such original seller, wheresoever made or carried out, shall be taken and held to be a sale by such original seller of the animal or meat in question within the burgh, in premises kept and used for the sale of animals or meat ; and the penalty and punishment provided by this Act against the person convicted shall also be applicable to and be leviable and recoverable from such original seller, and all the powers, authorities, jurisdiction, and forms of procedure given and provided by this Act against the convicted person shall be applicable to the prosecution, trial, and punishment of such original seller.

430. *Chief constable or inspector to have power to enter premises and require articles to be weighed.*—The chief constable, or any other constable specially appointed to perform the duty by the chief constable, or any inspector of weights and measures in the burgh, may, at all reasonable hours, enter any building or part of a building, or other place within the burgh in which any article is sold, or is made up, or kept or exposed for sale by weight or measure, or in which articles are sold or are set apart, or kept or exposed for sale in numbers, or in which any article is weighed or measured, or any articles are numbered with a view to their being bought or sold, or he may stop any cart or carriage, or any person carrying or in charge of any basket from which such articles are sold, or kept or exposed for sale, on the street, public or private, and require such article or articles to be weighed, measured, or numbered in his presence ; and if the weight, measure, or number thereof ascertained does not correspond with the weight, measure, or number thereof which has been represented by the person who has sold or made up, or kept or exposed the same for sale, or who weighed, measured, or numbered the same with a view to purchase or sale, such chief constable or other constable or inspector may seize, impound, and convey such article or articles to the police office, or to an office provided for the purpose by the Commissioners, and the magistrate may sentence the person who has sold or made up, or kept or exposed the same for sale, and who has incorrectly weighed, measured, or numbered the same with a view to purchase or sale, to a penalty not exceeding five pounds, and declare such article or articles in so far as belonging to such person to be forfeited, unless such person shall prove to his satisfaction that the deficiency in weight, measure, or number has arisen without any fraudulent intent.

431. *Offences under Weights and Measures Acts or Criminal Law Amendment Act.*—All offences committed within the burgh under the Weights and Measures Acts, 1878 and 1889, and under the Criminal Law Amendment Act, 1885, in so far as it relates to the suppression of brothels, may be tried by the magistrate as police offences under complaint by the burgh prosecutor ; and the penalties may be recovered and applied in the same way as penalties for police offences under this Act ; and the magistrates shall be the local authority, and the word "burgh" in the said Weights and Measures Acts shall include any burgh under this Act.

432. *Authority under Sale of Food and Drugs and Bakehouses Regulation Acts.*—The Commissioners of any burgh under this Act shall be the local authority

der the Sale of Food and Drugs Act, 1875, and also under the Bakehouses gulation Act, 1863, and all offences committed in the burgh under any of the d Acts may be brought before and tried by the magistrate as police offences der complaint by the burgh prosecutor, and the fines and penalties may be overed and applied in the same way as fines and penalties for police offences der this Act.

BROKERS AND PAWNBROKERS.

433. *Brokers to be licensed.*—From and after the commencement of this Act no rson shall within the burgh exercise or carry on the trade or business of a broker hich for the purposes of this Act shall also include dealers in second-hand ods, known as "general dealers") unless he shall have first obtained a license to do from the magistrates, which license such magistrates shall have a discretionary power of granting or refusing as they shall see cause, and which, when anted, shall continue in force until the term of Whitsunday in each year, and longer, unless sooner revoked or suspended, which the magistrates are hereby thorised to do, on legal conviction of any violation of any of the conditions of ch license, or of the provisions of this Act; and every person applying for such ense, or a renewal thereof, shall pay to the clerk a sum not exceeding two llings and sixpence as the expense attending such application, and of recording e same, and the deliverance of the magistrates thereon, and of such license or newal, if granted, in a book to be kept by him for that purpose; and if any rson shall within the burgh exercise or carry on the trade or business of a broker thout having first obtained such license as aforesaid, or after the revocation or ring the suspension thereof, or shall contravene the terms of such license or any the provisions of this Act, such person shall for each such offence be liable to a nalty not exceeding five pounds: Provided always, that it shall not be lawful the magistrates to grant any such broker's license to any licensed pawnbroker rrying on business as such; but nothing in this provision shall be held to apply the sale of goods *bonâ fide* forfeited in accordance with the Pawnbrokers Act, 72.

434. *Brokers to furnish a description of their premises, and keep books.*—Every rson who shall apply to be licensed as a broker shall, at the time of his application, and at Whitsunday yearly thereafter, furnish to the clerk in writing a scription of his premises, including all cellars, closets, and other places proposed be used by him in the course of his trade; and all brokers shall enter in books be kept by them on the premises the particulars of each transaction in their siness, which particulars shall contain a proper and distinctive description of ch article purchased or received by them, the name and place of abode of the rson from whom they have purchased or received the same, and the date and ur of the day of each such transaction, and the price paid or agreed to be paid r such articles; and if any such broker shall fail to keep such book, or to enter erein the particulars before mentioned, he shall for each offence be liable to a nalty not exceeding five pounds.

435. *Brokers to retain articles for fourteen days after having received them.*—All ticles purchased or received by such brokers shall be kept by them in their ops or other places where their ordinary business is carried on for the full period fourteen days from and after the date on which it shall appear from their books at such articles have been purchased or received; and every broker shall attach each article a ticket or label with the date of purchase or receipt written ereon; and every broker who shall fail to attach such ticket or label, or who all sell or otherwise dispose of or remove from his premises as aforesaid any such

articles before the expiry of such period of fourteen days, or shall fail at any time in the course of that period to produce such articles to the chief constable, or to any constable acting under him, when required so to do, shall for each offence, upon conviction before a magistrate, be liable to a penalty not exceeding five pounds ; and every broker shall add columns to his books in which entries shall be made showing to whom the several articles were sold or delivered, giving full name and full address and date of sale, and every broker failing so to do shall for each offence be liable to a penalty not exceeding twenty shillings.

436. *Brokers to produce articles and books on demand.*—Every broker shall, at all reasonable times, exhibit and produce, on demand, to the chief constable, or to any constable acting under him, all articles in his possession, or which he may have received or purchased, and shall also produce his books in which the description of any such articles is or should have been entered, when required, in the police court, or to the chief constable, or any constable acting under him, and having the general or special authority of a magistrate, in which book the constable requiring and obtaining production thereof shall on every occasion subscribe his name immediately following the last entry therein ; and as often as it shall be found that any goods or articles which have been stolen, embezzled, or fraudulently obtained are in the possession of any broker, he is hereby required, on being informed by the chief constable or other constable authorised as aforesaid that such goods or articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the chief constable, in order that they may be produced in such manner as may be necessary for the ends of justice, or upon proof of ownership, to the satisfaction of the magistrate, restored to the proper owner thereof ; and every broker who shall refuse to produce and show the goods or articles in his possession, or the books in which the same ought to have been described, on being required so to do, or who shall refuse to allow the chief constable or constable requiring the said books to subscribe his name therein, or who shall not deposit any such goods or articles stolen, embezzled, or fraudulently obtained as aforesaid, shall, upon conviction before a magistrate, for every such offence be liable to a penalty not exceeding five pounds, without prejudice to such broker being also proceeded against as a receiver or resetter of stolen goods according to law.

437. *Pawnbroker to produce his book on demand.*—Every pawnbroker shall at all times during his hours of business produce on demand to the chief constable, or to any constable acting under him, his books in which the articles received by him in pledge are entered, and shall exhibit to such chief constable or constable all goods regarding which information shall have been given tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and if required shall deposit the same with the chief constable for the ends of public justice, on receiving a receipt for such goods ; and any pawnbroker who shall refuse to produce his books, or to exhibit and, if required, to deposit any goods as aforesaid, shall for every offence be liable to a penalty not exceeding five pounds.

438. *Brokers, &c., to report stolen goods, under a penalty for neglect.*—If any goods or articles regarding which written or printed information shall be given by any constable to any pawnbroker or broker as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the possession of such pawnbroker or broker, such pawnbroker or broker shall, without unnecessary delay, give information at the nearest police station, or to any police officer, if that should be the speediest mode of communicating that certain goods or articles answering the description of the said goods or articles were offered to him or are in his possession, and shall also state the name and address given by the person

whom the same were offered or from whom the same were received, under a alty not exceeding five pounds for each and every such neglect or offence: Pro- ed always, that in the case of wearing apparel or other articles which it may be icult for such pawnbroker or broker to trace out and identify, no fine shall be gible in respect of not reporting such articles, unless it shall appear to the gistrate that such articles had been knowingly concealed by such pawnbroker broker.

439. *If stolen articles be altered or defaced by broker, he shall be held to be tter of stolen goods.*—If any broker shall after receiving information of the ft, or the embezzling or the fraudulent disposal of any metals, goods, or articles whatsoever description, melt, alter, deface, or put away the same, or shall cause same to be melted, altered, defaced, or put away without having previously eived the permission of the magistrate, and if it shall be found that such metals, ds, or articles were stolen, embezzled, or fraudulently disposed of by the person m whom such broker received the same, or by any other person, then and in h case it shall be held that such broker knew that such metals, goods, or articles e stolen, embezzled, or fraudulently disposed of, and such broker shall be pro- ded against according to law as a resetter of stolen goods, or as being a party to fraud, and punished accordingly; and no other evidence of his guilt shall be essary than evidence of such melting, altering, defacing, or putting away, after eiving information as aforesaid.

440. *Brokers not to carry on business of publicans, nor to purchase tickets of wnbrokers.*—It shall not be lawful for any broker or any pawnbroker to carry business as a publican or retailer of exciseable liquors, or for any broker to pur- se, receive, or take the note or ticket of any pawnbroker for any goods or icles which have been pawned, or to contract or negotiate in any manner with holder of any such note or ticket, or any person in his behalf, for the purchase goods or articles specified therein; and if any broker shall offend herein, either himself or his servant, or by any other person having the charge of his premises, l for whom in such case he shall be held responsible, such broker shall for every h offence be liable to a penalty not exceeding five pounds.

441. *Pawnbrokers not to act as brokers, and brokers not to take articles in pledge.* If any pawnbroker shall act as a broker, except in the sale of articles *bonâ fide* feited in accordance with the provisions of the Pawnbrokers Act, 1872, or if broker shall receive or take any goods or articles in pledge, such pawnbroker broker shall for every such offence be liable to a penalty not exceeding five nds.

442. *Pawnbroker and broker not to carry on business in the same premises.*—It ll not be lawful for a pawnbroker and broker to carry on their respective des within the same premises, or in separate premises having a communication h each other; and every pawnbroker or broker who shall offend herein shall every such offence be liable to a penalty not exceeding five pounds, which alty shall be in addition to any penalty now payable for the like offence under y Act or Acts now in force.

443. *Penalty on brokers transacting business with persons under fourteen years age.*—It shall not be lawful for any broker at any time to sell to or purchase m any person who shall apparently be under fourteen years of age, whether h person is acting on his own behalf, or on behalf of some other person; and any broker shall offend herein, either by himself or his servant, or any other rson having the charge of his premises, and for whom in such case he shall be

held responsible, such broker shall for every such offence be liable to a pena not exceeding five pounds.

444. *Penalty on brokers transacting business between certain hours.*—It sh not be lawful for any broker to sell to or purchase from, or have any busin transaction whatsoever with any person between the hours of ten o'clock of ea Saturday night and nine o'clock in the morning of the following Monday, between ten o'clock of any other night and eight o'clock on the following mo ing ; and if any broker shall offend herein, either by himself or his servant, any other person having the charge of his premises, and for whom in such c he shall be held responsible, such broker shall for every such offence be liable a penalty not exceeding five pounds.

445. *Penalty on pawnbrokers, &c., purchasing tickets or clothing issued charitable institutions.*—Any pawnbroker or broker who shall either by hims or by his servant, or by any other person having the charge of his premises business, and for whom in such case he shall be held responsible, and any ot person who shall purchase, receive, or take any note or ticket issued by author of any parochial board or charitable institution, or any article of clothing issu by authority of any parochial board or charitable institution, and legibly mark or known by him to be so issued, shall for each such offence be liable to a pena not exceeding five pounds, without prejudice to such pawnbroker, broker, or ot person being proceeded against according to law as a resetter of stolen goods.

446.—*Pawnbrokers not to keep smelting pots.*—Every pawnbroker or bro who shall keep or suffer to be in his premises any smelting pot or implement melting, altering, or defacing gold, silver, lead, or other metals, shall for ev such offence be liable to a penalty not exceeding five pounds and such smelti pot or implement shall be forfeited.

447. *Brokers to have their names painted over shop doors.*—Every per licensed as a broker shall have his name, with the words "licensed broke painted over the door or principal entrance of his premises, in large characte either black upon a white ground, or white upon a black ground, and shall fr time to time replace the same when removed, obliterated, or defaced, un a penalty not exceeding twenty shillings.

448. *Brokers, &c., may detain suspected persons offering goods for pledge or s* —It shall be lawful for any pawnbroker, or other broker or dealer, or any ot person to whom any goods or articles which shall be reasonably suspected to stolen or illegally obtained shall be offered to be pawned, sold, or delivered, a he is hereby required to detain the person offering the same, and for any offi or constable thereupon to take such person into custody, for the purpose of be examined by a magistrate, and to take possession of such goods or articles for ends of justice, and the magistrate may, on examination, immediately discha such person, or may, if he shall see any ground for believing that the goods articles have been stolen or illegally obtained, remand such person to the pol office, or commit him to prison for a period not exceeding three lawful days, further examination, or till bail be given for his appearance within the said te for further examination ; and if on further examination the magistrate shall satisfied that the goods or articles were stolen or otherwise illegally obtained, may commit the person charged to prison, to be dealt with according to law, a in that case all such goods and articles shall immediately be delivered up to a dealt with by the police as stolen or unclaimed property: Provided always, t the chief constable or other person on duty at the police office to which su person so offering such goods or articles may be taken shall, without del

ire as to the circumstances attending the possession of such goods or articles, der to his determining, in the absence of the magistrate or burgh prosecutor, her the party shall be immediately discharged or liberated on bail in manner in provided; and any pawnbroker, broker, or dealer, or any other person, shall detain any person under this provision, shall be freed from responsibility, ss malice be averred and proved.

49. *Provisions applicable to a dealer in marine stores.*—The following pro- ns shall apply to a dealer in marine stores:

.) He must receive a license from the magistrates, signed by the clerk, specifying the particular house and room or rooms in which the business is to be carried on, and which he may be granted on application made to them in such form and with such particulars as they may prescribe:

.) He shall cause to be painted in capital letters not less than four inches in height and of proper breadth on the outside of the licensed house, and so that the same shall be at all times plainly legible, his Christian name and surname at full length, with the addition "licensed dealer in marine stores":

.) The license shall be in force for one year only from its date or until the next general licensing day (if any):

.) It shall be recorded in a register kept for the purpose, and there shall be paid for it such fee not exceeding five shillings, as the magistrate may fix:

.) Whenever a licensee changes his place of abode, or the place or room or rooms in which he carries on his business, he shall, within twenty-four hours of the change, give notice thereof to the clerk, and within three days pro- duce to the clerk his license, who shall, if the magistrate be satisfied as to the suitability of the new premises, endorse thereon a memorandum specifying the particulars of the change:

.) The provisions herein-before enacted in regard to brokers in sections four hundred and thirty-four, four hundred and thirty-nine, four hundred and forty-one to four hundred and forty-six, both inclusive, and four hundred and forty-eight hereof, shall apply, under the same conditions, to dealers in marine stores.

50. *Penalty on carrying on business without license, and other offences.*—Any on who commits any of the following offences (that is to say,)

arries on within the burgh the business of a dealer in marine stores without having obtained a license for such purpose; or

lakes any wilfully false statement in any application for a license; or

laving obtained a license, neglects or omits to give effect to any of the fore- going provisions,

l be liable to a penalty not exceeding twenty pounds, and to a further penalty exceeding five pounds for every day during which such business is carried on trary to the provision of this Act.

51. *Licenses may be suspended or revoked.*—Any such license may be suspended evoked by any magistrate or court before whom the licensee is convicted of offence which, in the opinion of the magistrate or court, renders it expedient such license should be suspended or revoked, and although such revocation not be craved in the complaint.

52. *Saving for ship chandlers or ropemakers.*—Nothing in this Act contained n respect to dealers in marine stores shall relate to or affect persons who carry he business of a general ship chandler, or that business and the business of opemaker.

453. *Offences by brokers, pawnbrokers, and dealers in marine stores to be poli offences.*—All offences committed against the provisions with respect to deale in marine stores and manufacturers of anchors in the Merchant Shipping A 1854, and all offences committed against the provisions of the Pawnbrokers A 1872, except any offence to which a customs or excise penalty is attached, sh be deemed police offences, and may be tried by the magistrate at the instance the burgh prosecutor in the mode provided by this Act for the trial of poli offences.

JURISDICTION AND RECOVERY OF PENALTIES.

454. *Jurisdiction of magistrates of police.*—The magistrates of police of a bur under this Act, or any one or more of such magistrates, except where otherw provided in this Act, including stipendiary magistrates and sheriffs acting in t police court, shall, within the burgh, have jurisdiction and power to take co nizance of all crimes, offences, and breaches of the police regulations in this A contained or referred to, or contained in any other Act in force in the burgh, of any byelaws made in virtue of the provisions of this or any other Act, or any offence against the Public Parks (Scotland) Act, 1878, or any byelaws ma in virtue of the provisions thereof and of any other crime or offence which punishable by public, general, or local statute or common law, and is within t jurisdiction of the magistrates of any royal burgh, and shall have the like jur diction within the burgh as any magistrate of a royal burgh, or any dean of gui of a royal burgh, has by the law of Scotland, and all jurisdiction to try offenc and award punishment conferred on any justice of the peace, or two justices the peace, or any magistrate, by any Act, public or local, passed or to be passe or any byelaws, orders, or regulations made in virtue thereof and in force in t burgh: Provided always that such jurisdiction shall not extend to the trial offences against any of the Inland Revenue or Customs Acts.

The sheriff shall have power to sit and act in the police court with consent the magistrates on any special occasion or under any continuing arrangement.

455. *Stipendiary magistrates may be appointed in certain burghs.*—The Comm sioners of any burgh under this Act may resolve that a stipendiary magistra shall be appointed to officiate in the police court or courts of the burgh, and m fix the salary to be paid to him, and the following provisions shall apply:

(1.) The person to be appointed shall possess the qualifications required for sheriff-substitute in Scotland:

(2.) The Secretary for Scotland shall make the appointment, on being satisfi with the salary provided:

(3.) The tenure of office of the stipendiary magistrate shall be the same as th possessed by a sheriff-substitute. He may only be removable from his offi for incompetency or misbehaviour by the like process and by the sa authority as is provided by law for the removal of a sheriff-substitute:

(4.) Stipendiary magistrates, whether appointed before or after the passing this Act, shall be entitled, out of the burgh general assessment, to retiri allowances for like reasons, on the like conditions and of the like amoun having regard to their salaries and periods of service as are provided by l in the case of sheriff-substitutes.

(5.) Stipendiary magistrates shall possess within the burgh the same jurisd tion, powers, and authorities as the other magistrates of the burgh acting the police court or any of them:

(6.) The Commissioners may from time to time increase the salary of t stipendiary magistrate.

456 *Office of stipendiary magistrate may be renewed or discontinued.*—Up the death, removal, or superannuation of a stipendiary magistrate, it shall be la

to the Commissioners to resolve that the office shall be discontinued, or to solve then or at any future time that the office shall be continued or renewed, in which case the provisions before mentioned shall again apply.

457. *Boundaries of jurisdiction.*—In all proceedings for the trial of offences under the jurisdictions conferred by this Act,—

(1.) Where the offence is committed in, or on board, any ship or boat in any harbour, river, arm of the sea or other water (tidal or other) which runs between or forms the boundary of the jurisdiction of two or more courts, such offence may be tried by any one of such courts:

(2.) Where the offence is committed on the boundary of the jurisdiction of two or more courts, or within the distance of five hundred yards of any such boundary, or is begun within the jurisdiction of one court and completed within the jurisdiction of another court, such offence may be tried by any one of such courts:

(3.) Where the offence is committed on any person, or in respect of any property in or upon any cart or carriage whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried by any court through whose jurisdiction such cart or carriage or vessel passed in the course of the journey or voyage during which the offence was committed, and where the side, bank, centre, or other part of the highway, road, river, lake, canal, or inland navigation along which the cart or carriage or vessel passed in the course of such journey or voyage is the boundary of the jurisdiction of two or more courts, a person may be tried for such offence by any one of such courts:

(4.) Any offence which is authorised by this section to be tried by any court may be dealt with, heard, tried, determined, adjudged, and punished as if the offence had been wholly committed within the jurisdiction of such court.

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

459. *Certain crimes not to be tried in police court.*—If it shall appear, either in the preliminary investigation of the charge against any person accused of having committed any crime, delinquency, or offence within the burgh, or during his trial before the magistrate, that such person has been guilty of or is charged with any of the crimes denominated the pleas of the Crown (*videlicet*), murder, robbery, rape, and wilful fire-raising, or with the crimes of stouthrief, or of theft by housebreaking, or of housebreaking with intent to steal, or of theft to an amount exceeding ten pounds, or of theft by opening lockfast places, or of theft aggravated by having been twice previously convicted of theft, or of theft aggravated by being habit and repute a common thief, or of reset of theft, to an amount exceeding ten pounds, or of reset of theft aggravated by having been twice previously convicted of that crime, or of falsehood, fraud, and wilful imposition to an amount exceeding ten pounds, or of falsehood, fraud, and wilful imposition aggravated by having been twice previously convicted of that crime, or of breach of trust and embezzlement to an amount exceeding ten pounds, or of breach of trust and embezzlement aggravated by having been twice previously convicted of that crime, or of assault to the danger of life, or of assault whereby any limb has been fractured, or of assault with any knife or other lethal instrument where effusion of blood has followed, or of assault with intent to ravish, or of attempt at wilful fire-raising, or of culpable homicide, or of forgery, or of uttering a forged bank or banker's note, it shall not

be competent for the burgh prosecutor, or those acting under or for him, to insis in a prosecution against such person before the magistrate, but the magistrat shall commit the person accused to prison for examination for any period no exceeding four days, and the burgh prosecutor shall forthwith give notice of suc commitment to the procurator fiscal of the sheriff court of the county, or count of the city, where such exists, in which the offence shall be charged to have bee committed, in order that such person may be proceeded against comformably t law: Provided always, that the aforesaid provision shall not apply to chair droppers, card sharpers, thimblers, loaded-dice players, keepers of roulette table and wheels of fortune, and offenders of that description, whom the magistrate hereby specially empowered to try and sentence, whatever may be the amount o the sum specified in the charge against them, or however often they may hav been previously convicted.

460. *Clerk of police court.*—The Commissioners shall appoint a proper perso to be clerk of the police court, with such salary as they may determine, and suc person may be the same person who is clerk to the Commissioners, and, subject t the approval of the Commissioners of the person or persons to be appointed, h may appoint, by a writing under his hand, a depute or deputes for whom he sha be responsible; and such deputes shall be invested with all the powers appertai ing to the office of clerk of the police court.

461. *Magistrates of police may appoint burgh prosecutor.*—The Commissione under this Act shall appoint from time to time, by writing and during pleasure, fit person to be burgh prosecutor of the burgh, for the purposes of this Act, an such burgh prosecutor shall within such burgh have all the powers and privileg appertaining to any procurator fiscal by the law of Scotland; and they shall f his salary, and shall pay it out of the burgh general assessment.

Where in any burgh there are more police courts than one, the Commissione may appoint one or more depute burgh prosecutors, and may appoint more tha one police clerk to officiate in such courts, and they shall fix the salaries.

Where any burgh prosecutor is bound by the terms of his appointment to devo his whole time to the duties of his office, and abstain from other business, h tenure of office and his right to have his salary not diminished, shall be the sam as is herein-before provided with regard to the chief constable.

462. *Interim burgh prosecutor.*—Every proceeding or trial before the magistra shall be conducted in the official name and at the instance of the burgh prosecuto and any other competent person appointed by the magistrate for the purpos may, in the absence of the burgh prosecutor, act in his stead and name, either the first or any adjourned diet, and sign complaints for him, but the burgh pros cutor shall not be responsible for his acts.

463. *Power to magistrate to grant warrant to take into custody.*—The magistra may, on a complaint by the burgh prosecutor, grant warrant to search for, tak into custody, and convey to the police office, in order to be brought before him some other magistrate, any person accused or suspected of having committed an crime at common law or any offence against this Act, or any other Act und which the magistrate has jurisdiction, and such warrant shall entitle the constab executing it to enter any building or part of a building, or other place whatsoeve and to break open lockfast places in which he has reason to believe or ma reasonably suspect that such person is to be found.

464. *May grant warrant to cite and failing appearance to apprehend.*—If th magistrate shall deem it unnecessary or inexpedient to grant warrant for appre hension, he may grant warrant to cite the accused to appear at an appointed time

d in case the accused shall fail to appear, without proper excuse when cited, the gistrate may then issue his warrant for the apprehension o the accused.

465. *Previous convictions of contraventions may be libelled and proved.*—It shall competent for the burgh prosecutor, in any libel charging any person with an ence under or a contravention of any of the provisions of this Act, or any bye-vs, orders, rules, or regulations made under or by virtue of this Act, to include his libel a charge that said offence or contravention has been aggravated by evious conviction within seven years for a like offence or contravention of this t, or any other Act, or any byelaws made under the same, and to lead proof in pport of said last-mentioned charge; and in the event of the said offence or ntravention, together with the said aggravation, being proved to the satisfaction the magistrate, it shall be lawful for the magistrate to impose a penalty not ceeding forty shillings or thirty days imprisonment without the option of a fine respect of such aggravation, in addition to the penalty or imprisonment which is authorised by this Act to impose for the offence or contravention itself.

466. *Power to magistrate to grant warrant to search.*—The magistrate may, at e instance of the burgh prosecutor, grant warrant to search for, seize, and con-y to the police office any article mentioned in any complaint as having been olen or fraudulently obtained, and any documents or articles likely to afford idence of the guilt of the accused; and such warrant shall entitle the constable ecuting it to enter any building or part of a building, or other place whatsoever, d to break open lockfast places in which he has reason to believe or suspect that ch articles or documents are to be found.

467. *Officers or owners of property on which offences are committed may take enders into custody.*—Any person found committing any offence punishable ther by indictment or criminal libel, or upon summary conviction under this ct, or any other Act under which the magistrate has jurisdiction, may, without warrant, be taken into custody by any police constable, or be apprehended by e owner of the property on or with respect to which the offence shall be com-itted, or by his servant or any person authorised by the owner or his servant, d may be detained until he can be delivered into the custody of a constable, and e person so arrested shall be taken as soon as conveniently may be before some agistrate, to be examined and dealt with according to law, but the chief con-able or officer in charge at any police office or police station to which such rson may be brought may liberate him if satisfied that there is not sufficient oof of guilt; and any constable may search any premises, and may also stop, arch, and detain any vessel, boat, cart, or carriage in or upon which there shall e reason to suspect that anything stolen or unlawfully obtained, or fraudulently rried away, may be found, and also any person who may be reasonably suspected having or carrying in any manner anything stolen or fraudulently obtained or rried away; and any constable may seize anything stolen or unlawfully obtained r fraudulently carried away.

468. *Horse, carriage, &c., of persons taken into custody may be secured.*—When ny person having charge of any horse, cart, or carriage, or any animal or thing, hall be taken into the custody of any constable, under the provisions of this Act, shall be lawful for any constable to take charge of such horse, cart, or carriage, r animal or thing, and to deposit the same in some place of safe custody, as a ecurity for payment of any expenses which may have been necessarily incurred or taking charge of and keeping the same (if the same cannot conveniently and afely be given up to the owner if known); and unless the same shall be claimed y the owner, and all expenses incurred thereon paid, within four days after such letention, and after notice to the owner, if known, it shall be lawful for any two nagistrates to order the sale thereof, and the proceeds of such sale to be applied

towards the necessary expenses incurred, and the overplus, if any, to be paid to the owner if he can be found, and if he cannot be found to be applied in the same way as fines.

469. *Persons in custody, in or passing through burgh, may be detained.*—Any person charged with the commission of a crime or offence, or sentenced to imprisonment, when in the lawful custody of a constable of a county, city, burgh, or place, or of a warder or officer of a prison in the United Kingdom, for the purpose of being conveyed to a county, city, burgh, place, or prison, may, when in or passing through the burgh, be detained for a period not exceeding twenty-four hours, or not exceeding forty-eight hours if Sunday intervene, in a cell or lock-up at any police office or station provided under this Act, if the removal of such person through or from the burgh is delayed from any cause: Provided always, that the chief constable or officer in charge of such police office or station shall be satisfied that the person in custody cannot at once be conveniently removed, and provided also that any expense incurred for the maintenance of such prisoner shall be defrayed by the Commissioners or others by whom such constable, warder, or officer is appointed.

470. *Watchmen may be placed in charge of shops, &c., left open.*—Where any constable or officer on duty shall discover that the window or door of any house, shop, warehouse, factory, or other premises within the burgh has been left open or unlocked, or is otherwise insecure, it shall be lawful for such constable or officer to put a watchman in immediate charge thereof, at the expense of the tenant or party occupying such premises, and such expense shall be recoverable by way of penalty before the magistrate by summary complaint at the instance of the burgh prosecutor, provided the magistrate considers the charge to be reasonable.

471. *Chief constable in certain cases may accept of bail or deposit.*—Upon the apprehension of any person charged with any offence under this Act, or with any crime or offence which may be competently tried before the magistrate, it shall be lawful for the chief constable, or other officer of police having charge in absence of the chief constable at any police office or station, to accept of bail or deposit, by a surety or by such person, that such person shall appear for trial before the magistrate at some time and place to be specified, and at all after diets of court, and to liberate the person so apprehended upon bail being found to an amount not exceeding twenty pounds, or upon the deposit of any money or article of value to the amount of the bail fixed; and the chief constable or other officer of police, if deposit be accepted, shall immediately enter the same in a book to be kept for the purpose, and grant an acknowledgment for the money or article so deposited: Provided always, that the chief constable or other officer of police may refuse, if he see cause, to accept of bail in any shape; and the refusal to accept bail or deposit, and detaining the person so apprehended until the case of such person is tried in the usual form, shall not subject the chief constable or other officer of police to any claim for damages, wrongous imprisonment, or claim of any other kind whatsoever: Provided also, that it shall be lawful to liberate any such person without bail, if the chief constable or other officer deem it proper so to do; and if any person fail to appear in redemption of his bail or deposit, not only may the same be forfeited, but warrant may be granted for his apprehension.

472. *Authority to officers to cite parties and witnesses.*—This Act shall be a sufficient authority to the constables for citing a party charged with any offence against the provisions of this Act, or of any other Act under which the magistrate has jurisdiction, or of any byelaw, order, or regulation in force in the burgh, or at common law, and for summoning any witness or haver to give evidence in relation to the same, and for executing within the burgh any warrant granted by a magistrate in virtue of the powers conferred by this Act or any Act incorporated here-

with or under which such magistrate has jurisdiction; and it shall be deemed a legal citation of such accused person or witness or haver if the citation be delivered personally, or left at his dwelling-house, or if such person or witness has no known dwelling-house, at the hotel, inn, lodging-house, or other place in which he eats and sleeps, or in the shop, warehouse, counting-house, or other place of business occupied by him, or where he is employed, or, in the case of a master of or seaman or person employed in any ship or vessel, in the hands of a person on board thereof and connected therewith, which citation of an accused person shall state the nature of the charge, and the time and place of appearance; and the citation of an accused person, witness, or haver, whether given by virtue of this Act or by warrant, may be proved by the execution of the officer or by his oath.

473. *Offences by companies, associations, or corporations, how to be dealt with.*—With regard to offences or omissions by companies, associations, or incorporations, the following provisions shall apply:—

(1.) In the case of an ordinary company, any one or more of the partners thereof, or the manager or person locally in charge of the concern, may be dealt with as if he or they were the persons offending:

(2.) In the case of an association, incorporation, or incorporated company, any one or more of the directors or persons managing the affairs thereof, or the clerk, secretary, or other principal officer thereof, or the person in charge, or locally in charge of the affairs thereof, may be dealt with as if he or they were the persons offending.

474. *Penalty for witnesses refusing to give evidence.*—If any person refuses to be precognosced by the burgh prosecutor, or to give information or evidence concerning the subject-matter of any crime or offence, on receiving a summons or citation to attend for precognition at least twenty-four hours before the diet of compearance, the magistrate may grant warrant to commit to prison such person for any period not exceeding thirty days.

475. *Offenders removing from bounds of police, how to be proceeded against, &c.*—Warrants granted by the magistrates for apprehending or citing persons accused of having committed crimes and offences, or for citing witnesses for the prosecutor or accused when such persons or witnesses are beyond the jurisdiction of the magistrates, shall be sufficient for apprehending or citing the offenders and witnesses within Scotland, and for conveying such offenders as shall be taken into custody in terms of the warrant, to be dealt with according to law, and the said warrants may be lawfully and competently executed either by an officer of the court or magistrate granting the warrant, or by any constable or other officer of the law, although addressed to officers of the court issuing the warrants; and the provisions of the Acts relative to the execution of sentences and of decrees for penalties and expenses beyond the jurisdiction of the court or judge by whom the same have been granted, shall be applicable to the execution of convictions and judgments pronounced under the authority of this Act; and the provisions contained in an Act passed in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-two, entitled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales, with respect to persons charged with indictable offences," for the enforcement of warrants granted by sheriffs and justices in Scotland by endorsation in England and Ireland, and also the provisions of the Act of the thirty-first and thirty-second years of Victoria, chapter one hundred and seven, for enforcing warrants within the Channel Islands, are hereby extended and made applicable to all warrants issued by the magistrate.

476. *Persons in custody to be taken before magistrates.*—Every person who by virtue of this Act shall be taken into custody, and who shall be detained, may be

detained in the police office or police cells, and shall be taken before the magistrate not later than in the course of the first lawful day after he shall be taken into custody, such day not being a sacramental fast day, or a day set apart for a general fast or a public holiday; and if the nature of the crime or offence charged shall admit of its being competently tried before the magistrate under the provisions of this Act, it shall be lawful for him to grant warrant to commit such offender to the police cells or to prison, for affording time to find bail, or for further examination, or for trial, such further examination or trial always taking place as soon as circumstances shall permit, and without any unnecessary delay; or if the crime or offence charged shall in the opinion of the magistrate merit a greater punishment than he can lawfully award, it shall be lawful for him at any stage of the examination or trial to commit such offender to prison for examination; or if the crime or offence charged, from having been committed beyond the limits of the burgh, or from being otherwise excluded from the jurisdiction of the magistrate, falls to be tried in another jurisdiction, it shall be lawful for the magistrate to commit such offender to prison until disposed of according to law; in either of which last two cases it shall be the duty of the burgh prosecutor to give notice of such commitment to the procurator fiscal or burgh prosecutor or other proper officer for the city, county, burgh, or other jurisdiction within which the crime or offence was committed, in order that such offender may be further proceeded against according to law: Provided further, that the chief constable or other person on duty at the police office or police station to which any person may be brought in custody may discharge such person from custody on being satisfied that there is no sufficient evidence to warrant a complaint against him.

477. *Procedure in police court.*—Without prejudice to the jurisdiction of the sheriff, justices of the peace, burgh, or dean of guild courts, as herein-after provided for, all prosecutions, actions, and proceedings for crimes and offences or contraventions of this Act, or any byelaws, orders, rules, or regulations made thereunder, committed within the burgh, or for the recovery of fines, penalties, forfeitures, or expenses under the provisions of this Act, or any other Act under which the magistrate has jurisdiction (the mode of recovering which is not herein otherwise provided for) shall be instituted, sued for, or carried on before the magistrates of police, or any one of them, in the police court, at the instance of the burgh prosecutor, to be appointed as herein authorised; and (with the exception of complaints against cardsharpers, chain-droppers, thimblers, loaded-dice players, keepers of roulette tables and wheels of fortune, and offenders of like description) in all cases of theft or of reset of theft, or of falsehood, fraud, and wilful imposition, or of breach of trust and embezzlement, it shall be assumed that the sum of money or the value of the article stolen, resetted, obtained by falsehood, fraud, and wilful imposition, or embezzled, does not exceed ten pounds; and it shall not be competent thereafter to the person accused (except where an offer shall be made at the time of the trial) to prove that the money or article stolen, resetted, obtained, or embezzled exceeded in value the sum of ten pounds; and the whole procedure before such magistrates or any of them shall be conducted summarily *vivâ voce*, and without written pleadings, and in describing any offence against this Act or other Act under which the magistrate may have jurisdiction, it shall be sufficient to refer to the section of the Act founded on, without setting forth the enactment in words at length, and the description of any offence against the Act founded on in the words of such Act shall be sufficient in law; and no other record shall be kept of the proceedings except the complaint, the plea, the names of the witnesses examined, and the judgment pronounced; and it shall not be competent to any party who shall appear to answer to any complaint to plead want of due citation or informality in the warrant, citation, or execution.

478. *Accused may require adjournment of diet.*—Any person brought before the court by a warrant of apprehension or under the authority of this Act shall be

entitled to require a copy of the complaint, and also to require that the hearing shall be adjourned for a period of not less than forty-eight hours; and such requisitions shall be complied with if made before the examination of any witness on the merits shall have commenced; but no such requisition shall be competent where a copy of the complaint or a summons stating the nature of the charge shall have been delivered to the accused personally forty-eight hours before the hearing.

479. *Court may adjourn hearing and detain accused, &c.*—Subject to the provisions contained in the preceding section no adjournment of the hearing shall take place when the accused pleads not guilty, or at any other stage of the proceedings, unless the court shall think fit for some good reason to order an adjournment: Provided that, where the accused has been brought into court upon a warrant of apprehension, it shall be lawful for the court to grant warrant to detain him in prison or in police cells until the period to which the hearing shall be adjourned, or until he finds sufficient security to appear at all future diets of the court.

Where an adjournment is granted the court may, instead of ordaining the accused to find security to appear, appoint the accused to attend the sitting of the court to which the case is adjourned under a suitable penalty in case he shall fail to appear; and if the accused shall fail to appear at the adjourned diet, not only may the penalty contained in the bond or mentioned in the order of adjournment be forfeited, but warrant may be granted for his apprehension. A penalty contained in an order may be recovered by the like process as is herein provided for the recovery of a penalty in a forfeited bond.

480. *Objections to complaint.*—No objection shall be allowed by the court to any complaint under this Act for any alleged defect therein in substance or in form, or for any variance between any such complaint and the evidence adduced on the part of the prosecutor at the hearing thereof, not changing the character of the offence charged; but if any such defect or variance shall appear to the court to be such that the accused has been thereby deceived or misled, it shall be lawful for the court to adjourn the hearing to some future day, and at the same time, or at any stage of the proceedings, to direct such amendment to be made upon the complaint as may appear to be requisite, not changing the character of the offence, and such amendment shall be authenticated by the signature or initials of the magistrate or clerk of court.

481. *Procedure at hearing.*—At the hearing of the case the charge shall be read to the accused, and he shall thereupon be required to plead in common form, and the accused may then state objections to the competency or relevancy of the complaint or proceedings; and if no objections are stated, or if such objections are stated and repelled or are obviated by amendment of the complaint or adjournment of the diet, as herein-before provided, the accused's plea shall then or at such adjourned diet be recorded, and the plea, if the same be guilty, shall be signed by the magistrate or person officiating as clerk of court, and if the plea be not guilty, the prosecutor shall proceed to establish his complaint by such evidence as is competent, and the accused may, if he think fit, lead such evidence as is competent, after which the court shall pronounce judgment at the same or any adjourned diet.

482. *In certain cases magistrate may proceed in absence of accused, and may allow another person to appear for him.*—Where, in the police court of any burgh under this Act, a person accused of an offence for which the punishment is a pecuniary penalty only (recoverable by diligence or enforceable by imprisonment) fails to appear after being duly cited, the following provisions shall be in the option of the magistrate:—

(*a.*) The magistrate may adjourn the trial to another diet, and ordain the attendance of the accused at such diet:
(*b.*) The magistrate may proceed to try the case in the absence of the accused:
(*c.*) The magistrate may allow any other person to appear and plead for and defend the accused, provided the magistrate is satisfied that such person has authority from the accused so to do:
(*d.*) The magistrate, if of opinion that the personal presence of the accused is necessary in order that he may be identified by the witnesses or for any other reason, may require the personal presence of the accused accordingly, and if need be grant warrant for his apprehension.

483. *Magistrates may dismiss with an admonition.*—The magistrate may in his discretion, if such course appears to meet the justice of the case, dismiss any person found guilty of a statutory or common law offence with an admonition.

484. *As to signing of convictions and warrants.*—Any magistrate, though out of his jurisdiction, may sign any conviction, judgment, or warrant under this Act, provided the evidence and every other proceeding necessary to support such conviction, judgment, or warrant shall have been before him when within his jurisdiction.

485. *Warrants may be issued for apprehension of witnesses.*—If any person cited as a witness or haver shall neglect or refuse to appear at the time and place appointed by the citation, and no just excuse shall be offered in his behalf, it shall be lawful for the magistrate to issue a warrant for his apprehension; or, if the magistrate shall be satisfied by evidence upon oath that it is probable that such person will not attend without being compelled so to do, it shall be lawful for the magistrate to issue a warrant in the first instance for the apprehension of such person; and any witness or haver who shall wilfully fail to attend after being duly cited, or who shall refuse to be sworn or to be examined on affirmation, or who after the oath or affirmation has been administered to him shall refuse to answer any question which the magistrate shall allow, or to produce documents in his possession when required by the magistrate, may be summarily punished for his contempt by imprisonment or fine, such punishment not exceeding that which the magistrate would be entitled to award in case of conviction upon the complaint.

486. *Examination of witnesses.*—Where from the absence of witnesses for the prosecutor in any complaint, or from any other cause, it becomes necessary to adjourn the diet, and where witnesses for the accused in such prosecutions are in attendance, it shall be lawful for the magistrate, at the request of the accused person, and if the magistrate in the circumstances shall deem it proper, to take the evidence of the witnesses for the accused before the proof for the prosecution has been led or concluded; but the accused shall in all such cases be entitled to lead additional evidence after the prosecutor's case has been concluded.

487. *In default of paying fines parties to be imprisoned.*—The magistrate may sentence any person found liable in a pecuniary penalty to imprisonment until the same is paid, but in no case shall the period of imprisonment for non-payment exceed the respective periods herein-after specified.

488. *Power to order offenders to find caution for good behaviour in lieu of punishment.*—It shall be lawful for the magistrate, in lieu of any punishment by imprisonment or fine, to ordain any offender to find caution for good behaviour for any period not exceeding six months, and under a penalty not exceeding twenty pounds; and in the case of any offence committed by a child of not more than

elve years of age it shall be lawful for the magistrate to summon the parent or er guardian of such child to appear in court, and to ordain such parent or rdian to find caution for the good behaviour of such child as aforesaid ; and sentence the person ordained to find such caution to be imprisoned till caution found, but not exceeding the respective periods herein-after specified: Provided ays, that no parent or guardian shall be liable in terms of this section either to prisonment for failure to find caution, or to forfeiture of the caution when found, uch parent or guardian prove that he exercised all due care to control the child, d to prevent the commission of offences by such child.

489. *Or to find caution in addition to imprisonment or fine.*—It shall be lawful the magistrate, in addition to any punishment by imprisonment or fine, to lain the offender to find caution as aforesaid from and after the expiry of the m of imprisonment, or from and after the payment of the fine or pecuniary alty specified in the said sentence, or from and after the expiry of the term of prisonment for non-payment thereof ; and in case such caution shall not then found, it shall be lawful to sentence the person ordained to find such caution be further detained in prison beyond the expiry of said term of imprisonment til such caution be found ; but in no case shall the whole period of imprisonnt, including the period of detention for not finding such caution, exceed sixty ys except as herein-after provided.

490. *Punishment for common law offences.*—The magistrate may either sentence e accused on conviction for common law crimes or offences to imprisonment with without hard labour for any period not exceeding two months, or he may impose ine not exceeding ten pounds, and failing payment thereof award imprisonment, t exceeding the respective periods after specified ; and in lieu of or in addition either of these modes of punishment he may order the accused to find security good behaviour for any period not exceeding six months, and under a penalty t exceeding twenty pounds, and failing the finding of such security he may ard imprisonment or additional imprisonment not exceeding the respective riods after specified, but in no case shall the total imprisonment exceed sixty ys except as herein-after provided.

491. *For recovery of forfeited bail bonds and bonds of caution.*—When any rson shall be apprehended, and afterwards liberated on bail, and shall fail to pear, or when any person who shall have found caution for good behaviour or r keeping the peace as aforesaid shall commit a new offence inferring forfeiture such caution, it shall be lawful for the magistrate, on the motion of the burgh osecutor, to declare the sum contained in the bail bond or bond of caution to be rfeited, and to order the cautioner to be charged to make payment thereof to e clerk within six days after the date of such charge, and in default of such payent, after the lapse of such period, to grant warrant for apprehending and prisoning the cautioner till the said sum be paid, but which period of imprisonent shall not exceed the respective periods hereinafter specified from the time incarceration, and after such imprisonment no further procedure against the utioner shall be competent on the bond ; and when any money or other article all be deposited by any person as a security for his appearance, and such person all fail to appear, it shall be competent to the magistrate to declare such deposit be forfeited ; and if it be money, it shall be forthwith ordered by the magistrate be paid to the clerk ; and if it be not money, such article so deposited shall be rdered by the magistrate to be sold by public auction then or at some periodical ale, and the free proceeds shall be paid to the clerk, and in both cases accounted or by him, along with the forfeitures, penalties, and fines, to the collector, and pplied in the same manner as forfeitures, penalties, and fines are by the provisions f this Act directed to be applied.

492. *Cautioners in bonds may subscribe by mark.*—Any bail bond or bond of caution, the cautioner in which is unable, or shall declare he is unable, to subscribe his name, shall be valid and effectual if such cautioner shall adhibit to such bond his mark, in presence of two witnesses, who shall subscribe the said bond in testimony thereof.

493. *Warrant of commitment.*—In all cases where imprisonment takes place a short extract of the charge and sentence, signed by the clerk of the police court or his depute, shall be sufficient warrant of commitment: Provided always, that any person sentenced to imprisonment, or to imprisonment in consequence of non-payment of any pecuniary fine, penalty, forfeiture, or expenses, or for want of caution being found, or otherwise, may be detained in the police office or police cells for a reasonable time, to allow of such extract being made, such time not exceeding in any case twelve hours.

494. *Police officers may be dismissed by magistrates.*—It shall be lawful for the magistrates, on the report of any one magistrate, without the necessity of any complaint, to direct the chief constable to dismiss any constable under him whose conduct in any proceedings that shall form the subject of investigation before the magistrate shall, in the opinion of the magistrate, render such constable unfit to be any longer retained in the police establishment, and such constable shall be dismissed accordingly; but the magistrates may make further inquiry and may decline to give effect to the report.

495. *Proceedings not to be void for want of form, and judgments to be final.*—No order, judgment, record of conviction, or other proceeding whatsoever, concerning any prosecution instituted before the magistrates, shall be quashed for want of form, and no warrant of imprisonment, and no extract of judgment shall be held void by reason of any defect of form therein, provided it be inferred therefrom that it is founded or has proceeded on a conviction or judgment, and there be a valid conviction or judgment to sustain the same; and all judgments and sentences pronounced by the magistrate shall be final and conclusive, and not subject to suspension, or appeal, or any other form of review or stay of execution, unless on the ground of corruption, malice, or oppression on the part of the magistrate, or of such deviations in point of form from the statutory enactments as the court of review shall think took place wilfully, or of incompetency, including defect of jurisdiction of the magistrate; and such suspension, or appeal, or review, or stay of execution, must be presented before the next sitting of the High Court of Justiciary within the circuit, or where there is no circuit before the High Court of Justiciary at Edinburgh, in the manner, and by and under the rules, limitations, conditions, and restrictions which shall from time to time be prescribed by the said High Court of Justiciary: Provided that—

(1.) Prosecutions under this Act shall be subject to the provisions of the Summary Prosecutions Appeals (Scotland) Act, 1875, and any Act amending the same:

(2.) Where by this Act jurisdiction is given to the magistrates to try any offence created by a statute which expressly provides an appeal, such appeal shall still be competent.

496. *No suspension or stay of execution, &c., to prevent payment of penalties.*—Such suspension or appeal, or review, or stay of execution shall not operate as a suspension or stay of execution of any order or sentence of the magistrate requiring the payment of any penalty, unless on consignment thereof in the hands of the clerk of court, nor of any order or sentence of the magistrates warding imprisonment, unless on sufficient caution to the satisfaction of the magistrate for the appearance of the person appealing at such time and place as he shall direct; and in all cases of prosecution before the magistrate it shall be lawful for the magis-

e whose sentence shall be brought under review in another court to authorise expenses incurred in the proceedings in such other court to be defrayed out of burgh general assessment: Provided always, that at the first meeting of the missioners after any such sentence shall have been brought under review as esaid the burgh prosecutor shall make a report of the facts and circumstances ne prosecution on which any such sentence shall have been pronounced and ght under review, and the Commissioners shall thereupon direct such sentence rought under review to be defended or not, as to them shall seem proper; and ey shall direct such sentence not to be defended, then no expenses incurred efending such action subsequent to such meeting shall be defrayed out of the assessment.

97. *Fines to be paid to the clerk or other person.*—Except as herein-before pro-d, all forfeitures, penalties, fines, and expenses imposed by the magistrates recovered shall be paid to the clerk or such other person as the magistrate may ct, and shall be accounted for by him once every month, or such other time or s as the Commissioners may direct, to the collector, to be disposed of as herein tioned; and the burgh prosecutor is hereby directed on the first Monday of y month to intimate to the collector the amount of the forfeitures, penalties. fines imposed in the previous month, stating the amount thereof recovered.

98. *Application of penalties.*—The whole forfeitures, penalties, and fines osed by the magistrate and paid to the clerk or other person as aforesaid shall pplied in payment of the expenses incurred in alimenting prisoners detained in ody in the police office or station houses: Provided always, that if such eitures, penalties, and fines shall not be sufficient for these purposes, whatso-further sum may be required shall be paid from the burgh general assessment; if such forfeitures, penalties, and fines shall be more than sufficient for these ooses, the surplus shall be applied to the same purposes as the burgh general ssment.

99. *Penalty where no penalty is otherwise stated.*—Every provision of this Act, he contravention of which no penalty is attached, shall be read and construed it were thereby provided that every person contravening the same shall, on viction thereof, be liable to a penalty not exceeding forty shillings.

100. *Penalties on repetition of offences.*—Where by this Act any pecuniary alty or other punishment is imposed in respect of any offence described in this , then and in every such case, if the nature of the case permits, and if an ntion to the contrary does not appear in this Act, such penalty or punishment be inflicted for every repetition of such offence.

101. *Power to mitigate penalties.*—In all proceedings under the jurisdictions ferred by this Act,—

(*a.*) Where the punishment of imprisonment is imposed by this or any other Act under which the magistrate has jurisdiction, the magistrate may, if he thinks the justice of the case demands it, substitute for imprisonment a fine not exceeding twenty-five pounds or reduce the period of imprisonment, and notwithstanding any enactment to the contrary, impose the same without hard labour, and when the punishment of a penalty or fine is imposed he may reduce the amount of such fine, and when in the case either of imprisonment or a fine the accused is required to come under his own obligation or to find caution or security for keeping the peace and observing some other condition, or to do any of such things, he may dispense with any such requirement or any part thereof:

(*b.*) *Periods of imprisonment in proportion to fines, &c.*—Where a warrant of imprisonment is granted, whether in default of payment of a penalty or sum

specified in a forfeited bond, or for failure to find caution or security, wh
the amount adjudged to be paid or for which security is to be found—

| | |
|---|---|
| Does not exceed ten shillings . . . | The period of imp sonment shall n exceed seven days. |
| Exceeds ten shillings but does not exceed one pound, . . . . . | Fourteen days. |
| Exceeds one pound but does not exceed five pounds . . . . . | One month. |
| Exceeds five pounds . . . . | Two months. |

Provided always, that nothing in this Act contained restricting the amounts fines or periods of imprisonment shall apply to or affect the prosecutions autho ised or the penalties enforceable under the Licensing (Scotland) Acts, 1828 1887, or to the Prevention of Crimes Act, 1871, or to any Act other than th Act, under which the magistrate has jurisdiction to impose fines for great amounts, or imprisonment for longer periods, than those of this Act.

502. *Chief constable to keep register of persons convicted.*—The chief constab shall cause to be kept a register of the name, description, crime, and sentence persons charged with and convicted before the magistrates of crimes and offenc and shall cause to be entered therein such particulars as he may from time time be directed to enter by the magistrates, or as may be necessary for supplyi judicial statistics ; and the entries in such register, or any extracts therefro certified by the chief constable, shall be taken and received as evidence of eve sentence and conviction and of any previous conviction and the particul thereof.

503. *Proceedings subsequent to conviction.*—Where, in consequence of the requi ments of this Act, it is necessary that any warrant of imprisonment or oth warrant should be granted subsequent to the conviction or judgment, or whe any other ulterior proceeding is enjoined, all such warrants or ulterior proceedin may be taken without the presence of the respondent.

504. *Signature of one magistrate sufficient in certain proceedings.*—In cases which any matter or proceeding shall be cognisable by two or more magistrat it shall be sufficient that any warrant of imprisonment or other warrant proceeding prior or subsequent to the conviction or judgment shall be subscrib by one magistrate, and it shall not be necessary that such magistrate shall be shall have been present at the hearing of the complaint, but the conviction judgment shall in all cases be signed by such number of magistrates present at t hearing, and concurring in the result thereof, as may be required by this Ac and in case of an equal division of opinion among the magistrates prese the complaint shall be held to be not proved, and judgment shall be given f the accused.

505. *Limitation of police prosecutions.*—All prosecutions, actions, or proceedin for recovery of fines, penalties, or forfeitures, by virtue of the provisions of th Act, shall be commenced within three months from the time the facts on whi such prosecutions, actions, or proceedings were brought shall have been d covered and known to the chief constable or burgh prosecutor, and not thereaft

506. *As to actions of damages against public prosecutors.*—No burgh prosecut or other party prosecuting for the public interest, by complaint under the pr visions of this Act, shall be liable to pay or be found liable by any court in greater sum than five pounds as damages for or in respect of any proceedin taken or anything done on such complaint, or on any judgment following on su

laint, unless the person prosecuting for damages shall aver and prove that proceeding was taken or done maliciously, and without probable cause; but arty suing such damages shall not be entitled to have any decree or verdict ounced against such burgh prosecutor or other party prosecuting for any ges, or return or repetition of penalty or costs, in case such prosecutor shall e at the trial that the party suing was guilty of the offence in respect whereof id been convicted, or on account of which he had been apprehended, or had wise suffered, and that he had undergone no greater or other punishment was assigned by law to such offence; and any such prosecutor sued as afore- may at any time put an end to the action, in so far as not founded on acts maliciously and without probable cause, by tendering payment of the sum e pounds as damages, with the amount of the penalty, if recovered, and the ses of such action to the date of the tender.

7. *Provisions as to proceedings brought against burgh prosecutor.*—Where any or sentence following on an application by the burgh prosecutor is brought r review, or where any action is brought against the burgh prosecutor, or ist any officer or constable, in consequence of anything done in pursuance of Act, or of such order or sentence, the burgh prosecutor shall immediately a report of the facts and circumstances to the Commissioners, who shall upon resolve either that such order or sentence so brought under review, or action shall be defended at the expense of the Commissioners, or that it not be so defended, and if they resolve that it shall be so defended, the missioners shall thenceforth take the superintendence and control of the case, he Commissioners shall relieve the burgh prosecutor or other defender from ity for all or any of the conclusions thereof; and if the Commissioners re- that it shall not be so defended, they may, if they see cause, agree that they relieve the burgh prosecutor or other defender from the consequence of not ding the same, and the Commissioners shall in such case relieve them dingly.

8. *Parties presently entitled to prosecute may do so.*—The prosecutions author- by this Act, under complaint by the burgh prosecutor, shall be without dice to complaints at the instance of any party or parties who are at present led to make the same.

9. *Jurisdiction of sheriffs and courts of guild to be preserved.*—No juris- on conferred by this Act shall be held to exclude the jurisdiction of the ff, justices of the peace, burgh or dean of guild court, where the case shall in irst instance have been brought before or taken up by such sheriff, justices e peace, burgh or dean of guild court.

10. *Forms of procedure.*—The forms in Schedule VII. to this Act, where they pplicable, or forms as near to them as are found convenient, shall be the s of procedure under this Act until the same be altered or amended by the Court of Justiciary in terms of this Act: Provided that the magistrate may to any of the forms of conviction or judgment a direction that the accused be kept to hard labour during the whole or part of the term of his imprison- , and execution upon any judgment or warrant may proceed either upon judgment or warrant itself or upon an extract issued and signed by the clerk urt.

11. *Form when sum recoverable as civil debt.*—Where under this Act a sum is ded which is declared by the Act to be recoverable as a civil debt, the forms followed in the recovery thereof shall be those provided for enforcing decrees ounced in the small debt courts of the sheriff, and there shall be added to the

finding of the magistrate in such case a warrant for execution in the follow form:—"and the magistrate decerns and ordains instant execution by arrestm and also execution to pass hereon by poinding and sale after a charge of ten days." Any officer by this Act authorised to execute the warrant of a magist may carry out the procedure authorised by this section.

512. *Proceedings may be either in writing or printed.*—The several forms proceedings prescribed by this Act may be either in writing or printed, or may partly written and partly printed, and all such forms as bear reference to antecedent form may be either on the same sheet of paper therewith or a separate sheet attached to it.

513. *High Court of Justiciary may make or amend forms.*—It shall be lawful for the High Court of Justiciary, on the application of the Lord Advocate, from time to time to pass such acts of adjournal as may be necessary or proper altering or amending the forms of proceedings in the police courts of burghs under this Act or under this part of this Act, or providing forms for proceedings said courts not supplied by this Act.

514. *Juvenile offender may be sentenced to whipping.*—In any case where magistrate may award sentence of imprisonment, or of fine with the alternative imprisonment, it shall be lawful for the magistrate in the case of any juvenile offender being a male whose age in the opinion of the magistrate shall not exceed fourteen years to adjudge such offender, instead of imprisonment, or in addition to imprisonment, to be punished by private whipping in such manner and according to such regulations as have been or shall be made by the Lord Advocate for Scotland in that behalf, and approved by the Secretary for Scotland.

515. *Offences for breaches of certificates under Public Houses Acts to be tried in police court.*—All offences under or against the Public Houses Acts Amendment (Scotland) Act, 1862, and the Acts therein recited, or any of them, or of any Act or Acts amending or superseding the same for any breach of or offence against the terms, provisions, or conditions of any certificate granted under the said Acts or any of them, may be prosecuted and tried before and by any magistrate or magistrates of police of any burgh officiating in any court for the trial of police offences under the provisions of any local or general Police Act, in the same form and manner in all respects as may be provided for the trial of police offences under any such local or general Police Act in force in the county, district, burgh or place where the offender shall reside, or the offence shall have been committed, and such magistrate or magistrates shall have power to impose the penalties and punishments, and declare the forfeitures provided in that behalf by the said Public House Acts, or any of them.

516. *Summary jurisdiction forms may be used in certain cases.*—If it shall be found convenient in any prosecution under this Act or any special statute to use any of the provisions or forms of the Summary Jurisdiction Acts, or of the provisions or forms of the Criminal Procedure (Scotland) Act, 1887, may be used.

517. *Exemption of railway companies' buildings.*—The provisions of sections one hundred and sixty-six to two hundred and nine, both inclusive, of this Act shall not apply to the railways or stations of any railway company or buildings connected therewith other than dwelling-houses.

518. *Saving of Local Authorities Loans Act.*—Nothing in this Act shall prejudice or affect the provisions of the Local Authorities Loans (Scotland) Act, 1891.

## SCHEDULES TO WHICH THIS ACT REFERS.

### SCHEDULE I.

GENERAL POLICE ACTS.

| Session and Chapter. | Title of Act. |
|---|---|
| 5 & 6 Will. 4, c. 46. . . | An Act to enable burghs in Scotland to establish a general system of police. |
| 11 Vict. c. 39. . . | An Act to amend an Act to enable burghs in Scotland to establish a general system of police, and another Act for providing for the appointment and election of magistrates and councillors for certain burghs and towns of Scotland. |
| 14 Vict. c. 33. . . | An Act to make more effectual provision for regulating the police of towns and populous places in Scotland, and for paving, draining, cleansing, lighting and improving the same. |
| 26 Vict. c. 101. . | An Act to make more effectual provision for regulating the police of towns and populous places in Scotland, and for lighting, cleansing, paving, draining, supplying water to and improving the same, and also for promoting the public health thereof. |
| 32 Vict. c. 102. . | The General Police and Improvement (Scotland) Act, 1862, Amendment Act. |
| 41 Vict. c. 22. . . | The General Police and Improvement (Scotland) Act, 1862, Amendment Act, 1877. |
| 42 Vict. c. 30. . . | The General Police and Improvement (Scotland) Amendment Act, 1878. |
| 46 Vict. c. 6. . . | The General Police and Improvement (Scotland) Act, 1882. |
| 53 Vict. c. 51. . . | The General Police and Improvement (Scotland) Act, 1862, Amendment Act, 1889. |

### SCHEDULE II.

Edinburgh.
Glasgow.
Aberdeen.
Dundee.
Greenock.

### SCHEDULE III.

PORTIONS OF LOCAL ACTS SAVED.

| Session and Chapter. | Title or Short Title. | Portions of Acts saved, Sections numbered inclusively. |
|---|---|---|
| | I.—*Airdrie.* | |
| 2 Geo. 4. c. lx. . . | An Act for erecting the Town of Airdrie, in the County of Lanark, into a Burgh of Barony; paving, lighting, and improving the same, and establishing a Police therein. | Section 18. |
| 13 Vict. c. lxxxix. . | The Airdrie Police and Municipal Act, 1849. | Sections 7, 10, 59, 76. |
| 49 Vict. c. xl. . . | The Airdrie Burgh Extension Act, 1885. | The whole Act, except sections 3, 50, and 51, and the First Schedule. |

II.—*Ayr.*

| | | |
|---|---|---|
| 36 and 37 Vict. c. cc. . . | The Ayr Burgh Act, 1873. | The whole Act, except sect 132 to 137. |
| 48 and 49 Vict. c. lxxiii. . | The Ayr Burgh Act, 1885. | The whole Act, except sect 13 and 14. |

III.—*Broughty-Ferry.*

| | | |
|---|---|---|
| 43 and 44 Vict. c. xxxix. . | The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Broughty-Ferry) Act, 1880. | The whole Act. |
| 46 Vict. c. xix. . . . | The Broughty-Ferry Paving Act, 1883. | The whole Act. |

IV.—*Burntisland.*

| | | |
|---|---|---|
| 39 and 40 Vict. c. cxxxix. . | The Burntisland Burgh Act, 1876. | The whole Act, except sect 101 to 106. |

V.—*Campbeltown.*

| | | |
|---|---|---|
| 39 and 40 Vict. c. clxvii. . | The Campbeltown Burgh and Harbour Act, 1876. | The whole Act and sched except sections 12, 133, and 136. |

VI.—*Coatbridge.*

| | | |
|---|---|---|
| 48 and 49 Vict. c. xli. . . | The Coatbridge Burgh Act, 1885. | Sections 1 to 32 inclus sections 37, 38, and 88 t inclusive, and 103. |

VII.—*Dumbarton.*

| | | |
|---|---|---|
| 46 and 47 Vict. c. cxlviii. . | The Dumbarton Waterworks, Streets, and Buildings Act, 1883. | The whole Act. |

VIII.—*Dunfermline.*

| | | |
|---|---|---|
| 33 and 34 Vict. c. cxv. . | The General Police and Improvement (Scotland) Supplemental Act, 1870. | The whole Act and the Sched so far as they relate to Burgh of Dunfermline. |

IX.—*Falkirk.*

| | | |
|---|---|---|
| 22 and 23 Vict. c. cxxiii. . | The Falkirk Police and Improvement Act, 1859. | The 7th and 8th clauses of Preamble, and sections 2 far as regards the definitio "The Stintmasters of kirk;" "The Feuars of kirk;" The District Grahamston;" and " District of Bainsford"), and from 11 to 18, both clusive, and 20 and 21. |

X.—*Galashiels.*

| | | |
|---|---|---|
| and 40 Vict. c. lx. . . | The Galashiels Municipal Extension Gas and Water Act, 1876. | The whole Act, except sections 3, 4, 7, 13, 17, 18, 21, 22, 24, 26, 27, 34, 37-39, 52, 56, 57, 66, 85-87, 90-93, and Schedules III. and IV. |

XI.—*Hamilton.*

| | | |
|---|---|---|
| and 42 Vict. c. cxxxvii. . | The Hamilton Burgh Act, 1878. | The whole Act, except sections 141, 142, 143, and 148 to 165. |

XII.—*Inverness.*

| | | |
|---|---|---|
| and 11 Vict. c. ccviii. . | The Inverness Burgh Act, 1847. | Sections 1, 39, 133, 134, 142, 143, 149, 150, and Schedule A. |

XIII.—*Irvine.*

| | | |
|---|---|---|
| and 45 Vict. c. lxxi. . | The Irvine Burgh Act, 1881. | The whole Act. |

XIV.—*Kilmarnock.*

| | | |
|---|---|---|
| and 11 Vict. c. ccvii. . | An Act for amending the Acts relating to the Police and Improvement of the Burgh of Kilmarnock, and for other purposes in relation thereto. | Section 131, in so far as it relates to the application of the fines, penalties, and forfeitures. |
| and 35 Vict. c. lxxi. . | The Kilmarnock Municipal Extension and Improvement Act, 1871. | The whole Act, except sections 4, 28, 40, 42, 43, 48 to 84, 152, 153, 180, 188, 222, 223, 225 to 227, the Second Schedule, the Fifth Schedule. |

XV.—*Kirkcaldy.*

| | | |
|---|---|---|
| and 40 Vict. c. clxxix. . | The Kirkcaldy Burgh and Harbour Act, 1876. | The whole Act, except sections 134 to 137. |

XVI.—*Leith.*

| | | |
|---|---|---|
| and 12 Vict. c. cxxiii. . | The Leith Municipal and Police Act, 1848. | Sections 1, 3, 4, and 5, 16, 17; 70 (as regards Lochend Loch), 262, 271. |
| and 41 Vict. c. cc. . | The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Leith) Act, 1877. | Section 1, and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 21 of the Order thereby confirmed, and the Schedule to the Order. |

## XVII.—*Lerwick.*

| | | |
|---|---|---|
| 39 and 40 Vict. c. clxiii. . | The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Lerwick) Act, 1876. | Section 1, and sections 7, 8, 9 of the Order thereby confirmed. |

## XVIII.—*Oban.*

| | | |
|---|---|---|
| 44 and 45 Vict. c. clxxviii. | The Oban Burgh Act, 1881. | The whole Act. |

## XIX.—*Paisley.*

| | | |
|---|---|---|
| 40 and 41 Vict. c. cxlix. . | The Paisley Improvement Act, 1877. | The whole Act. |
| 38 and 39 Vict. c. clxxi. . | The General Police and Improvement (Scotland) Act, 1862, Orders Confirmation Act, 1875. | The whole Act. |
| 39 and 40 Vict. c. clvii . | The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Paisley) Act, 1876. | The whole Act. |
| 41 and 42 Vict. c. ciii. . | The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Paisley) Act, 1878. | The whole Act. |
| 42 Vict. c. iii. . . . | The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Paisley) Act, 1879. | The whole Act. |

## XX.—*Perth.*

| | | |
|---|---|---|
| 19 and 20 Vict. c cxxxviii. | An Act to provide for the arrangement of the financial affairs of the City of Perth, for the maintenance of the Port and Harbour, and for other purposes therewith connected. | The whole Act and the Schedu |
| 28 Vict. c. vii. . . . | The General Police and Improvement (Scotland) Supplemental Act, 1865. | The whole Act, and also Provisional Order containe the Schedule, excepting tions 2 to 7 of the Provisi Order. |
| 31 Vict. c. xi . . | An Act to confirm certain Provisional Orders under the General Police and Improvement (Scotland) Act, 1862, relating to the Burghs of Perth and Brechin. | The whole Act and the Sched so far as they relate to Burgh of Perth. |
| 33 and 34 Vict. c. cxv. . | The General Police and Improvement (Scotland) Supplemental Act, 1870. | The whole Act and the Sched so far as they relate to Burgh of Perth. |
| 39 and 40 Vict. c. clviii. . | The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Perth) Act, 1876. | The whole Act and the Sched |

XXI.—*Port-Glasgow.*

| | | |
|---|---|---|
| and 29 Vict. c. ccliv. | The Port-Glasgow Police Act, 1865. | The whole Act and Schedule, except sections 7 and 48 of the Act. |

XXII.—*Renfrew.*

| | | |
|---|---|---|
| Vict. c. lxxii. | The Renfrew Police and Improvement Act, 1855. | Sections 1 to 5. Interpretation clause of section 6, sections 7, 8, 11, 12, 16, 17, 18, 22, 23, 28 to 42. |

XXIII.—*Rothesay.*

| | | |
|---|---|---|
| nd 10 Vict. c. ccxcix. | Rothesay Police Act. | Section 12. |

## SCHEDULE IV.

### Rules for New Buildings.

(1.) *Excavations.*—The site of the intended ilding shall be dug out to such depth as all be necessary, in the opinion of the Com- issioners, for the removal therefrom of soil or fuse; and it shall not be lawful for any per- n to build upon any site until such soil or fuse is so removed.

(2.) The walls of every new building to be ed as a dwelling-house shall have a damp urse of durable material, impervious to oisture; the damp course for external walls be at the level of the ground directly abut- ng upon the external wall, or at such other vel as the Commissioners shall order. Party alls to have the damp course at a level of not ss than the under side of the joisting of the west floor; and where in the judgment of the ommissioners the nature of the soil or subsoil equires it, the whole internal area of the site hall be covered with a layer of asphalte, ement, concrete, or suitable material to their atisfaction.

(3.) The outer walls and the party walls or eparate side or end walls, and the joisting and rincipal timber and ironwork, shall be of ufficient strength and stability.

(4.) There shall be to the satisfaction of the ommissioners sufficient ashpit and water- loset or privy accommodation in connection ith the building.

(5.) The plan of the building shall not con- emplate the raising or lowering of any article rom windows or openings towards any public treets by hoists or other appliances outside he building line.

(6.) *Walls and gables to be built solid.*—All arty walls and gables shall be built solid, xcept at vents, fireplaces, presses, and where he Commissioners may allow them to be built therwise.

(7.) *Party walls to be carried through roof, &c.*—All external walls, party walls, passage walls, partition walls dividing separate houses, staircases, stairs, and landings shall be constructed with incombustible materials, and all party walls shall be carried through and above the roof to form a parapet. The parapet to be finished on top with a cope, and the height of parapet to be not less than twelve inches, measured at right angles with the slope of the roof, above the covering of the roof of the highest building to which such party wall belongs.

(8.) *Wall strapping.*—All walls of dwelling-houses shall be so constructed as to prevent damp.

(9.) *Lime mortar.*—The mortar to be used in the construction of new or altered buildings shall be composed of fresh burnt lime and clean sharp pit sand, grit or ground bricks, or freestone shivers, without earthy matter, and no sea or ballast sand shall be used.

(10.) *Joists to be bridled.*—The joists under every hearth shall be bridled, and, where practicable, the hearth shall be supported by a brick arch or concrete under its whole area, or to be otherwise constructed or supported as the Commissioners may direct. Every fireplace shall have jambs and lintels or arches of incombustible material projecting at least to the flush of the plaster work. No timber, joist, beam, or safety lintel shall be inserted into a wall nearer to the fireplace or vents, where practicable, than twelve inches.

(11.) *Buildings to have gutters and spouts.*—Every building shall have rhones, gutters, or spouts along the eaves thereof, with down spouts and perforated gratings, to carry all water falling on the roof thereon to the drains.

(12.) *Chimney heads to be stayed.*—No part of a built chimney or flue must be less than 9″ × 9″, and no part of a wall on the outside or house side of the chimney to be of less thickness than nine inches. Every chimney head shall have a stone cope, into which chimney cans can with safety be inserted, and such chimney cans shall be sufficiently guarded.

(13.) *Floors to be deafened.*—The floors between each flat of a tenement shall be deafened.

(14.) *Plaster work.*—All apartments in every dwelling-house shall be plastered with three coats plaster.

(15.) *Plumber work.*—All plumber work connected with sanitary arrangements and house drains shall be ventilated, trapped, and otherwise constructed and tested to the satisfaction of the Commissioners.

(16.) *Filling up at ground floors.*—In ground floors where the space from surface has to be filled up to level of floors, the same shall be filled up, subject always to sufficient space being left for ventilation, with dry stone shivers or such other materials as the Commissioners may appoint.

(17.) *Passages and courts, &c., to be paved.*—All private courts, common passages, and common areas (other than bleaching greens) shall be paved with natural or artificial stone, or such other material as the Commissioners shall approve, and be provided with proper and sufficient means for taking off the surface water.

(18.) *Roofs not be covered with combustible materials.*—No external covering of any ro shall be constructed of combustible materia and it shall not be lawful for the owner of a building having, at the date when this A comes into operation, a roof covered wi thatch, or other combustible material, a contiguous to or adjoining to any other buil ing, to suffer such covering to such roof remain for a longer period than seven yea thereafter, unless with the consent in writi of the Commissioners. And every person w shall suffer the covering of any roof to co tinue, contrary to the provisions herein co tained, and who shall not remove or alter t same within one month after notice given him for that purpose by the Commissione shall be liable to a penalty not exceeding o pound for every day that such building covering to such roof shall so continue.

Any person failing to comply with any these conditions in a good and sufficie manner shall be guilty of an offence, and liable for each offence to a penalty n exceeding five pounds.

## SCHEDULE V.

### Regulations for Hackney Carriages.

(1.) *What to be hackney carriages.*—Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street, within the prescribed distance, and every carriage standing upon such street within such prescribed distance, having thereon any numbered plate required by this Act to be fixed upon a hackney carriage, or any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of the Act; and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe any such carriage; but no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed, shall be deemed to be a hackney carriage.

(2.) *Provisions applicable to licenses for hackney carriages.*—The following provisions shall apply to a license for hackney carriages:—

(*a.*) A requisition for the license shall be made to the magistrates in such form and containing such particulars as they may prescribe, and shall be signed by the proprietor or one of the proprietors of the carriage for which the license is sought.

(*b.*) Any person who makes a false statement in such requisition shall be liable to a penalty not exceeding ten pounds.

(*c.*) The license shall specify the name and place of abode of every person who is proprietor or part proprietor, or who is concerned in letting the hackney carriage (and such persons are hereinafter referred to as the licensee), and shall specify the number to be marked on the plates of the carriage, and any other particulars which the magistrates may think fit.

(*d.*) The license shall be confined to c carriage, shall be made out by the cle signed by one of the magistrates, and fee not exceeding five shillings shall paid therefor.

(*e.*) The license shall be entered in a bo kept by the clerk and open to pub inspection without fee, and in such bo shall be made entries of any offence co mitted by the licensee, or the driver, person attending the carriage.

(*f.*) The license shall be in force for o year, or until the next licensing day any).

(*g.*) Any licensee who changes his place abode shall within seven days thereaf give notice thereof to the magistrates, a shall produce his license to the clerk, w shall endorse thereon the particulars the change. For any failure to com with this enactment the licensee shall liable to a penalty not exceeding fo shillings.

(*h.*) Any person plying within the prescrib distance any hackney carriage for h without a license or without having t number of the carriage correspondi with the number of the license there displayed on the carriage, or the owner the carriage employing such person, sh for every such offence be liable in a pena not exceeding forty shillings.

(3.) *Provisions as to drivers' licenses.*—T following provisions shall apply to any dri of a hackney carriage within the prescrib distance:—

(*a.*) He shall not act as driver without fi obtaining a license from the magistrat and which shall remain in force revoked, except during the time it m be suspended.

(*b.*) The license shall be registered by the cle and a fee of one shilling paid for the sa

(c.) If any person shall act as such driver without a license, or during the time his license is suspended, or shall lend or part with his license except to the licensee of the hackney carriage, or if the licensee of a hackney carriage employ any person as the driver thereof who has not obtained such license, or during the time that his license is suspended, as hereinafter provided, every such driver and every such licensee shall for every such offence respectively be liable to a penalty not exceeding twenty shillings.

(4.) *Licensee to retain license of drivers when in his employ, and to produce the same when summoned.—Magistrates may endorse convictions upon license.—Penalty on licensee for neglect.*—In every case in which the licensee of any hackney carriage permits or employs any licensed person to act as the driver thereof, such licensee shall cause to be delivered to him, and shall retain in his possession, the license of such driver while such driver remains in his employ; and in all cases of complaint, where the licensee of a hackney carriage is summoned to attend before a magistrate, or to produce the driver, the licensee so summoned shall also produce the license of such driver, if he be then in his employ; and if any driver complained of be judged guilty of the offence alleged against him, such magistrate shall make an endorsement upon the license of such driver, stating the nature of the offence and the amount of the penalty inflicted; and if any such licensee neglect to have delivered to him, and to retain in his possession the license of any driver while such driver remains in his employ, or if he refuse or neglect to produce such license as aforesaid, such licensee shall for every such offence be liable to a penalty not exceeding forty shillings.

(5.) *Licensee to return license to drivers when quitting his service if they behave well, if otherwise licensee to summon them.—Compensation in case of license being improperly withheld.*—When any driver leaves the service of the licensee by whom he is employed without having been guilty of any misconduct, such licensee shall forthwith return to such driver the license belonging to him; but if such driver have been guilty of any misconduct, the licensee shall not return his license, but shall give him notice of the complaint which he intends to prefer against him, and shall forthwith cause such driver to be summoned to appear before a magistrate to answer the said complaint; and such magistrate, having the necessary parties before him, shall inquire into and determine the matter of complaint; and if upon inquiry it appear that the license of such driver has been improperly withheld, such magistrate shall direct the immediate redelivery of such license and award such sum of money as he thinks proper to be paid by such licensee to such driver by way of compensation, and the payment of which may be enforced as a penalty.

(6.) *Licenses to be suspended or revoked for misconduct.*—The magistrates may upon the conviction for the second time of the licensee or driver of any hackney carriage for any offence under the provisions of this Act with respect to hackney carriages, or of any byelaw made in pursuance thereof, suspend or revoke, as they deem right, the license of any such licensee or driver.

(7.) *Number of persons to be carried in a hackney carriage to be painted thereon.*—No hackney carriage shall be used or employed, or let for hire, or shall stand or ply for hire, within such prescribed distance, unless the number of persons to be carried by such hackney carriage, in words at length, and in form following (that is to say)—"To carry persons," be painted on a plate placed on some conspicuous place on the outside of such carriage, and in legible letters, so as to be clearly distinguishable from the colour of the ground whereon the same are painted, one inch in length, and of a proportionate breadth; and the driver of any hackney carriage shall not be entitled to carry in or by such hackney carriage a greater number of persons than the number painted thereon.

(8.) *Penalty for neglect or for refusal to carry the prescribed number.*—If the licensee of any hackney carriage permit the same to be used, employed, or let to hire, or if any person stand or ply for hire with such carriage, without having the number of persons to be carried thereby painted and exhibited in manner aforesaid, or if the driver of any hackney carriage or omnibus shall carry a greater number of persons in or by such hackney carriage or omnibus than the number of persons painted thereon, or shall refuse, when required by the hirer thereof, to carry in or by such hackney carriage the number of persons painted thereon, or any less number, every licensee or driver so offending shall be liable to a penalty not exceeding forty shillings.

(9.) *Penalty on driver for refusing to drive.*—Any driver of a hackney carriage standing on any of the stands for hackney carriages appointed by the magistrates, or in any street, public or private, who refuses or neglects, without reasonable excuse, to drive such carriage to any place within such prescribed distance, or any distance to be appointed by any byelaw of the magistrates, not exceeding such prescribed distance, to which he is directed to drive by the person hiring or wishing to hire such carriage, shall for every such offence be liable to a penalty not exceeding forty shillings.

(10.) *Penalty for demanding more than the sum agreed for, though less than the legal fare.*—If the licensee or driver of any hackney carriage, or any other person on his behalf, agree beforehand with any person hiring such hackney carriage to take for any job a sum less than the fare allowed under this Act or by any byelaw made thereunder, such licensee or driver shall be liable to a penalty not exceeding forty shillings if he exact or demand for such job more than the fare so agreed upon.

(11.) *Agreement to pay more than the legal fare not to be binding, and sum paid beyond the proper fare may be recovered back.*—No agreement whatever made with the driver, or with any person having or pretending to have the care of any hackney carriage, for the payment of more than the fare allowed by any byelaw

made under this Act, shall be binding on the person making the same, and any person may notwithstanding such agreement refuse, on discharging such hackney carriage, to pay any sum beyond the fare allowed as aforesaid; and if any person actually pay to the driver of any hackney carriage, whether in pursuance of any such agreement or otherwise, any sum exceeding the fare to which such driver was entitled, the person paying the same shall be entitled, on complaint made against such driver before a magistrate, to recover the sum paid beyond the proper fare, and, moreover, such driver shall be liable to a penalty for such exaction not exceeding the sum of forty shillings; and in default of the repayment by such driver of such excess of fare, or of payment of the said penalty, the magistrate shall forthwith commit such driver to prison, there to remain for any time not exceeding one month, unless the said excess of fare and the said penalty be sooner paid.

(12.) *Driver to carry, under an agreement for a discretionary distance, the distance to which hirer is entitled for the fare.*—If the licensee or driver of any hackney carriage, or any other person on his behalf, agree with any person to carry in or by such hackney carriage persons not exceeding in number the number so painted on such carriages as aforesaid for a distance to be at the discretion of such licensee or driver, and for a sum agreed upon, such licensee or driver shall be liable to a penalty not exceeding forty shillings if the distance which he carries such persons be under that to which they were entitled to be carried for the sum so agreed upon, according to the fare allowed by any byelaw made under this Act.

(13.) *Overcharge by hackney coachman, &c., to be included in conviction, and returned to aggrieved party.*—Every licensee or driver of any hackney carriage who is convicted of demanding or taking as a fare a greater sum than is authorised by any byelaw made under this Act shall be liable to a penalty not exceeding forty shillings; and on the conviction of such licensee or driver an order may be included for payment of the sum so overcharged, if paid, over and above the penalty of costs, and such overcharge shall be returned to the party aggrieved, whose evidence shall be admissible in proof of such offence.

(14.) *Penalty for permitting persons to ride without consent of the hirer.*—Any licensee or driver of any hackney carriage which is hired who permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the express consent of the person hiring the same, shall be liable to a penalty not exceeding twenty shillings.

(15.) *No person to act as driver of any carriage without the consent of the licensee.*—No person authorised by the licensee of any hackney carriage to act as driver of such carriage shall suffer any other person to act as driver of such carriage without the consent of the licensee thereof, and no person, whether licensed or not, shall act as driver of any such carriage without the consent of the licensee; and any person so suffering another person to act as driver, and any person so acting as driver, without such consent as aforesaid, shall be liable to a penalty not exceeding forty shillings for every such offence.

(16.) *Penalty on drivers misbehaving.*—If the driver or any other person having or pretending to have the care of any hackney carriage be intoxicated while driving, or if any such driver, or other person, by wanton and furious driving, or by any other wilful misconduct, injure or endanger any person in his life, limbs, or property, he shall be liable to a penalty not exceeding five pounds.

(17.) *Penalty for leaving carriages unattended at places of public resort.*—If the driver of any hackney carriage leave it in any street or at any place of public resort or entertainment, whether it be hired or not, without some one proper to take care of it, any constable may drive away such hackney carriage, and deposit it, and the horse or horses harnessed thereto, at some neighbouring livery stable or some other place of safe custody; and such driver shall be liable to a penalty not exceeding twenty shillings for such offence; and in default of payment of the said penalty upon conviction, and of the expenses of taking and keeping the said hackney carriage and horse or horses, the same together with the harness belonging thereto, or any of them, shall be sold by order of the magistrates before whom such conviction is made; and after deducting from the produce of such sale the amount of the said penalty, and of all costs and expenses, as well of the proceedings before such magistrate as of the taking, keeping, and sale of such hackney carriage, and of such horse or horses and harness, the surplus (if any) of the said produce shall be paid to the proprietor of such hackney carriage.

(18.) *Damage done by drivers may be recovered from the licensee.*—In every case in which any hurt or damage has been caused to any person or property as aforesaid by the driver of any carriage let for hire, the magistrate before whom such driver has been convicted may direct that the licensee of such carriage shall pay such sum, not exceeding five pounds, as appears to such magistrate a reasonable compensation for such hurt or damage; and every licensee who pays any such compensation as aforesaid may recover the same from the driver; and such compensation shall be recoverable from such licensee, and by him from such driver, as damages; but this provision shall not prevent the injured party suing for damages without restriction as to amount before any competent court.

(19.) *Improperly standing with carriage, refusing to give way to or obstructing any other driver, or depriving him of his fare.*—Any driver of any hackney carriage who suffers the same to stand for hire across any street or alongside of any other hackney carriage, or who refuses to give way, if he conveniently can, to any other carriage, or who obstructs or hinders the driver of any other carriage in taking up or setting down any person into or from such other carriage, or who wrongfully in a forcible manner prevents or endeavours to prevent the driver of any other hackney carriage from being hired, shall be liable to a penalty not exceeding twenty shillings.

(20.) *Compensation may be awarded to drivers for loss of time in attending to answer complaints not substantiated.*—If the driver of any hackney

carriage be summoned or brought before any magistrate to answer any complaint made on information given by any private person touching or concerning any offence alleged to have been committed by such driver against the provisions of this Act or of any byelaw made under this Act, and such complaint or information be afterwards dismissed, or if such driver be acquitted of the offence charged against him, such magistrate, if he think fit, may order the informer to pay to such driver such compensation for his loss of time in attending such magistrate touching or concerning such complaint or information as to such magistrate seems reasonable; and in default of payment of such compensation such magistrate may commit such informer to prison for any time not exceeding one month, unless the same shall be sooner paid.

(21.) *Penalty for refusing to pay the fare.*—If any person refuse to pay, on demand, to any licensee or driver of any hackney carriage the fare allowed by any byelaw made under this Act, such fare may, together with costs, be recovered before any magistrate as a penalty.

(22.) *Penalty for damaging carriage.*—Any person using any hackney carriage plying under a license granted by virtue of this Act, who wilfully injures the same, shall for every such offence be liable to a penalty not exceeding five pounds, and shall also pay to the licensee of such hackney carriage reasonable satisfaction for the damage sustained by the same; and such satisfaction shall be ascertained by the magistrate before whom the conviction takes place, and shall be recovered by the same means as the penalty.

(23.) *Magistrates may make byelaws for regulating hackney carriages.*—The magistrates may from time to time (subject to the restrictions of this Act) make byelaws for all or any of the purposes following; that is to say,

For regulating the conduct of the licensees and drivers of hackney carriages plying within such prescribed distance in their several employments, and determining whether such drivers shall wear any and what badges, and for regulating the days and hours within which they may exercise their calling:

For regulating the manner in which the number of each carriage corresponding with the number of its license shall be displayed:

For regulating the number of persons to be carried by hackney carriages, and in what manner such number is to be shown on such carriage, and what number of horses or other animals is to draw the same, and the placing of check strings to the carriages, and the holding of the same by the driver, and how hackney carriages are to be furnished or provided:

For fixing the stand of hackney carriages, and the distance to which they may be compelled to take passengers, not exceeding such prescribed distance:

For fixing the rates or fares, as well for time as distance, and for securing the due publication of such fares:

For securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

(24.) The magistrate may suspend or revoke any license granted to the licensee or driver of a hackney carriage on such licensee or driver being convicted of any offence, in addition to or in lieu of the penalty applicable to such offence.

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## SCHEDULE VI.

*Name of Burgh*,

GENERAL SEWER RATE [*or* SPECIAL SEWER RATE and PRIVATE IMPROVEMENT EXPENSE ASSESSMENT, *as the case may be*].

| Description of Subjects. | Name of Owner. | Name of Occupier. | Rental. | Rate or Private Improvement Expense due and chargeable at | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 15 May 18 . | 15 May 18 . | 15 May 18 . | 15 May 18 1. | 15 May 18 . | 15 May 18 . | 15 May 18 . |
| General Sewer Rate . . | | | | | | | | | | |
| Special Sewer Rate . . | | | | | | | | | | |
| Private Improvement . | | | | | | | | | | |

*Date*,

*A.B.*, Collector.

## SCHEDULE VII.

### Forms of Procedure.

I.

Form of Complaint for Statutory Contraventions, Offences, &c.

Unto the magistrates of the burgh of [ ].

The complaint of [ ] burgh prosecutor [*or other party entitled to prosecute with or without his concurrence*].

Humbly Sheweth,

That [*name and designation of accused*] did on [*here give date*] at (or in) [*here name place and state act done*] contrary to the Act section whereby the accused is liable [*state shortly the nature of the forfeiture or penalty*].

May it therefore please your honours to grant warrant to officers of law to apprehend and bring the said accused [*or* to summon the said accused to appear personally] before the magistrate officiating in the police court of the said burgh [*in using this or any of the succeeding forms, if there are more than one police court in the burgh state the particular court*] to answer to this complaint; to cite witnesses for both parties; to convict the accused of the aforesaid contravention [*or* offence]; and to adjudge said accused to suffer the penalties provided by the said Act.

According to justice, &c.,

B. P.

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II.

Form of Complaint for an Offence at Common Law.

Unto the magistrates of the burgh of [ ].

The complaint of [ ], burgh prosecutor [*or other party entitled to prosecute with his concurrence*].

Humbly Sheweth,

That [*name and designation of accused*] did on the [*here give date*] at (or in) [*here state the act*].

May it therefore please your honours to grant warrant to officers of law to apprehend and bring the said accused [*or* to summon the said accused to appear personally] before the magistrate officiating in the police court of the said burgh to answer to this complaint; to cite witnesses for both parties; to convict the said accused of the aforesaid crime; and to adjudge said accused to suffer the pains of law.

According to justice, &c.,

B.P.

Note.—*If a search warrant be required the craving therefor may be included in the prayer of either of the preceding two forms and may be in the following terms:—*

Further, to grant warrant to search the person, dwelling-house, and repositories of the said accused, and place in which the accused may be found, and to take into custody the property mentioned or referred to in the complaint, and all documents, articles, or property of whatever kind likely to afford evidence of the accused's guilt in the premises; and if necessary for that purpose to open all shut and lockfast places.

[*And such warrant may also be subsequently applied for by writing on the original complaint "Warrant of search is craved," which will be sufficient for the magistrate to grant the warrant in the above terms.*]

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Warrant for Apprehension of an Accused Party.

[*Place and date.*] Grants warrant to officers of law to search for and apprehend the said [*name of accused*] and if necessary for that purpose to open all shut or lockfast places, and to bring said accused before the magistrates officiating in the police court of the burgh of [ ] to answer to the foregoing complaint; and in the meantime, if necessary, to detain said accused in a police station-house or other convenient place; and also to cite witnesses and havers for both parties for all diets in the cause.

Magistrate.

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Warrant to Summon an Accused Party and Witnesses.

[*Place and date.*] Grants warrant to officers of law to summon the said [*name of accused*] to appear personally before the magistrate officiating in the police court of the burgh of [ ] upon the day of at o'clock [ ] to answer to the foregoing complaint, and to cite witnesses and havers for both parties for all diets in the cause.

Magistrate.

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Warrant to Apprehend and Search.

[*Place and date.*] Grants warrant to officers of law to apprehend and bring the said [*name of accused*] before the magistrate officiating in the police court of the burgh of [ ] to answer to the foregoing complaint; and if necessary in the meantime to detain the accused in a police station-house or other convenient place, also to cite witnesses and havers for both parties for all diets in the cause: and to search and secure, and for that purpose to open all shut and lockfast places, all as craved.

Magistrate.

---

Summons to an Accused Party.

To [*name and designation of accused*].

You are hereby summoned to appear personally before the magistrate officiating in the police court of the burgh of [ ] upon the day of at o'clock to answer to a complaint at the instance of the burgh prosecutor [*or other party entitled to prosecute with or without his concurrence*] charging you with [*state the nature of the crime,*

*ntravention, or offence, as in principal com-aint*].

This summons served by me on the day of 18 .

Constable.

[ *note in the following terms to be subjoined to all summonses.*]

If the accused desires to have witnesses cited r the defence, every reasonable assistance for ting such witnesses will be given on applica-on at the police office.

All accused persons failing to appear in swer to a summons without lawful excuse e liable to be apprehended.

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CITATION TO A WITNESS OR HAVER

[*name and designation*].

You are hereby cited to appear before the agistrate officiating in the police court of the rgh of [ ] upon the y of at o'clock, to give idence for the prosecution [*or* defence] in the mplaint at the instance of the burgh prose-tor [*or other party entitled to prosecute with or ithout his concurrence*] against [*name and de-gnation of accused*], and you are required to oduce [*state what the haver is to produce*].

This citation served by me on the day of .

Constable.

[*Note to be subjoined to all citations.*]

Witnesses or havers failing to attend the urt, without lawful excuse, are liable to be prehended.

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ONSTABLE'S EXECUTION OF SUMMONS OF AN ACCUSED PERSON.

I, a constable or officer of police of the burgh [ ], upon the day of wfully summoned [*name and designation of ccused as in complaint*] to appear before the agistrate officiating in the police court of the rgh of [ ] on the day of ; o'clock, to answer to a complaint at e instance of the burgh prosecutor [*or other rty entitled to prosecute with or without his ncurrence*], charging him with [*state name by hich crime, offence, or contravention known, uch as "Theft," "Assault," "Breach of the ublic peace," &c.*]

This I did by delivering a summons to that effect [*state how served upon accused, whether personally, or left at dwelling-house, or how.*]

Constable.

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ONSTABLE'S EXECUTION OF CITATION OF A WITNESS OR HAVER.

I, a constable or officer of police of the burgh f [ ], upon the day of wfully cited [*name and designation of witness r haver*] to appear before the magistrate officia-ng in the police court of the burgh of [ ] n the day of at o'clock o give evidence for the prosecution [*or* defence] in the complaint at the instance of the burgh prosecutor [*or other party entitled to prosecute with or without his concurrence*] against [*name and designation of accused*].

This I did by delivering a citation to that effect [*state how served, whether personally, or left at dwelling-house, or how*].

Constable.

---

WARRANT TO APPREHEND AN ACCUSED PARTY IN RESPECT OF FAILURE TO OBEY SUMMONS.

[*Place and date.*] The magistrate, in respect the said [*name of accused*] has failed to appear to answer to the foregoing complaint, after having been duly summoned to this diet, grants warrant to officers of law to search for and apprehend the said accused; and, if necessary for that purpose, to open all shut and lockfast places, and to bring said accused before the magistrate officiating in the police court of the burgh of [ ], to answer thereto; and to detain said accused in a police station-house or other convenient place until brought before the said magistrate; and also, if necessary, to cite witnesses and havers of new.

Magistrate.

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WARRANT TO APPREHEND A WITNESS IN RESPECT OF FAILURE TO OBEY CITATION; ADJOURNMENT OF DIET; AND DETENTION OF ACCUSED.

[*Place and date.*] The magistrate, in respect [*name and designation*], witness in the cause, has failed to appear after having been duly cited, adjourns the diet till the day of at o'clock, and orders the accused to be detained in the police cells or in the prison of [ ] till that time [or until sufficient security to the amount or value of £ be found for his appearance at all diets of court]; and grants warrant to officers of law to search for and apprehend the said witness; and, if necessary for that purpose, to open all shut and lockfast places, and to detain said witness in the said cells [*or* in said prison] until the hearing of the cause, unless sufficient security be found for appearance at all diets of court, to the amount or value of [ ].

Magistrate.

---

FORFEITURE OF PLEDGE IN RESPECT OF FAILURE TO APPEAR.

[*Place and date.*] The magistrate, in respect of the failure of the accused to appear, declares a pledge of [*amount or description of pledge*] deposited as security for appearance at this diet to be forfeited; and appoints the same to be applied in terms of the statute.

Magistrate.

---

FORFEITURE OF PLEDGE IN RESPECT OF FAILURE TO APPEAR; AND WARRANT TO APPREHEND.

[*Place and date.*] The magistrate, in respect of the failure of the accused to appear, declares a pledge of [*amount or description of pledge*] to be forfeited; appoints the same to be applied

in terms of the statute; and, on the motion of the complainer, grants warrant to officers of law to search for and apprehend the said accused; and, if necessary for that purpose, to open all shut and lockfast places, and to bring said accused before the magistrate officiating in the police court of the burgh of [ ] to answer to the foregoing complaint; and to detain the accused in the police cells [*or* in the prison of ] in the meantime.

Magistrate.

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ADJOURNMENT OF DIET.

[*Place and date.*] The magistrate adjourns the diet till at o'clock noon; and ordains the accused and witnesses to appear personally at that time.

Magistrate.

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ADJOURNMENT OF DIET AND WARRANT TO DETAIN ACCUSED.

[*Place and date.*] The magistrate adjourns the diet till at o'clock ; and grants warrant to detain the accused in the police cells [*or* in the prison of ] until that time; and also, if necessary, to cite witnesses of new.

Magistrate.

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ADJOURNMENT OF DIET, AND WARRANT TO DETAIN ACCUSED FAILING SECURITY FOR APPEARANCE BEING FOUND.

[*Place and date.*] The magistrate adjourns the diet till at o'clock ; and grants warrant to detain the accused in the police cells [*or* in the prison of ] until that time, or until sufficient security to the amount or value of sterling be found for his appearance at all diets of court.

Magistrate.

---

FORM OF PROCEDURE AT HEARING.

[*Place and date.*] In presence of *A.B.*, *one* of the magistrates of the burgh of [ ], appeared the said [*name of accused*], and the charge being read over he pleads [not] guilty [*or* appeared *C.D.* for the accused and on his behalf pleads [not] guilty], *or* [*Place and date.* The accused having failed to appear, although duly cited, the magistrate proceeded to try the case in his absence]. (Where witnesses are examined add) Whereupon the following witnesses were examined in support of the complaint, viz.: and the following witnesses were examined in exculpation, viz.:

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FORM OF CONVICTION, FINE, AND FAILING PAYMENT, IMPRISONMENT.

[*Place and date.*] The magistrate, in respect of the judicial confession above recorded [or] evidence adduced, finds the accused guilty of the crime [contravention or offence] charged [*or state to what extent accused found guilty*], and therefore fines and amerciates said accused in the sum of [*amount*] payable to [ ], and in default of immediate payment thereof, sentences and adjudges the said accused to be imprisoned for the space of [ ] from this date [with hard labour], unless said fine be sooner paid, and thereafter to be set at liberty; and for that purpose grants warrant to officers of law to convey the said accused to the prison of [ ] thereafter to be dealt with in due course of law. [ ] words deleted.

Magistrate.

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CONVICTION.

IMPRISONMENT.

[*Place and date.*] The magistrate, in respect of the judicial confession above recorded [or] evidence adduced, finds the accused guilty of the crime [contravention or offence] charged [*or state to what extent accused found guilty*], and therefore sentences and adjudges said accused to be imprisoned for the space of [ ] from this date [with hard labour], and thereafter to be set at liberty; and for that purpose grants warrant to officers of law to convey said accused to the prison of [ ], thereafter to be dealt with in due course of law.

Magistrate.

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TO FIND CAUTION FOR GOOD BEHAVIOUR.

[*Place and date.*] The magistrate, in respect of the judicial confession above recorded [or evidence adduced], finds the accused guilty of the crime [contravention or offence] charged [*or state to what extent accused found guilty*], and therefore ordains said accused to find sufficient caution acted in the books of court for good behaviour for the period of [ ] months from this date, and in default of said caution being immediately found, sentences and adjudges said accused to be imprisoned for the space of from this date unless said caution shall be sooner found; and for that purpose grants warrant to officers of law to convey said accused to the prison of [ ], thereafter to be dealt with in due course of law.

Magistrate.

---

FINE OR IMPRISONMENT AND TO FIND CAUTION FOR GOOD BEHAVIOUR OR FURTHER IMPRISONMENT.

[*Place and date.*] The magistrate, in respect of the judicial confession above recorded [or evidence adduced], finds the said accused guilty of the crime [contravention or offence] charged [*or state to what extent accused found guilty*], and therefore fines and amerciates the said accused in the sum of [ ] payable to [ ], and in default of immediate payment thereof, sentences and adjudges said accused to be imprisoned for the space of [ ] from this date [with hard labour], unless said fine shall be sooner paid. Further ordains the accused to find sufficient caution acted in the books of

t for good behaviour for the period of months from and after the date of payment of said fine or of the expiration of said od of imprisonment, under a penalty of ]; and in default of said caution being id, sentences and adjudges said accused to mprisoned for the further space of [ ] n the date of payment of said fine or the ration of the term of imprisonment for payment thereof; and for these purposes ats warrant to officers of law to convey the accused to the prison of [ ], there- r to be dealt with in due course of law.

Magistrate.

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PRISONMENT, AND TO FIND CAUTION FOR GOOD BEHAVIOUR.

*Place and date.*] The magistrate, in respect he judicial confession above recorded [or dence adduced], finds the accused guilty of crime [contravention or offence] charged *state to what extent accused found guilty*], and efore sentences and adjudges the said used to be imprisoned for the space of ] from this date [with hard labour]. ther ordains the accused to find sufficient tion acted in the books of court for good aviour for the period of [ ] months n and after the date of the expiration of t term of imprisonment, under penalty of ]; and in default of said caution being hd sentences and adjudges said accused to mprisoned for the further space of [ ], ess said caution shall be sooner found, and these purposes grants warrant to officers of to convey said accused to the prison of ], thereafter to be dealt with in due rse of law.

Magistrate.

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SENTENCE OF WHIPPING.

*Place and date.*] The magistrate, in respect the judicial confession above recorded [or dence adduced], finds the accused guilty of crime [contravention or offence] charged *state to what extent accused found guilty*]; that in his opinion the said accused does exceed fourteen years of age, therefore tences and adjudges said accused to suffer punishment of private whipping according he regulations applicable thereto, and that he number of [ ] stripes, and ordains accused to be conveyed to the prison of ], there to undergo said punishment; if it shall be the opinion of the surgeon of prison that the said accused is unfit to ure the punishment of whipping, then and hat event [*state terms of alternative, whether orisonment, or imprisonment with the option fine in the appropriate form*].

Magistrate.

FORM WHEN COMPLAINT FOUND NOT PROVED.

[*Place and date.*] The magistrate, having heard the cause, finds the complaint not proved, and discharges the accused accordingly.

Magistrate.

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DESERTION OF DIET.

[*Place and date.*] The magistrate, on the motion of the burgh prosecutor, deserts the diet *pro loco et tempore*.

Magistrate.

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REMIT TO SHERIFF OR MAGISTRATE OF ANOTHER BURGH.

[*Place and date.*] The magistrate remits this case to the sheriff of [ ], and grants warrant to officers of law to convey the accused to the prison of [ ], thereafter to be dealt with in due course of law.

Magistrate.

*Note.*—If the remit is made to the magistrates of another burgh, it will be so stated.

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BOND OF CAUTION FOR THE APPEARANCE OF AN ACCUSED PARTY.

I, [*name and designation of cautioner*,) do hereby judicially enact, and bind and oblige myself as cautioner and surety, that [*name and designation of accused party*] shall appear personally before the magistrate officiating in the police court of the burgh of , on the day of at o'clock, in the hour of cause, or at any other diet to which the cause may be adjourned, and answer to a complaint at the instance of the burgh prosecutor [*or other party entitled to prosecute with his concurrence*], and that under a penalty of [ ] to be paid by me in case of failure, and to be recovered in the manner prescribed by the "Burgh Police (Scotland) Act, 1892."

In witness whereof, &c.

*Cautioner.*

Witness.

Witness.

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BOND OF CAUTION FOR GOOD BEHAVIOUR.

I, [*name and designation of cautioner*,] in terms of a sentence pronounced by one of the magistrates of the burgh of [ ] on the day of do hereby judicially enact, and bind and oblige myself as cautioner and surety for the good behaviour of [*name, &c. of accused*

*as in complaint*], for the period of months from the day of , and that under the penalty of to be paid in the event of contravention, and recovered in the manner prescribed by the "Burgh Police (Scotland) Act, 1892."

In witness whereof, &c.

*Cautioner.*

Witness.

Witness.

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FORFEITURE OF A BOND OF CAUTION IN RESPECT OF CONTRAVENTION AND WARRANT TO CHARGE AND IMPRISON CAUTIONER, FAILING PAYMENT OF THE PENALTY.

[*Place and date.*] The magistrate, in respect of the judicial confession above recorded [or evidence adduced], finds the accused guilty of the crime [contravention or offence] charged [*or state to what extent accused found guilty*], and therefore [*insert sentence of court*]: Further, declares a bond of caution dated granted for the good behaviour of the accused under a penalty of forfeited; appoints the penalty to be applied in terms of the statute; and orders the cautioner in said bond to be charged, to make payment to [ ] of the penalty therein contained within six days after such charge; and in default of payment thereof within said period ordains the said cautioner to be imprisoned for the period of days from the date of incarceration, unless payment of said penalty be sooner made, and thereafter to be set at liberty; and for that purpose grants warrant to officers of law to apprehend and convey the said cautioner to the prison of [ ], thereafter to be dealt with in due course of law.

Magistrate.

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FORFEITURE OF BOND OF CAUTION, IN RESPECT OF NON-APPEARANCE, WARRANT TO CHARGE AND IMPRISON CAUTIONER FAILING PAYMENT OF THE PENALTY.

[*Place and date.*] The magistrate, in respect the accused has failed to appear to answer to the foregoing complaint, declares a bond of caution granted for the appearance of the accused at this diet under a penalty of forfeited, and appoints the said penalty to be applied in terms of the statute: Further orders [*name and designation of cautioner*] the cautioner in said bond to be charged to make payment to the clerk of court of said penalty within six days after such charge, and in default of payment thereof within said period, ordains the said cautioner to be imprisoned, &c. [*and so on as in preceding form*].

Magistrate.

CHARGE TO A CAUTIONER TO MAKE PAYMENT OF A PENALTY IN A BOND FORFEITED IN RESPECT OF CONTRAVENTION OR FOR NON-APPEARANCE.

To [*name and designation of cautioner, as in bond*].

I, a constable or officer of the police court of the burgh of [ ], hereby charge you to make payment of the sum of [ ], being the penalty contained in a bond of caution enacted by you in the said court for the [good behaviour of] [*name and designation of accused as in bond*] for the period of months from the day of [*or* appearance personally before said court of [*name and designation of accused, as in bond*] [to answer to a complaint at the instance of the burgh prosecutor thereof] [*or other party entitled to prosecute with his concurrence*], which bond has been declared forfeited by the magistrate officiating in said court in respect of a conviction for an offence committed in contravention thereof [*or* in respect of the non-appearance of the accused to answer to said complaint], the said sum to be paid by you to [ ] within six days after the date of this my charge under pain of imprisonment for the period of day from the date of incarceration, unless said sum shall be sooner paid.

This charge served by me on the day of .

Constable.

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CONSTABLE'S EXECUTION OF A CHARGE UPON A CAUTIONER.

I, a constable or officer of the police court of the burgh of [ ], upon the day of , lawfully charged [*name and designation of cautioner, as in charge*] to make payment to [ ] of the sum of , being the penalty contained in the bond of caution enacted for the good behaviour of [*or* for the appearance personally before the said police court to answer to a complaint at the instance of the burgh prosecutor [*or other party prosecuting with his concurrence*], which bond has been declared forfeited, and that within six days after the date of my said charge under the pain of imprisonment for the period of from the date of incarceration.

This I did by delivering a charge to the effect aforesaid [*state how served, whether personally or left at dwelling-house, or how.*]

Constable.

Note.—*Where the penalty forfeited is contained in an adjournment order, and due by the accused, the necessary alteration will be made on the foregoing forms.*

ITION TO MAGISTRATES FOR RESTORATION OF STOLEN, &c. GOODS.

Unto the magistrates of the burgh of [ ].

The petition of [*name, &c., of claimant*].

MBLY SHEWETH,

That [*state circumstances regarding the goods, ; and by whom claimed*].

May it therefore please your honours, after intimation to and hearing any parties interested, to order the property above described to be restored to the petitioner upon *viva voce* evidence being adduced to your satisfaction that such property was stolen [fraudulently obtained, or disposed of in breach of trust], and that the petitioner is the true owner or possessor thereof; or to do otherwise as to your honours may seem meet.

According to justice, &c.,

Petitioner.

or

Agent for Petitioner.

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EXTRACT OF CHARGE AND SENTENCE.

[*Place and date.*] [*Name and designation of used*] having this day been brought before the magistrate officiating in the police court of the burgh of on the complaint of the burgh prosecutor charged with the crime of [ ] (*or*) [with a contravention of section of the Burgh Police (Scotland) Act, 1892,] (*or*) [with an offence within the meaning of section of the Burgh Police (Scotland) Act, 1892, *or other Act contravened*], and having been found guilty, the said magistrate [fined and amerciated the accused in the sum of and failing immediate payment thereof] sentenced and adjudged the said accused to be imprisoned for the space of [ ] from this date [unless said fine should be sooner paid, and granted warrant to officers of law to convey the said accused to the prison of [ ], thereafter to be dealt with in due course of law.

Clerk.

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GENERAL DIRECTIONS.

Where the accused is summoned or apprehended, or witnesses are cited by virtue of the Act, it shall not be necessary to pray for or grant warrants for these purposes.

Whoever may be the presiding judge in the police court, the name "magistrate" shall be used in all proceedings.

## SCHEDULE VIII.

ITION AND CERTIFICATE BY THE COLLECTOR TO BE WRITTEN AT THE END OF EACH VOLUME OF THE ROLL OF ASSESSMENTS.

Unto the honourable the sheriff of magistrates of the burgh of ].

The petition of A.B., collector of assessments the burgh of .

MBLY SHEWETH,

That the assessments specified in the foregoing book (which is the volume of roll of assessments for said burgh), have been duly imposed on the persons and companies therein mentioned for the year from to , and became due and payable at the term of (as the case may be).

That the petitioner hereby certifies that the said persons or companies received notices from the petitioner to pay the assessments set against their names respectively, within fourteen days thereafter, and that the said period has in each case expired.

Farther, that certain of the said persons and companies have failed to pay the assessments due by them respectively, being those against whose names no marking of payment has been made in said volume, and the sums specified under their names are still truly due.

May it therefore please your lordship [*or* your honours] to grant summary warrant to the petitioner or officers of court to enter into any premises in the occupancy of any of the said persons or companies so in arrear, and to poind, seize, remove, or secure any goods and effects therein belonging to, or in the lawful possession of, such persons or companies, or so much thereof as will fully satisfy the arrears of assessments due by them respectively with the addition of ten per centum thereon; and warrant also to the petitioner or officers of court or any licensed auctioneer, after the lapse of four days, in the event of the non-payment of said arrears and ten per centum thereon, to sell and dispose of said goods and effects by public auction, on three days' notice of the sale [*by the common crier or by such mode as the sheriff or magistrate may prescribe*], either on the premises or at the market cross [*or such other public place as may be fixed by the sheriff or magistrate*], and apply the proceeds in payment of the said arrears and ten per centum, returning any balances to the owners; and the petitioner further craves your lordship [*or* your honours] to decern and ordain instant execution by arrestment of the goods, debts, and sums of money of the said persons or companies in satisfaction of the said assessments due by them respectively and of ten per centum thereon.

*A.B.*, Collector.

[*Place and date.*] The sheriff [sheriff substitute *or* magistrate] grants warrant and decree all as craved.

*C.D.*

SCHEDULE IX.

We, *A.B.* [*here insert name and place of abode as in the municipal register for the burgh*] and *C.D.* [*here insert name and place of abode as aforesaid*] hereby propose and nominate *E.F.* [*here insert name and place of abode as aforesaid*] for election as a councillor. When the burgh is divided into wards add here "for the ward" [*specifying such ward*] at the next ensuing municipal election in the burgh of [*specify burgh*].

Given under our hand this [*insert date*].

*A.B.*

*C.D.*

We, the undersigned, being registered municipal electors of the burgh of [*or "for the ward" [specify ward] as the case may be*], do hereby assent to the nomination of the said *E.F.* as councillor as above mentioned.

| | | |
|---|---|---|
| *G.H.* | of | Insert places of abode as in Municipal Register. |
| *I.J.* | of | |
| *K.L.* | of | |
| *M.N.* | of | |
| *O.P.* | of | |

I, the nominee for election, consent.

*E.F.*

To town clerk of

SCHEDULE X.

The intimation or nomination of *E.F.* [*here insert name and place of abode of candidate as in the municipal register for the burgh*] for election as a councillor. When the burgh is divided into wards, add here "for the ward" [*specifying such ward*] at the next ensuing municipal election in the burgh of [*specify burgh*] is hereby withdrawn.

Given under our hand this [*insert date*].

To be signed by

× Candidate.
× Proposer or seconder.

or by

× Proposer.
× Seconder.
× Assenter.

To town clerk of

# ACT OF PARLIAMENT

TO

*Amend the Burgh Police (Scotland) Act*, 1892.—[56 *and* 57 *Vict., cap.* 25. —27*th July* 1893.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. *Short title and construction.*—This Act may be cited as the Burgh Police (Scotland) Act, 1893, and shall apply to Scotland only. It shall be read and construed along with the Burgh Police (Scotland) Act, 1892 (hereinafter called "the said Act").

II. *Modifications of* 55 *&* 56 *Vict., c.* 55. *s.* 9. —The provisions of the second and third sub-sections of the ninth section of the said Act are hereby repealed, and the fourth sub-section thereof shall read as if the words "the boundaries of a populous place are defined," were substituted for the words "a populous place is declared to be a burgh," and in lieu of the repealed sub-sections the following provisions shall have effect:

(1.) *Meeting of householders to be convened to consider adoption of Act.*—Where, upon an application to any sheriff or sheriffs, the boundaries of a populous place have been defined as provided in the said Act, the sheriff or sheriffs shall thereupon, but only upon the requisition of any seven or more householders, accompanied, if the sheriff or sheriffs shall so require, with a satisfactory undertaking to pay the expenses after-mentioned, convene a

meeting of householders for the purpose of considering whether the provisions of the said Act shall be adopted and carried into execution, and such populous place declared to be a burgh.

The expression "householders" shall have the same meaning as in the said Act, and it shall be the duty of the county assessor or assessors under the Valuation Acts, within fourteen days of an application or applications to that effect, to furnish to the sheriff or sheriffs for the purposes of this Act, a certified copy or list of the names and designations of all householders within the area on payment of a fee of not more than one shilling for each hundred names; and such copy or list shall be sufficient proof of the qualification of the householders named therein.

(2.) *Calling and intimation of meeting.*—The meeting shall be held not less than twenty-one days nor more than thirty days, after the day on which the sheriff receives the requisition in question, and such meeting and the purpose thereof shall be duly advertised in some newspaper circulating in such populous place, and by posting handbills in the form of Schedule (A.) hereunto annexed, at least three days before such meeting. The meeting shall be held in such convenient place as the sheriff or sheriffs shall assign, and one of them shall attend and preside at such meeting, and shall appoint a clerk thereat, who shall take a minute of the proceedings.

(3.) *Power of meeting to adopt the Act or to decline to adopt it.*—The meeting may determine whether the said Act shall be adopted and carried into execution, or shall appoint a committee of their own number, not exceeding nine, to inquire and report to a future meeting to be held on such day as shall be appointed, and such future meeting shall, upon a report of such committee, proceed in all respects in the manner herein directed for such first meeting. The sheriff shall ascertain the determination of such meeting by a show of hands, or in such other manner as shall appear to him expedient, and in the case of an equality of votes, shall have a casting vote. Such determination shall be final, unless a poll of householders shall be then demanded in writing by any seven persons present and qualified to vote at such meeting.

(4.) *Poll to be taken by ballot.*—In the event of a poll being demanded, the sheriff shall direct it to proceed at such polling place or places, and on such day as he shall fix, not more than seven days from the date of such demand, between the hours of eight in the morning and eight in the afternoon. The sheriff shall act as returning officer, and shall appoint the necessary number of presiding officers and poll clerks, and shall have poll or ballot books prepared in the form of Schedule (B.) hereunto annexed. The voting shall be by ballot, subject to such regulations as may be issued by the Secretary for Scotland, and no one shall be entitled to vote whose name is not upon the copy or list of householders furnished by the assessor as aforesaid.

(5.) *Declaration of Poll.*—As soon after the close of the poll as may be, the presiding officer or officers shall seal up the ballot boxes and transmit them to the sheriff, who shall publicly declare the result of the poll to the adjourned meeting; and such declaration shall be final, unless any householder then present shall then and there demand a scrutiny, and on such householder finding caution or security to the satisfaction of the sheriff for the reimbursement of the expenses attending the same, such scrutiny shall be made by such sheriff in such way and manner as he may deem proper, and shall be reported to another adjourned meeting to be held within three days, and the result of such scrutiny shall be final, and the person demanding such scrutiny shall be liable in the expenses thereof.

(6.) *Majority necessary to adopt the Act.*—Any resolution to adopt the provisions of the said Act shall be effectual if it be carried by a majority of the persons qualified and voting as aforesaid, and the sheriff shall thereupon find and declare, as the case may be, either that the said Act has or has not been adopted, and in the event of the said Act being adopted he shall further find and declare that such populous place is a burgh, and shall forthwith cause such finding and declaration to be recorded in the sheriff court books of the county. Such finding and declaration shall be forthwith reported to the Secretary for Scotland.

(7.) The provisions of the forty-seventh section of the said Act shall apply to all proceedings under this Act.

III. *Expenses attending meeting.*—In case of the adoption of the said Act all the expenses incurred in connection therewith shall, subject to such audit as the sheriff shall prescribe, be defrayed out of the burgh general assessment; but in case the provisions of the said Act shall not be adopted, then the whole expenses shall be defrayed by the persons signing the application in that behalf, and the party who shall have disbursed such expenses is hereby authorised to recover these in a summary way before the sheriff, whose determination shall be final.

IV. *Extension of Act.*—Where a poll is directed to be taken under the three-hundred-and-sixth section of the said Act the above enactments and procedure shall, so far as applicable, extend and apply to such poll.

## SCHEDULES

### SCHEDULE (A).

Notice is hereby given, that in virtue of the powers contained in an Act passed in the year of the reign of Her Majesty Queen Victoria, intituled "An Act [*specify this Act*]," the householders within the boundaries following, viz. [*repeat them as in the recorded deliverance of the sheriff*] are hereby required to meet upon the day of next, at of the clock, within , for the purpose of considering whether the provisions of the Burgh Police (Scotland) Act, 1892, shall be adopted and carried into execution, and the populous place declared to be a burgh.

Dated at , the day of 18 .

Signed,

Sheriff.

### SCHEDULE (B).

FORM OF POLL OR BALLOT PAPER.

| Counterfoil. | Adopt, or not, the provisions of Act. The Voter shall answer "Yes" or "No." |
|---|---|
| The number will correspond with that on the back of the poll or ballot paper. | |

## ACT OF PARLIAMENT

TO

*Amend the Burgh Police (Scotland) Act*, 1892.—[57 *and* 58 *Vict., cap.* 18. —20*th July* 1894.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. *Amendment of* 55 *&* 56 *Vict., c.* 55. *s.* 29.—The portion of the twenty-ninth section of the Burgh Police (Scotland) Act, 1892, containing the words "where the population is between fifty thousand and one hundred thousand, the number shall be eighteen," is hereby repealed, and in lieu thereof there shall be substituted the words "where the population is between fifty thousand and one hundred thousand the number shall be from eighteen to twenty-four."

II. *Short title.*—This Act may be cited as the Burgh Police (Scotland) Act, 1892, Amendment Act, 1894.

# COUNTY COUNCILS, Etc.

# ACT OF PARLIAMENT

FOR

*Appointing a Secretary for Scotland and Vice-President of the Scotch Education Department.*—[48 *and* 49 *Vict., cap.* 61.—14*th August* 1885].

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I. *Short title.*—This Act may be cited as the Secretary for Scotland Act, 1885.

II. *Appointment of a Secretary for Scotland.*—It shall be lawful for Her Majesty to appoint a Secretary for Scotland (hereinafter called the Secretary), who shall hold office during Her Majesty's pleasure.

There shall be paid to the Secretary, out of moneys to be provided by Parliament, a salary of two thousand pounds a year.

The Secretary may appoint such permanent secretaries, inspectors, clerks, and other officers as he may with the sanction of the Treasury determine.

The salaries of such secretaries and other officers of the Secretary's office shall be fixed with the consent of the Treasury, and shall, together with such other expenses of the said office as may from time to time be sanctioned by the Treasury, be paid out of moneys provided by Parliament.

III. *Secretary may sit in Parliament.*—The Secretary, if not a member of the House of Lords, shall, if otherwise qualified, be capable of being elected to and of voting in the Commons House of Parliament, and the office of Secretary shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867 [30 and 31 Vict., c. 102] ; in Schedule H. of the Representation of the People (Scotland) Act, 1868 [31 and 32 Vict., c. 48] ; in Schedule E. of the Representation of the People (Ireland) Act, 1868 [31 and 32 Vict., c. 49] ; and in Part First of the schedule of the Promissory Oaths Act, 1868, as regards England.

IV. *Seal, style, and acts of Secretary.*—The Secretary may adopt an official seal and describe himself generally by the style and title of "The Secretary for Scotland."

A rule, order, or regulation made by the Secretary shall be valid if it is made under the seal of the Secretary and signed by him or by any secretary or other officer appointed by him for that purpose, and the production of a copy of such rule, order, or regulation, purporting to be certified to be true by any secretary or other officer appointed by him for that purpose, shall, unless the contrary is shown, be a sufficient proof that any such rule, order, or regulation of the Secretary was duly made.

V. (1.) *Transfer of powers of Secretary of State.*—All powers and duties vested in or imposed on one of Her Majesty's Principal Secretaries of State by the enactments specified in Part I. of the schedule to this Act, and all powers and duties vested in or imposed on one of Her Majesty's Principal Secretaries of State in relation to the Universities of Scotland ;

(2.) *Privy Council.*—All powers and duties vested in or imposed on the Privy Council by the enactments specified in Part II. of the said schedule ;

(3.) *Local Government Board and Treasury.*—All powers and duties vested in or imposed on the Commissioners of Her Majesty's Treasury by the enactments specified in Part III. of the said schedule, or the Local Government Board for England by the enactments specified in Part IV. of the said schedule, so far as such duties and powers relate to Scotland, shall, on and after the appointment of the Secretary, be transferred to, vested in, and imposed on the Secretary.

Any report, act, or thing required or authorised by the said enactments, or any of them, to be made or done to the said Secretary of State, or Privy Council or any committee thereof, or the Commissioners of Her Majesty's Treasury, or the Local Government Board for England, and any report required to be made to Her Majesty, by virtue of any of the said enactments, shall, so far as such enactments apply to Scotland, from and after the appointment of the said Secretary be made to or be done by or to the Secretary.

VI. *Secretary to be Vice-President of Scotch Education Department.*—It shall be lawful for Her Majesty from time to time, by warrant under the Royal Sign Manual, to appoint the Secretary for Scotland to be Vice-President of the Scotch Education Department ; and the Scotch Education Department shall mean the Lords of any Committee of the Privy Council appointed by Her Majesty on Education in Scotland.

VII. *Transference of powers and duties of Scotch Education Department.*—From and after the appointment of the Vice-President of the Scotch Education Department as herein-before provided, all powers and duties vested in or imposed on the Scotch Education Department

stituted under the Education (Scotland) , 1872, shall be transferred to, vested in, imposed on the Scotch Education Depart- t constituted under this Act; and wher- in any Act of Parliament, minute, or ulation, reference is made to the Scotch cation Department, such reference shall be d and construed as applying to the Scotch cation Department constituted under this .

III. *Secretary to be Keeper of the Great Seal.* ne Secretary shall have the place, trust, and office of Keeper of Her Majesty's Seal, appointed by the Treaty of Union to be kept and made use of in Scotland in place of the Great Seal of Scotland, with all such powers, privileges, and liberties as do by law and custom belong to the same.

IX. *Reservation of rights of Lord Advocate.*—Nothing in this Act contained shall prejudice or interfere with any rights, powers, privileges, or duties vested in or imposed on the Lord Advocate by virtue of any Act of Parliament or custom.

## SCHEDULE.

### PART I.

*Powers and Duties of Secretary of State.*

| Subject. | Act. |
|---|---|
| h Law, | 8 & 9 Vict., c. 83. |
| acy, except in regard to criminal natics and insane prisoners, | 20 & 21 Vict., c. 71.<br>25 & 26 Vict., c. 54.<br>29 & 30 Vict., c. 51. |
| lic Health, | 30 & 31 Vict., c. 101.<br>34 & 35 Vict., c. 38.<br>42 & 43 Vict., c. 15. |
| l Birds Protection, | 43 & 44 Vict., c. 35.<br>44 & 45 Vict., c. 51. |
| lic Works Loans, | 45 & 46 Vict., c. 62. |
| ery Board, | 45 & 46 Vict., c. 78. |
| eral Register House in Edinburgh, | 42 & 43 Vict., c. 44, sec. 8. |
| istration of Births, Deaths, and Marriages, | 17 & 18 Vict., c. 80. |
| cination, | 26 & 27 Vict., c. 108. |
| riage Notices, | 41 & 42 Vict., c. 43. |
| eral Police, | 20 & 21 Vict., c. 72. |
| gh Police and Improvement, | 25 & 26 Vict., c. 101. |
| sion of Burghs into Wards, | 31 & 32 Vict., c. 108.<br>39 & 40 Vict., c. 25. |
| kets and Fairs, | 10 Vict., c. 14. |
| ons, | 40 & 41 Vict., c. 53. |
| lic Parks, | 41 & 42 Vict., c. 8. |
| nty General Assessment, | 31 & 32 Vict., c. 82. |
| npikes Accounts, | 12 & 13 Vict., c. 31. |
| ds and Bridges, | 41 & 42 Vict., c. 51. |
| omotives Regulation, | 41 & 42 Vict., c. 58. |
| riff Court Houses, | 23 & 24 Vict., c. 79. |
| ers Pollution, | 39 & 40 Vict., c. 75. |
| ial Grounds, | 18 & 19 Vict., c. 68. |
| d and Drugs, | 38 & 39 Vict., c. 63.<br>42 & 43 Vict., c. 30. |
| izans and Labourers Dwellings, | 31 & 32 Vict., c. 130.<br>38 & 39 Vict., c. 49.<br>42 & 43 Vict., c. 64.<br>43 Vict., c. 2.<br>45 & 46 Vict., c. 54. |
| al Taxation Returns, | 44 Vict., c. 6. |
| ali, | 44 & 45 Vict., c. 37. |
| non Fisheries, | 25 & 26 Vict., c. 97.<br>27 & 28 Vict., c. 118<br>31 & 32 Vict., c. 123. |
| ool Sites, | 4 & 5 Vict., c. 38, s. 14.<br>18 & 19 Vict., c. 131. |
| liamentary Divisions, | 48 & 49 Vict., c. 23, s. 23. |
| essor of Railways and Canals, | 17 & 18 Vict., c. 91, s. 20. |
| | And any Acts amending the said Acts and conferring powers on the said Secretary of State in relation thereto. |

PART II.

*Powers and Duties of the Privy Council.*

| Subject. | Act. |
|---|---|
| Board of Manufactures, . . . | 10 & 11 Vict., c. 91. |
| Public Health, . . . . . | 30 & 31 Vict., c. 101, Part iii. |
| | And any Acts amending the said Acts, and conferring powers on the said Privy Council in relation thereto. |

PART III.

*Powers and Duties of the Treasury.*

| Subject. | Act. |
|---|---|
| Assessor of Railways and Canals, . . | 17 & 18 Vict., c. 91, s. 29. |
| Board of Manufactures, . . . | 13 Geo. I., c. 26.<br>13 Geo. I., c. 30.<br>48 Geo. III., c. 110.<br>10 & 11 Vict., c. 91. |
| General Register House in Edinburgh, except the power to fix salaries and emoluments. | 42 & 43 Vict., c. 44, sec. 8.<br>And any Acts amending the said Acts, and conferring powers on the said Commissioners of Her Majesty's Treasury in relation thereto. |

PART IV.

*Powers and Duties of the Local Government Board for England.*

| Subject. | Act. |
|---|---|
| Loans by Public Works Loan Commissioners, | 38 & 39 Vict., c. 89.<br>41 Vict., c. 18.<br>44 & 45 Vict., c. 38. |
| Alkali, . . . . . | 44 & 45 Vict., c. 37.<br>And any Acts amending the said Acts, and conferring powers on the said Local Government Board in relation thereto. |

## ACT OF PARLIAMENT

TO

*mend the Secretary for Scotland Act*, 1885.—[50 *and* 51 *Vict., cap.* 52.—16*th September* 1887.]

ereas by the Secretary for Scotland Act, 48 and 49 Vict., c. 61], certain powers and vested in and imposed on one of Her ty's Principal Secretaries of State were, so such powers and duties related to Scotland, erred to, vested in, and imposed on the ary for Scotland appointed under the said and it is expedient that, subject to the tions herein-after mentioned, the whole powers and duties of the said Secretary of so far as such powers and duties relate to nd, should be transferred to, vested in, and ed on the Secretary for Scotland:

it therefore enacted by the Queen's most lent Majesty, by and with the advice and nt of the Lords Spiritual and Temporal, and mons, in this present Parliament assembled, y the authority of the same, as follows:

*Short title and construction of Act.*—This Act be cited as the Secretary for Scotland Act, and this Act and the Secretary for Scot- Act, 1885, shall be read and construed her, and may be cited as the Secretary for and Acts, 1885 and 1887.

*Transference of powers and duties of tary of State, Treasury, and Board of Trade.* ) From and after the commencement of this ll powers and duties vested in and imposed e of Her Majesty's Principal Secretaries of by any Act of Parliament, law, or custom, r as such powers and duties relate to Scot- and so far as they have not already been ferred to, vested in, and imposed on the etary for Scotland, shall, subject to the ptions herein-after mentioned, be transferred ested in, and imposed on the Secretary for and.

y report, act, or thing required or authorised ny Act of Parliament, law, or custom to be made or done to or by the said Secretary of State shall, so far as such Act of Parliament, law, or custom applies to Scotland, be made or done to or by the Secretary for Scotland.

(2.) All the powers and duties vested in or imposed on the Commissioners of Her Majesty's Treasury, under the Valuation of Lands (Scotland) Act, 1854 [17 and 18 Vict., c. 91], shall be transferred to, vested in, and imposed on the Secretary for Scotland.

(3.) All the powers and duties vested in or imposed upon the Board of Trade relating to Provisional Orders dealing with any of the subjects transferred to the Fishery Board, Scotland, by section eleven of the Sea Fisheries (Scotland) Amendment Act, 1885 [48 and 49 Vict., c. 70], shall be transferred to, vested in, and imposed upon the Secretary for Scotland.

III. *Exceptions.*—Nothing in this Act shall affect the powers and duties of the said Secretary of State under or in pursuance of the Acts of Parliament herein-after mentioned or any Acts amending the same, viz.:—

(*a.*) The Factory and Workshop Act, 1878 [41 and 42 Vict., c. 16].
(*b.*) The Coal Mines Regulation Act, 1872 [35 and 36 Vict., c. 76].
(*c.*) The Metalliferous Mines Regulation Act, 1872 [35 and 36 Vict., c. 77].
(*d.*) The Explosives Act, 1875 [38 and 39 Vict., c. 17].
(*e.*) The Cruelty to Animals Act, 1876 [39 and 40 Vict., c. 77].
(*f.*) The Reformatory and Industrial Schools Acts, 1866-1879.

IV. *Commencement of Act.*—This Act shall take effect on and after the first day of November one thousand eight hundred and eighty-seven.

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## ACT OF PARLIAMENT

TO

*Explain the Secretary for Scotland Act*, 1887.—[52 *and* 53 *Vict., cap.* 16.]

Nothing in the Secretary for Scotland Act, 1887, shall affect or be deemed to have affected powers, duties, or functions of any of Her Majesty's Principal Secretaries of State as retary of State for the War Department.

# ACT OF PARLIAMENT

TO

*Amend the Laws relating to Local Government in Scotland.*—[52 *and* 53 *Vict., cap.* 50.—26*th August* 1889.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

I. *Short title.*—This Act may be cited as the Local Government (Scotland) Act, 1889.

II. *Extent of Act.*—This Act shall extend to Scotland only.

## PART I.

### Constitution and Powers of County Council.

*Constitution of County Council.*

III. *Establishment of county council.*—A council (in this Act referred to as a county council or the council of a county) shall be established in every county, and be entrusted with the management of the administrative and financial business of that county as hereinafter provided.

*Councillors.*

IV. *Composition and term of office of Council.*—(1.) Subject to the provisions of this Act the councillors of a county council shall be elective, and for the purpose of their election a county shall be divided into electoral divisions; and one county councillor only shall be elected for each electoral division.

(2.) On each county council there shall be such number of elective councillors, and in each county there shall be such number of electoral divisions, and the contents and boundaries of the electoral divisions shall be such as may be determined in manner in this Act mentioned: Provided that every police burgh shall be an electoral division or shall be divided into two or more electoral divisions.

(3.) The term of office of a councillor shall be be three years, and in every third year the whole number of councillors shall go out of office, and their places shall be filled by election. Provided that the county councillors first elected under the provisions of this Act shall continue in office only until the first Tuesday of December in the year one thousand eight hundred and ninety-two, when the whole number of councillors shall go out of office, and their places shall be filled by election as hereinafter provided.

Provided always, that if any police burgh or other electoral division shall, after the passing of this Act, be annexed to or included within the boundaries of any burgh, the councillor or councillors for such police burgh or electoral division shall, from and after the date when such annexation or inclusion takes effect, cease to hold office, and the number of the councillors for the county shall be reduced accordingly. Provided also that if a part only of an electoral division shall be so annexed or included, the councillor or councillors for such electoral division shall continue to hold office until the Secretary for Scotland shall otherwise determine.

V. *Number and apportionment of councillors.*—The Secretary for Scotland shall determine the number of councillors to be elected to a county council, and shall apportion them between the county and each of the burghs (if any) entitled as hereinafter provided, to be represented on the county council, and in making such determination and apportionment the Secretary for Scotland shall have regard to the population, distribution, and pursuits of the population, area, annual value as appearing on the valuation rolls, and other circumstances of the county and burghs respectively.

VI. *Qualification of electors.*—The councillors for an electoral division shall be elected by the persons registered as hereinafter provided as county electors for that division.

VII. *Qualification of councillors.*—A person shall not be qualified to be elected or to be a councillor for an electoral division of a county unless he is at the time of the election registered as a county elector for such county.

VIII. *Appointment of councillors by certain burghs.*—Every burgh which contains a population of less than seven thousand shall, for the purposes hereinafter mentioned, and subject to the provisions of this Act, be represented on the county council of the county within which it is situated, or with which it has the longest common boundary, in manner following, that is to say:

(1.) The county councillors to be elected for such burgh shall be elected by the town council of such burgh from among their own number, at a meeting of the town council to be held in the month of January, in the year one thousand eight hundred and ninety, and in the month of November in every subsequent year in which the election of a county council is appointed to take place.

(2.) The term of office of a county councillor for a burgh shall be three years, provided that his term of office as a county councillor shall terminate when he ceases to be a town councillor, and the town council shall fill up any casual vacancy arising under this section at their first meeting after such vacancy occurs, but such appointment shall only be till the time of the next county council election.

.) The provisions of this section shall apply to a royal burgh which contains a population of more than seven thousand, but does not return or contribute to return a member to Parliament, and to any burgh which contains a population of more than seven thousand, but does not maintain a separate police force.

.) The expression "the Representation of the People Acts," in section three of the Representation of the People Act, 1884, is hereby declared to include the Acts regulating the registration of municipal electors.

*Disqualifications for being councillor or ber of committee.*—(1.) No woman shall be ible for election as a county councillor;

) A person shall be disqualified for being ed and for being a county councillor or ber of a committee in this Act mentioned, d while he—

) Holds any office or place of profit under the county council or any committee in this Act mentioned; or

) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council or committee.

t a person shall not be disqualified, or be ed to have any share or interest in such ntract or employment, by reason only of having any share or interest in—

) Any lease, sale, or purchase of land, or any agreement for the same; or

) Any agreement for the loan of money, or any security for the payment of money only; or

) Any newspaper in which any advertisement relating to the affairs of the council or committee is inserted; or

) Any company which contracts with the council or committee for lighting or supplying with water, or insuring against fire, any property of the council or committee; or

) Any railway company, or any company incorporated by Act of Parliament or Royal Charter, or under the Companies Act, 1862.

*Convener of the County.*

*Regulations as to convener and vice-con- of county.*—(1.) The chairman of the ty council, who shall be called the con- r of the county, shall be a fit person ed by the council from among the coun- rs, and shall, by virtue of his office, be a ce of the peace for the county.

) The term of office of the convener of the ty shall be one year.

) The county council may from time to appoint a county councillor to be vice- ener, to hold office during the term of of the convener, and, subject to any made from time to time by the council, anything authorised or required to be done by or to or before the convener may be done by or to or before the vice-convener.

(4.) A casual vacancy in the office of convener or vice-convener of the county caused by death, resignation, or disqualification, shall, as soon as practicable, be filled up by the county council; but the person filling any such vacancy shall retain his office so long only as the vacating convener or vice-convener would have retained the same if such vacancy had not occurred.

*Powers of Council.*

XI. *Transfer to county council of powers of commissioners of supply, road trustees, &c.*—Subject to the provisions of this Act there shall be transferred to and vested in the council of each county, on and after the appointed day, or at such times as are in this Act in that behalf respectively specified:—

(1.) The whole powers and duties of the commissioners of supply, save as hereinafter mentioned;

(2.) The whole powers and duties of the county road trustees;

(3.) The whole powers and duties of the local authority of the county under the Contagious Diseases (Animals) Acts and the Destructive Insects Act, 1887;

(4.) The whole powers and duties of the local authorities under the Public Health Acts of parishes so far as within the county (excluding burghs and police burghs); and

(5.) The administrative powers and duties of the justices of the peace of the county in general or special or quarter sessions assembled in respect of the several matters following, namely:

(i.) The execution as local authority of the Acts relating to gas meters, to explosive substances, to weights and measures, to habitual drunkards, and to wild birds;

(ii.) The appointment of visitors of public, private, or district lunatic asylums; and

(iii.) The registration of rules of scientific societies under the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-six.

All powers and duties of the justices of the peace not transferred by this Act to the county council shall be reserved to and transacted by such justices in the same manner, so far as circumstances admit, as if this Act had not passed.

The provisions of any Act of Parliament conferring, imposing, or regulating the powers and duties by this Act transferred or regulating the proceedings under any such Act shall remain in full force and effect, except in so far as they are repealed by or are inconsistent with the provisions of this Act.

XII. *Continuance of commissioners of supply for limited purposes specified.*—(1.) Notwithstanding the transference in the immediately preceding section mentioned, all enactments in regard to the constitution, qualification, admission, and making up lists of commissioners of supply shall continue in force, and all existing commissioners of supply shall continue to hold office so long as they retain their qualifications under the said enactments; but save for the purposes in this Act expressly mentioned, every reference in any Act of Parliament, scheme, order, deed, or instrument to commissioners of supply, or to their convener, shall be read and construed as referring to the county council or councillors, or to the convener of the county elected under this Act: Provided also that the County General Assessment (Scotland) Act, 1868, shall be repealed after the words "such assessment is imposed" in the fourth section thereof to the end of section nine of the Act.

(2.) For the purpose of appointing members of the standing joint committee hereinafter mentioned, and also of the Committee to be appointed to dispose of claims and objections under the provisions of the Commissioners of Supply (Scotland) Act, 1856, and any amending Act, the commissioners of supply shall meet annually in the same place and on the same day as, and either before or after, the meeting of the county council in the month of May in each year, but shall not transact any business other than the election of a convener of the Commissioners of Supply and the election of the members of the committees in this section mentioned.

(3.) If any member of a committee appointed as in this section mentioned shall die, resign, or become disqualified, the vacancy so caused may be filled up by the commissioners of supply at a meeting called by their convener on not less than ten days notice by circular addressed to each commissioner of supply.

(4.) The county clerk shall without any further appointment or remuneration act as clerk of the commissioners of supply, and when so acting shall be deemed to be the clerk of supply within the meaning of the enactments in this section before mentioned.

XIII. *Transfer of police in burghs under* 7000.—Where a burgh or police burgh contains a population of less than seven thousand, then on and after the appointed day all powers, duties, and liabilities of the magistrates and council or police commissioners of such burgh or police burgh (if any) in relation to the raising, management, and maintenance of a police force (hereinafter referred to as the administration of the police) shall cease, and subject to the provisions of this Act as to the existing members of the police force, the county council shall have the same powers and duties and shall have transferred to it the same liabilities as regards the administration of police within such burgh or police burgh as they have in every other part of the county.

For the purposes of section seventy-four of the Police Act, 1857, the expression "this Act," shall include the Local Government (Scotland) Act, 1889, and shall be held to apply to police burghs.

Provided that this section shall not apply to the burgh of Renfrew or the police burgh of Lerwick.

XIV. *Transfer of administration of Contagious Diseases (Animals) and Destructive Insects Acts in burghs under* 7,000.—Where a burgh contains a population of less than seven thousand, then on and after the appointed day all powers, duties, and liabilities of the magistrates and council of such burgh as the local authority under the Contagious Diseases (Animals) Acts, and the Destructive Insects Act, 1877, within the burgh shall cease, and subject to the provisions of this Act as to the existing officers of the said local authority, the county council shall have the same powers and duties and shall have transferred to it the same liabilities as regards the administration of the Contagious Diseases (Animals) Acts, and the Destructive Insects Act, 1877, or any order made thereunder, within such burgh as they have in every other part of the county.

Provided that nothing in this section shall transfer to the county council any powers, duties, or liabilities under section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by section nine of the Contagious Diseases (Animals) Act, 1886.

Provided also that police constables (including the chief constable) and other officers appointed and acting under or in pursuance of the provisions of this and the immediately preceding section shall have the same powers and duties within the burghs and police burghs respectively in those sections mentioned as they have in every other part of the county.

The provisions of this section in regard to the administration of the Contagious Diseases (Animals) Acts shall apply to any royal burgh which does not return or contribute to return a member to Parliament.

Provided also, that if any question shall arise as to the burghs and police burghs to which the provisions of this or the immediately preceding section apply, the same may be determined by the Secretary for Scotland.

XV. *Transfer to county council of powers of certain Government departments and other authorities.*—(1.) After the passing of this Act it shall be lawful for the Secretary for Scotland to make from time to time a provisional order for transferring to county councils—

(*a.*) Any such powers, duties, and liabilities of Her Majesty's Privy Council, the Secretary for Scotland, the Board of Trade, or the Scotch Education Department, or any other Government department, as are conferred by or in pursuance of any statute and appear to relate to matters arising within the county, and to be of an administrative character; also

(*b.*) Any such powers, duties, and liabilities arising within the county of any public body, corporate or unincorporate (not being the corporation of a burgh, or the trustees of a public navigation or

lighthouse trust, or the commissioners of police of a police burgh, or a parochial board, or a school board), as are conferred by or in pursuance of any statute;

ich order shall make such exceptions and cations as appear to be expedient, and uch provisions as appear necessary or : for carrying into effect such transfer, r that purpose may transfer any power in Her Majesty in Council.

Provided that before any such order is the draft thereof shall be approved, if it s to the powers, duties, or liabilities of oard of Trade, or any other Government ment, by such Board or department, pproved, if it affects the powers, duties, bilities of any public body, corporate or rporate, by such public body; and every provisional order shall be of no effect until onfirmed by Parliament.

If any such powers, duties, or liabilities s referred to in any provisional order this section arise within two or more ies, they may be transferred to the county ils of such two or more counties jointly, nay be exercised and discharged by a committee of such councils.

*Transfer of powers of county road trus-*

With respect to the transference to the y council of the powers and duties of y road trustees, the following provisions have effect:

From and after the appointed day all Acts of Parliament in so far as they to highways in any county in which the and Bridges (Scotland) Act, 1878, has previously taken effect shall be repealed, he said Act shall, subject to the provi- of this Act, take effect therein as if it been adopted on the appointed day in of the sixth section thereof.

From and after the appointed day the and Bridges (Scotland) Act, 1878, shall effect in every county, subject to the dications following, and to such other dications as are necessary for adapting id Act to the provisions of this Act:

All the provisions of the said Act in regard to the constitution, qualification, and election or appointment of county road trustees shall be repealed, and the Act shall be read and have effect as if the county council and councillors were substituted for the county road trustees.

The county council shall, at their first meeting in the month of May next after the passing of this Act, and thereafter annually at their meeting in the month of December, appoint from among their own number a committee, to be called the county road board, consisting of not more than thirty councillors. The county road board so appointed shall come in place, and shall have all the powers and duties of a county road board under the said Act, except in so far as inconsistent with the provisions of this Act, and shall appoint their own chairman.

(c.) For the purpose of the management and maintenance of highways, the county shall, except as hereinafter provided, be divided into districts in manner provided in this Act, and such districts shall be deemed to be districts for the purposes of the Roads and Bridges (Scotland) Act, 1878; and there shall be a district committee for each district, constituted as provided in this Act, which shall come in place and have all the powers and duties of a district road committee under the Roads and Bridges (Scotland) Act, 1878, except in so far as inconsistent with the provisions of this Act: Provided that the district clerk appointed under this Act shall be deemed to be and shall discharge the duties of a district road clerk.

Sections sixteen, seventeen, and ninety-one of the Roads and Bridges (Scotland) Act, 1878, shall be repealed from and after the appointed day, and section eighteen shall be repealed in so far as it relates to the qualification of members of the district committee therein mentioned and to the nomination of the chairman of such committee, and so much of sections twenty-four and fifty-eight as provides that proprietors only shall vote in regard to the construction of new roads and bridges, and be liable for the cost thereof, shall be repealed in regard to roads and bridges to be made, built, or rebuilt after the appointed day; and the cost of such construction shall be provided for in the same manner as the cost of maintenance of existing roads and bridges.*

(*d.*) The assessment for road debt under the Roads and Bridges (Scotland) Act, 1878, or under any local Act of Parliament shall, until the debt is wholly repaid, be payable by owners only, subject to the provisions of the said Acts, and shall be included in the owner's consolidated rate: Provided that nothing contained in this Act shall derogate from the provisions of section forty of the Roads and Bridges (Scotland) Act, 1878, in regard to the liability for road debts in detached parts of counties, and if any question shall arise as to the application of the last-mentioned provisions, it may be disposed of summarily by the sheriff of the county within which the lands and heritages are locally situated, and his decision shall be final.

XVII. *Transfer of powers of parochial boards under Public Health Acts.*—With respect to the transference to the county council of the powers and duties of certain local authorities under the Public Health Acts, the following provisions shall have effect:

By 55 and 56 Vict., c. 12, so much of the above sub-section 2 c of section 16 as relates to the tructing or rebuilding bridges is repealed; and it is thereby provided that the cost of ges shall be met by an assessment levied as therein provided; payable one-half by pro- ors, and the other by occupants.

(1.) For the purposes of the administration of the laws relating to public health, the county shall, except as hereinafter provided, be divided into districts in the manner provided in this Act, and there shall be a district committee for each such district constituted as provided in this Act.

(2.) A district committee shall, subject to the provisions of this Act, be the local authority under the Public Health Acts, and as such shall have and may exercise within its district all the powers and duties and be subject to all the liabilities by this Act transferred to or conferred on the county council with respect to the administration of the laws relating to public health, except those relating to medical officers or sanitary inspectors for the county, and subject to the provisions following:

(*a.*) A district committee shall have no power of raising money by rate or loan:

(*b.*) The county council shall make general regulations for the government of a district committee, and such committee shall conform to those regulations:

(*c.*) Any five ratepayers in the district may appeal from any proceedings or order of a district committee to the county council, who shall have power to confirm or vary or rescind such proceedings or order; and such proceedings or order shall be stayed pending the appeal, but the power of appeal hereby given shall not apply to any proceedings for the removal of a nuisance; and nothing in this Act contained shall affect or prejudice any proceedings to enforce the provisions of the Public Health Acts, save only that when necessary such proceedings shall be taken by or against the district committee instead of against the parochial board as local authority under the said Acts. The medical officer or the sanitary inspector of the county or district may appeal to the county council, and the county council may on such appeal make an order under the Public Health Acts.

(3.) The power of appointing officers under the Public Health Acts is hereby varied, so that it shall be lawful to appoint such officers either for the whole district or for any part thereof or parish therein as shall be deemed expedient. The officers so appointed shall have, as nearly as may be, within the areas respectively assigned to them the same powers, duties, rights, and tenure (if any) as the officers, as t case may be, of the existing lo authority have within the area of t parish.

(4.) The sums necessary to meet any d ciency in respect of the expendit under the Public Health Acts wit any district shall be levied by t county council by a rate imposed all lands and heritages within su district, or within any special drain or water supply district within t meaning and subject to the provisi of the Public Health Acts.

*Standing Joint Committee for County.*

XVIII. *Standing joint committee of cou council and commissioners of supply for cert purposes.*—(1.) For the purposes in this sect mentioned and with respect to the powers borrowing transferred or conferred by this A or any other Act, there shall be a stand joint committee of the county council and commissioners of supply, consisting of su number of county councillors not exceed seven, as shall be appointed by the cou council annually at their meeting in the mo of May, and such number of commissioner supply not exceeding seven, as shall be pointed by the commissioners of sup annually at their meeting on the same d Six shall form a quorum of the committee, a the committee may act notwithstanding a vacancy upon it.

(2.) The sheriff of the county (or in his sence one of his substitutes to be by h nominated for that purpose) shall be *ex offici* member of the said standing joint committ and the committee shall elect one of their o number to be chairman thereof.

(3.) If any appointed member of such co mittee shall die, resign, or become disqualifi the vacancy may be filled up by the cou council or commissioners of supply, as the c may be, by whom the member vacating off was appointed; any member of such co mittee may resign office by a writing under hand addressed to the county clerk.

(4.) On the requisition of the chairman of any two members of the standing joint co mittee, the county clerk (who shall witho any further appointment or remuneration as clerk of the committee) shall convene meeting thereof, on not less than six d notice, by letter addressed to each member the committee.

(5.) The standing joint committee appoint in terms of this section shall, after the pointed day, be deemed to be the police co mittee under the Police Act, 1857, and sh have all the powers of such committee and subject to all the provisions of that Act, exce in so far as these provisions are expres modified by this Act.

(6.) No works involving capital expenditu (in this Act referred to as capital works) sh be undertaken in any county, or any distr thereof, under or in pursuance of powers tra ferred or conferred by this Act, or any oth

, without the consent in writing of the ding joint committee appointed in terms his section.

.) Capital works shall include the erection, ilding, or enlargement of buildings, the struction, re-construction, or widening of ls and bridges, the construction or exten- of drainage or water supply works, and l also include the acquisition of land or of right or interest or servitude in or over l or water for the purposes of any capital k.

## PART II.

### ANCIAL RELATIONS BETWEEN EXCHEQUER AND COUNTIES AND BURGHS.

IX. *Application of probate duty grant in r ending* 31*st March* 1890.—All sums paid on unt of the financial year ending the thirty- t day of March next after the passing of this in respect of the probate duty grant under provisions of the Probate Duties (Scotland Ireland) Act, 1888, to the Local Taxation otland) Account shall, subject to the condi- s set forth in the last-mentioned Act, be lied by or under the direction of the Secre- y for Scotland in the following manner:—

(1.) In paying a sum of thirty thousand pounds for the relief of local taxation in the Highlands and Islands of Scotland in such proportions and manner as may be from time to time directed by the Secretary for Scotland;

(2.) In paying to every road authority who have received out of the Exchequer a contribution to the cost of roads, or to the successors of such authority, sums calculated in like manner and according to the like scale and regulations as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-seven;

(3.) The balance shall be applied towards relief from the payment of school fees in the State-aided schools in Scotland and be distributed in such manner and in accordance with such conditions as may be set forth in a Minute of the Scotch Education Department to be forthwith laid before Parliament;

For the purpose of this section of this Act, the terms and expressions therein have the meanings assigned to them in the Probate Duties (Scotland and Ireland) Act, 1888;

From and after the thirty-first day of March next after the passing of this Act the Probate Duties (Scotland and Ireland) Act, 1888, shall, so far as it applies to Scotland, be repealed, without prejudice to the distribution of the moneys referred to in this section.

XX. *Payment after* 31*st March* 1890 *of proceeds duties on local taxation licences.*—After the ancial year ending on the thirty-first day of arch next after the passing of this Act, the ommissioners of Inland Revenue shall, from me to time, in such manner and under such gulations as the Treasury from time to time prescribe, pay into the Bank of England to such account (in this Act referred to as the Local Taxation (Scotland) Account) as may be fixed by the regulations, such sums as may be ascertained in manner provided by the regulations to be the proceeds of the duties collected by those Commissioners in Scotland on the licences (in this Act referred to as local taxation licences) specified in the Schedule to this Act, and for the purposes of this section all penalties and forfeitures recovered in respect of the said duties shall be considered as part of the proceeds of the duties.

XXI. *Grant of portion of probate duty after* 31*st March* 1890.—After the financial year ending the thirty-first day of March next after the passing of this Act the Commissioners of Inland Revenue shall, from time to time, in such manner and under such regulations as the Treasury may from time to time prescribe, pay into the Bank of England to the Local Taxation (Scotland) Account such sums as may be ascertained, in manner provided by the regulations, to be eleven hundredth parts of one half of the proceeds of the sums collected by them in respect of the probate duties, and for the purpose of this section "probate duties" means the stamp duties charged on the affidavit required from persons applying for probate or letters of administration in England, Wales, or Ireland, and on the inventory exhibited and recorded in Scotland, and also the stamp duties charged on such accounts of personal and moveable property as are specified in section thirty-eight of the Customs and Inland Revenue Act, 1881, and also includes the proceeds of all penalties and forfeitures recovered in relation to such stamp duties. In the construction of sub-section (5) of the Customs and Inland Revenue Act, 1889, the reference therein to section five of the Probate Duties (Scotland and Ireland) Act, 1888, shall be read as if it were a reference to this section.

XXII. *Application of duties of local taxation licences and probate duty grant.*—Until Parliament shall otherwise determine all sums from time to time paid to the Local Taxation (Scotland) Account shall be applied by or under the direction of the Secretary for Scotland in manner hereinafter mentioned (that is to say):—

(1.) In paying a sum of ten thousand pounds to the county councils of the counties in the Highlands and Islands of Scotland in proportion to the grants paid out of Exchequer to the Commissioners of Supply and County Road Trustees of each such county (excluding the burghs therein) during the financial year ending the thirty-first day of March next before the passing of this Act, the share falling to each county council to be applied to the relief of local taxation for the purposes of this Act in such county (excluding the burghs therein) in such manner as the county council shall determine;*

(2.) In distributing a sum of thirty-five thousand pounds among the road authorities in Scotland who, or whose

* By 54 and 55 Vict., c. 58, sub-section (1.) of section 22 is amended, and County Councils are uthorised to apply above grant under the Western Highlands Works Act, 1891, or in relief of cal rates.

predecessors, have received out of the Exchequer a contribution to the cost of roads, in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-seven;

(3.) In distributing a sum of one hundred and fifty-five thousand pounds among the police authorities in Scotland who, or whose predecessors, have received out of the Exchequer a contribution to the cost of the pay and clothing of the police, in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine.

(4.) In distributing a sum of twenty thousand pounds among the parochial boards in Scotland as a contribution to the cost of Poor Law medical relief and trained sick nursing in poorhouses, in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine;

(5.) In distributing a sum of ninety thousand five hundred pounds among the parochial boards in Scotland as a contribution to the cost of maintenance of pauper lunatics chargeable to such boards, in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine;

(6.) Repealed 1892. The balance shall be applied towards relief from payment of school fees in the State-aided schools in Scotland, and shall be distributed in such manner and in accordance with such conditions as may from time to time be set forth in the Scotch Education Code annually submitted to Parliament;

The determination of the Secretary for Scotland as to the distribution of sums under this section shall be conclusive.

So much of any enactment as requires or authorises payment out of the Exchequer of any local grant in substitution for which the Secretary for Scotland is by this Act required to make or direct the payments in this section mentioned, is hereby repealed as from the thirty-first day of March next after the passing of this Act, without prejudice to any right accrued before that day.

XXIII. *As to Secretary for Scotland's power respecting efficiency of police.*—If the Secretary for Scotland withholds, as respects the police of any police authority, his certificate under the Police Act, 1857, that the police of such authority has been maintained in a state of efficiency in point of numbers and discipline during the year ending on the fifteenth day of March then last past, he shall, in lieu of directing payment of any sum under the provisions of this Act to such police authority, forfeit to the Crown, and shall pay into Her Majesty's Exchequer, and shall charge to the Local Taxation (Scotland) Account such sum as, had the police of such police authority been certified to be efficient, would have been payable towards the cost of the pay and clothing of such police during the said year.

XXIV. *Supplementary provisions as to Local Taxation Account (Scotland).*—(1.) The account of the receipts and expenditure of the Local Taxation (Scotland) Account shall be audited as a public account by the Comptroller and Auditor General, in accordance with such regulations as the Treasury may from time to time make.

(2.) If at any time, in any financial year, the moneys standing to the Local Taxation (Scotland) Account are insufficient to meet such sums as the Secretary for Scotland considers proper for the time being to pay thereout, the Secretary for Scotland may borrow temporarily on the security of the said account, and of moneys becoming payable thereto, such sums as he requires for the purpose of meeting such deficiency, and the Bank of England may lend such sums, but all sums so borrowed shall be repaid with the interest thereon during the same financial year out of moneys payable to the said account.*

## PART III.

### Finance.

*Property, Funds, and Expenses of County Council.*

XXV. *Transfer of county property and liabilities.*—(1.) On and after the appointed day all such property as belongs or would, but for the passing of this Act, belong to or be vested in or held in trust for any authority whose powers and duties are by or in pursuance of this Act transferred to the county council of a county, shall pass to and vest in and be held in trust for such council, subject to all debts and liabilities affecting the same, and shall be held by the county council for the purposes for which such property is or would have been held, so far as such purposes are not modified by this Act; and if any question shall arise as to the heritable or moveable property of any parochial board as the local authority under the Public Health Acts, transferred by this Act, the same, failing agreement, may be determined by the Secretary for Scotland, but such determination shall have effect only until an adjustment by the Boundary Commission under or in pursuance of this Act.

(2.) The county council shall have full power to manage, alter, and enlarge, and, with the consent of the Secretary for Scotland, to alienate the lands and heritages transferred by this section, but shall from time to time provide such accommodation and rooms, and such furniture, books, and other things, for the transaction of the business of the county council, and of the quarter sessions, justices of the peace, and commissioners of supply, as

* By the Finance Act, 1894 (57 and 58 Vict., c. 30), § 19, a proportion of the estate duty on personal property is substituted for the grant out of probate duties under Part II. of this Act.

r respectively may from time to time rea-
bly require.
ovided that—

) ) The existing records of or in the custody of the court of quarter sessions shall, subject to any order of that court, remain in the same custody in which they would have been if this Act had not passed; and

) ) The justices of any county may retain pictures or other property on the ground that the same have been presented to them or otherwise belong to them, and are not held for public purposes of the county, and any difference arising between the county council and the justices with respect to any such retention shall be referred to and determined by the Boundary Commissioners.

XXVI. *Property, funds, and expenses of county ncil.*—(1.) On and after the appointed day lebts and liabilities of any authority whose ers and duties are transferred by or in uance of this Act to the county council of nty shall become debts and liabilities of council, and shall, subject to the pro-ns of this Act, be defrayed by them out of like funds out of which they would have defrayed if this Act had not passed.

.) All receipts of the county council from tever source shall be carried to the county l, and all payments shall be made in the instance out of that fund. Such receipts l be paid into an incorporated or joint stock k (including any branch thereof) for that pose appointed by the county council, and p payments shall be made by cheques drawn, this Act provided, upon such bank.

.) In this Act "general county purposes" ns all purposes for which the county ncil are for the time being authorised by to incur any expenditure, with the excep- of (1) the management and maintenance ighways, (2) the administration of the laws ting to public health, and (3) any special pose in respect of which the county has or may be divided into divisions or dis-ts under the provisions of any general or l Act of Parliament or of this Act.

.) If the county fund is insufficient to meet expenditure, rates (in this Act referred to the owners consolidated rate and the upiers consolidated rate, and together as consolidated rates) may be levied to meet h deficiency for general county purposes n all rateable property in the county, or, he case of expenditure for the management maintenance of highways, the administra-n of the laws relating to public health, or er special purpose as herein-before men-ned, upon all rateable property within the eral districts or parishes of the county, as case may be, in the manner and subject to conditions in this Act provided.

5.) The county council shall keep such counts of the county fund, and of the sums sed by rates, as will prevent a rate being applied to any purpose to which it is not properly applicable.

(6.) The finance committee of the county council appointed under this Act shall prepare annually estimates of the receipts and expenses of the county fund and of the sums required to be raised to meet the deficiency of such fund for the expenditure chargeable thereon.

*Rating.—Consolidation of Rates.*

XXVII. *Imposition and regulation of the consolidated rates.*—(1.) The county council shall annually fix the rate in the pound of the rateable property which will be necessary to meet the deficiency in the county fund in respect of each branch of expenditure subject to its control, or for which it is responsible in whole or in part, and such rate shall be imposed upon all lands and heritages within the county, except that the rate for the management and maintenance of highways, the administration of the laws relating to public health, and any other special purpose as herein-before mentioned, shall be imposed upon all lands and heritages within each division or district or parish, as the case may be. The rate in respect of each branch of expenditure for which provision is made under an Act of Parliament in force at the passing of this Act shall be deemed to be imposed under the powers and subject to the provisions of that Act, except in so far as these are inconsistent with the provisions of this Act. The rate necessary in respect of any branch or branches of expenditure for which no provision is made as last mentioned shall be imposed as a general purposes rate under this Act.

(2.) Subject to the provisions hereinafter contained the rates shall be equally divided between owners and occupiers, and the sum of all the rates so fixed and divided shall, as affecting owners and occupiers respectively, constitute the owners consolidated rate and occupiers consolidated rate, as the case may be, in respect of the lands and heritages situated therein.

(3.) The consolidated rates shall be imposed upon lands and heritages according to the annual value thereof as appearing on the valuation roll, but subject always to the provisions of the Public Health (Scotland) Act, 1867, in regard to all assessments leviable under that Act.

(4.) Where at the passing of this Act any rate leviable by the commissioners of supply in respect of any such branch of expenditure is payable by owners only, without relief to the extent of one half against the occupiers, the following provisions shall have effect; that is to say,

(i.) As soon as may be after the passing of this Act the sheriff shall ascertain and determine what has been during the ten years previous to the term of Whitsunday immediately preceding the passing of this Act the average amount in the pound of each such rate (in this Act referred to as the average rate), and shall cause his determination

(which shall be final) to be recorded in the sheriff court books of the county.

(ii.) When ascertaining and determining the average rate in respect of any such branch of expenditure, the sheriff shall exclude any portion of a rate applicable to the payment of interest and repayment of principal of money borrowed in respect thereof: Provided that, until any money so borrowed shall be wholly repaid, a rate sufficient to provide for the payment of interest and repayment of principal thereof shall be payable by owners only, and shall be included in the owners consolidated rate.

(iii.) Where the rate fixed as herein-before provided by the county council as necessary to meet the deficiency in the county fund in respect of any branch of expenditure does not exceed the average rate determined as aforesaid, such rate shall, as heretofore, be payable by owners only, and shall be included in the owners consolidated rate. But where the rate so fixed by the county council exceeds such average rate, the portion of the rate beyond the average rate shall be payable by owners and occupiers equally. In the demand note the average rate and any increment thereof shall be separately set forth and demanded.

(5.) An outgoing occupier removing from any lands or heritages during the currency of a year for which a rate has been imposed shall have a right of relief against the incoming occupier for the proportion of the rate applicable to the period of the year remaining unexpired at his removal.

## PART IV.

### Registration.

XXVIII. *Registration of county electors.*—In the year one thousand eight hundred and eighty-nine, and in every third year thereafter, the following provisions shall have effect with respect to the registration of persons (in this Act referred to as county electors) entitled to vote in a county at an election of county councillors, and the Registration Acts shall be amended and shall be read and construed accordingly:—

(1.) Every person registered as a parliamentary elector for a county or division of a county shall be deemed to be registered as a county elector for that county, subject to the provisions following:—

(*a.*) As affecting the right to be a county elector, exemption from or failure to make payment of any consolidated rates shall be a disqualification in the same manner as and in addition to the disqualification arising from exemption from or failure to make payment of poor rate in the case of a parliamentary elector:

(*b.*) For the purpose of the registration of county electors the provisions of the Registration Acts in regard to the demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief against erroneous or improper exemption from payment of poor rate, shall be read and construed as if the same applied to the consolidated rate as well as to the poor rate, and as if the collector of the consolidated rates were therein named as well as and along with the collector of poor rate:

(*c.*) The assessor shall prefix a distinctive mark to the number or name of any parliamentary elector appearing in the parliamentary register or lists, if such parliamentary elector shall seem to him to be disqualified in respect of exemption from or failure to make payment of any consolidated rate, or because the qualifying premises are situated within the boundaries of a burgh within the meaning of this Act:

(*d.*) The forms of registers and lists and of notices of claim and objection and the provisions in regard to the numbering on the register under the Registration Acts, shall be varied so as to make them applicable to the registration of county electors as well as to the registration of parliamentary electors: Provided that the same forms may be made to apply both to parliamentary and county electors:

The assessor shall give notice on the lists published by him of the provisions of sub-section (*c*) hereinafter contained, and also of the distinctive mark used and to be used in pursuance of sub-section (*c*) of this section:

(*e.*) It shall be lawful to object to the insertion or omission of the distinctive mark in this section mentioned as nearly as may be in the same manner and subject to the same provisions as to appeal and otherwise as in the case of any other entry in or omission from such register and lists:

(*f.*) The provisions contained in sub-sections (*a*) and (*b*) of this section shall not take effect during the year one thousand eight hundred and eighty-nine:

(*g.*) A parliamentary elector to whose number or name as appearing in the parliamentary register the distinctive mark as in this section mentioned is prefixed shall not be deemed to be registered as a county elector, and shall not be entitled to vote at an election of county councillors for the county.

(2.) In the year one thousand eight hundred and eighty-nine, and in every third

year thereafter, simultaneously with the preparation of the parliamentary register for a county or division of a county, there shall be prepared by the assessor charged with the preparation thereof a supplementary register (in this Act referred to as the supplementary register) of persons other than parliamentary electors in the county or division entitled to vote in the county at an election of county councillors; and the whole enactments of the Registration Acts which relate to the registration of parliamentary electors for a county, including the provisions relating to officers and dates, and to numbering on the register shall, with the necessary alterations of notices and other forms, and other necessary variations extend and apply to the registration of county electors in the supplementary register, subject to the provisions following:—

(*h.*) Every peer otherwise possessing the qualification for being registered as a parliamentary elector, but who is disqualified for being so registered by reason of being a peer, shall nevertheless, subject to the provisions contained in sub-section (*k*) of this section, be entitled to be registered in the supplementary register as a county elector:

(*i.*) Every woman, [who is not married, or who being married is not living in family with her husband] otherwise possessing the qualification for being registered as a parliamentary elector, but who is disqualified for being so registered by reason of being a woman, shall, nevertheless, subject to the provisions contained in sub-section (*k*) of this section, be entitled to be registered in the supplementary register as a county elector:

(*j.*) Where the parliamentary boundaries of a burgh do not coincide with the boundaries thereof within the meaning of this Act, every parliamentary elector for a burgh whose qualifying premises are situated beyond the boundaries of the burgh, but within the boundaries of a county, within the meaning of this Act, and every peer and every woman as aforesaid otherwise possessing the qualification for being registered as a parliamentary elector for a county, but who is disqualified for being so registered by reason of being a peer or a woman as aforesaid, whose qualifying premises are situated beyond the boundaries of the burgh, but within the boundaries of a county as aforesaid, shall, subject to the provisions contained in sub-section (*k*) of this section, be entitled to be registered in the supplementary register as a county elector for that county: Provided that, for the purpose of this sub-section, the assessor for the county shall have reasonable access to the schedules and lists of the assessor for the burgh:

(*k.*) As affecting the right to be so registered, exemption from or failure to make payment of any consolidated rates shall disqualify for registration in the same manner as and in addition to exemption from or failure to make payment of poor rate:

(*l.*) The provisions of the Registration Acts in regard to the demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief against erroneous or improper exemption from payment of poor rate, shall be read and construed as if they applied to the consolidated rates as well as to the poor rate, and as if the collector of the consolidated rate were therein named as well as and along with the collector of poor rate:

(*m.*) The provisions contained in sub-sections (*k*) and (*l*) of this section shall not take effect during the year one thousand eight hundred and eighty-nine.

(3.) The parliamentary and supplementary registers and lists shall be framed and printed in such parts as that they may be arranged in electoral divisions as fixed under this Act, as well as in parishes and polling districts.

(4.) Where the area (in this section referred to as the parliamentary area) of any county for the purposes of a parliamentary election differs from the area (in this section referred to as the county council area) of the county within the meaning of this Act, the proceedings for the registration of county electors shall be conducted as if the area of the county were for all purposes the parliamentary area: Provided that as soon as the said proceedings are completed the county clerk of the registering county shall transmit to the county clerk of any other county within the meaning of this Act, such copies as he may require of those parts of the county council register which relate to lands and heritages within the parliamentary area of the registering county, but within the county council area of such other county, upon payment of such sum as, failing agreement, shall be determined by the sheriff of either county: Provided also, that such parts of the county council register shall not form part of the county council register of the registering county, but shall form part of the county council register of such other county.

[1] The words in brackets repealed by the Local Government Act, 1894 (57 and 58 Vict., c. 58).

(5.) The parliamentary and supplementary registers shall, subject to the provisions of this Act, together constitute the county council register for the county, and the expense of making up the same shall be added to the expense of making up the parliamentary register, and shall be defrayed and provided for as if they were part thereof: Provided that no part of such additional expense shall be levied on any lands and heritages within a burgh.

(6.) Where a county is divided for the purposes of parliamentary representation, the provisions hereinbefore contained shall apply, subject to the necessary variations; and the parliamentary and supplementary registers prepared in pursuance thereof for the several parliamentary divisions of the county shall together constitute the county council register for the county.

XXIX. *Special provisions as to service franchise occupiers.*—Notwithstanding section nine, sub-section (5), of the Representation of the People Act, 1884, there shall be entered in such column and with such heading as the deputy clerk register may approve, in the valuation roll of each county in the manner and subject to the provisions of the Valuation Acts, the annual value of every dwelling-house, the situation or description of which is entered in the said roll under the provisions of section nine, sub-section (2), of the Representation of the People Act, 1884. No person shall be liable to be rated in respect of such entry, but the person rated in respect of the occupancy of the lands and heritages which include such dwelling-house shall be entitled to relief against the person (in this Act referred to as a service franchise occupier) occupying the same under him by virtue of any office, service, or employment, in respect of so much of the occupiers consolidated rate paid by him as is applicable to the amount entered in the valuation roll under the provisions of this Act as the annual value of such dwelling-house:

Provided that where an arrangement has been made under which a deduction is expressly made in name of rates from the wages or emoluments of any service franchise occupier, this section shall not confer any right of relief as hereinbefore provided.

## PART V.

## Election.*

XXX. *Election of councillors in a county.*—For the purposes of the election of county councils established in pursuance of this Act the following provisions shall have effect: that is to say,

(1.) The election of county councillors in a county shall take place on the first Tuesday of February in the year one thousand eight hundred and ninety, and on the first Tuesday of December in the year one thousand eight hundred and ninety-two, and in every third year thereafter, and shall, subject to the provisions of this Act, be conducted in like manner as an election of town councillors in a burgh divided into wards, and the enactments regulating such an election shall, with the necessary variations, and so far as they are consistent with this Act, extend to counties in like manner as if they were herein re-enacted with the substitution of "county" for "burgh," of "electoral division" or "division" for "ward," of "county clerk" for "town clerk," and of "February" for "November" at the first election in the year one thousand eight hundred and ninety, and of "December" for "November" at every subsequent election, and of the returning officer under this Act for the returning officer at a municipal election.

(2.) At the first election of councillors the returning officer shall be the sheriff, and at all subsequent elections such person as shall be appointed by the county council at their meeting in the month of October preceding the election. If a returning officer dies, resigns, or becomes disqualified, the Secretary for Scotland may appoint a fit person to act in his room. The returning officer, without prejudice to any other power, may, by writing under his hand, appoint a fit person to be his deputy, and may by himself or such deputy exercise any powers and do any things which a returning officer is authorised or required to exercise or do in relation to the election, and shall, for the purposes of the election, have all the powers of the sheriff at a parliamentary election. The returning officer may appoint as a presiding officer any fit person although not possessing any professional status or qualification.

(3.) It shall not be competent to object to a nomination paper that it is not signed by more than two county electors entitled to vote for the candidate nominated.

(4.) The notice of election may be given by the returning officer not later than four o'clock afternoon on the third Tuesday preceding the day of election, and the nomination papers may be lodged with the county clerk at any time not later than four o'clock afternoon on the second Tuesday preceding the day of election.

(5.) Section six of the Ballot Act, 1872, shall apply in the case of elections under this Act, and the returning officer, in addition to using, free of charge, the rooms in that section mentioned for taking the poll, may use the same free of charge for counting votes.

(6.) All expenses properly incurred by the returning officer or county clerk in relation to the holding of elections of councillors of county councils, so far as not otherwise provided for by law

* § 16 of the Local Government Act 1894 (57 and 58 Vict., c. 58), contains additional provisions as to elections which are to be held to be incorporated in this Act.

shall be paid out of the county fund and provided for out of the general purposes rate hereinbefore mentioned.

The said expenses shall not exceed those allowed by such scale as at the first election the sheriff and at subsequent elections the county council may from time to time frame, subject to the approval of the Secretary for Scotland.

A county council shall, on the request of the returning officer, prior to a poll being taken at an election of a county council, advance to him such sum, not exceeding ten pounds for every thousand electors on the county council register, as he may require.

At the first election under this Act the provisions of this sub-section shall be held to apply to the commissioners of supply and to the county general assessment: Provided that, as soon as may be after such election, the provisional council hereafter mentioned shall repay to the commissioners of supply or arrange with them in regard to any sums paid or advanced by such commissioners under this sub-section.

(v.) The returning officer shall forthwith make a return of the persons elected to the county clerk, and also give notice in writing to the several persons elected of their election, and shall at the same time intimate the time and place of the first meeting of the council. It shall not be necessary for any person to intimate his acceptance of the office of county councillor before such first meeting.

XXXI. *Polling districts.*—The polling places in the electoral divisions of a county for the purpose of the election of a county council shall be such as at the first election may be appointed in that behalf by the sheriff, and in subsequent elections shall be such as the returning officer may from time to time appoint.

Provided that, if the returning officer shall think determine, the county electors for two or more electoral divisions may, by public notice simultaneously given, be directed to poll at the same polling place and such place shall be conveniently situated for the majority of such county electors.

XXXII. *One vote only.*—No person shall be entitled to give more than one vote, or to vote for more than one candidate, at an election in a county of a county council.

XXXIII. *Casual vacancies.*—Casual vacancies in a county council caused by death, resignation, non-acceptance of office, or disqualification of a councillor not being a councillor elected by a burgh, shall be filled up by the county council: Provided that the person appointed to fill a casual vacancy shall be at the time of his appointment registered as a county elector for the county, and that he shall remain in office so long only as the person in whose room he was appointed would have remained in office.

XXXIV. *Double returns.*—If any person is returned to the county council of any county as representative of more than one electoral division, he shall, at or before the first meeting of the county council after such election, signify in writing to the council his decision as to the division which he desires to represent; and if he fails so to do the county council shall decide as to the division which he shall represent, and upon any such decision being made the office of councillor for the division or divisions which he does not thereafter represent shall be deemed vacant, and a fresh election shall be held.

XXXV. *Election not to be vitiated by technical defect.*—No election held in pursuance of this Act shall be deemed to be vitiated in consequence of any neglect of any officer to give proper notice of the election, or in consequence of any technical defect in the proceedings which has not been prejudicial to the interests of any party concerned in the election.

XXXVI. *Provision in case of no election or insufficient election.*—If, after the first election under this Act, in any case not provided for by this Act a county council of any county is not elected at the time at which it ought to be elected, or an insufficient number of members is elected for such council, the Secretary for Scotland shall by order provide for the holding a fresh election or fresh elections for supplying any such default or insufficiency in election at such times and in such manner as he may think expedient.

## PART VI.

### Application of Act to Special Counties and Burghs.

XXXVII. *Application of Act to county of Lanark.*—With respect to the application of this Act to the county of Lanark, there shall be enacted the provisions following; that is to say,

(1.) On and after the appointed day the ninety-second section of the Roads and Bridges (Scotland) Act, 1878, which relates to the county of Lanark is hereby repealed; and in lieu thereof it is enacted that for all the purposes of that Act in connexion with which the county of Lanark is not therein specially named, the lower ward, middle ward, and upper ward of the county of Lanark shall each be deemed and taken to be a district for the purpose of maintaining and managing the highways therein in the like manner as if the said county had been divided into districts under and by virtue of the sixteenth section of that Act; provided that any district for the purposes of maintaining and managing highways shall also be a district for the purpose of the administration of the laws relating to public health, and with power to the council of the said

county to further sub-divide the county into districts or to make such other districts as to them may seem proper.

(2.) Nothing in this Act contained shall be held to repeal or alter the existing divisions of the county of Lanark for the purposes of sheriff court houses as the same are recognised by and enumerated in the twenty-second section of the Sheriff Court Houses Act, 1860.

(3.) So long as any debt or obligations created and laid upon the county of Lanark by the Prisons (Scotland) Act, 1877, shall remain unpaid and undischarged, but no longer, the existing divisions of the county enacted by the Prisons (Scotland) Administration Acts (Lanarkshire) Amendment Act, 1868, and the Prisons (Scotland) Act, 1877, shall continue.

(4.) The chairman of the county road trustees in the one hundred and ninth section of this Act mentioned shall in the case of the county of Lanark mean the chairman of the county road trustees of the county for all the purposes of the Roads and Bridges (Scotland) Act, 1878, in connexion with which the county is in the said Act specially named.

(5.) Sub-section five of section eighty-nine of the Roads and Bridges (Scotland) Act, 1878, shall not apply to any of the purposes of this Act, except the purposes of the last-mentioned Act.

(6.) The respective county road clerks and treasurers of the county of the lower ward of Lanark, the county of the middle ward of Lanark, and the county of the upper ward of Lanark, in office at the appointed day, shall, for the purposes and subject to the provisions of this Act, be deemed to be the clerks and treasurers of the said several districts into which such ward counties have by this Act been constituted.

(7.) The burgh of Coatbridge, in the county of Lanark, as constituted and described in the Coatbridge Act, 1885, shall for all the purposes of this Act be deemed to be a royal burgh.

XXXVIII. *Application of Act to Orkney and Zetland.*—With respect to the application of this Act to the county of Orkney and lordship of Zetland, there shall be enacted the following provision; that is to say,

For the purposes of this Act Orkney and Zetland shall be separate counties.

XXXIX. *Application of Act to county of Ross and Cromarty.*—With regard to the counties of Ross and Cromarty, there shall be enacted the provisions following (that is to say):—

(1.) From and after the passing of this Act, the counties of Ross and Cromarty shall cease to be separate counties, and shall be united for all purposes whatsoever, under the name of the county of Ross and Cromarty.

(2.) The whole provisions of this Act, and of every other Act which, but for the provisions of this section, would have had effect in regard to the county of Ross and the county of Cromarty shall, with the necessary variations, be read and have effect in regard to the county of Ross and Cromarty, and a county council shall be elected for that county, which shall have, discharge, and be subject to the whole rights, powers, duties, and liabilities which, but for the provisions of this section, would have belonged to and rested on the county councils of the separate counties hereinbefore mentioned.

(3.) It shall be lawful for Her Majesty the Queen, by letters patent, to revoke the grant of a court of quarter sessions and the grant of a commission of the peace for the separate counties of Ross and Cromarty, and to grant a court of quarter sessions and to grant a commission of the peace for the county of Ross and Cromarty, and to make such provision as to Her Majesty seems proper for the protection of interests existing at the date of the revocation; and all enactments, laws, and usages with respect to justices and quarter sessions in any county in Scotland shall apply to the justices and quarter sessions of the county of Ross and Cromarty.

(4.) The present lieutenant of the county of Ross shall become lieutenant of the county of Ross and Cromarty, and after his death or resignation it shall be lawful for Her Majesty from time to time to appoint a lieutenant of the county of Ross and Cromarty; and the Acts relating to the general and local militia of the rest of Scotland shall apply to the said county as to any other county.

(5.) The existing commissioners of supply, income tax commissioners, deputy lieutenants, and justices of the peace for the county of Ross and the county of Cromarty shall, without any new appointment, become commissioners of supply, income tax commissioners, deputy lieutenants, and justices of the peace for the county of Ross and Cromarty, and if they have duly qualified according to law they may act without again qualifying.

(6.) The existing officers of the county of Ross and the county of Cromarty shall be deemed to be existing officers of the county of Ross and Cromarty, subject to the provision that the clerk of supply of the county of Ross shall be deemed to be the clerk of supply of the county of Ross and Cromarty.

(7.) For the purposes of the county of Ross and Cromarty, section one hundred and nine of this Act shall be read and construed as if it referred to the persons who are at the passing of this Act lieutenant of the county of Ross, convener of the county of Cromarty, chairman of the county road trustees of Ross and Cromarty, and chairman

of the local authority of the county of Ross under the Contagious Diseases (Animals) Act, 1878.

[illegible]. *Application of Act to county of Dumbarton.*—With respect to the application of this Act to the county of Dumbarton, the parishes of Cumbernauld and Kirkintilloch, including the burghs and police burghs situate therein, shall for the purposes of this Act, be considered as forming part of the county of Dumbarton.

Provided that the county councils of the counties of Dumbarton and Stirling may make agreements as to the adjustment of any property, income, debts, or liabilities affected by the transference of the maintenance and management of the highways within the said parishes to the county of Dumbarton, and in default of such agreement such adjustment shall be made by the Boundary Commissioners under the provisions of this Act.

XLI. *Application of Act to counties of Aberdeen, Banff, and Elgin.*—Whereas in the local Acts of Parliament relating to highways in the counties of Aberdeen and Banff and Elgin respectively special provisions were made for excluding within the county of Aberdeen, for the purposes of those Acts, certain portions of the county of Banff, viz., the parishes of Gamrie and Inverkeithney and parts of the parishes of Alvah and Rothiemay, and also excluding in the county of Banff certain portions of the county of Elgin, viz., parts of the parishes of Bellie, Boharm, Keith, and Mortlach; and whereas the Aberdeenshire Roads Act, 1865, makes provision for proprietors redeeming the assessment for the construction of certain road debts, the provisions hereof shall have effect; (that is to say,)

(*a.*) Notwithstanding anything in this Act contained, the counties of Aberdeen and Banff respectively shall, for all the provisions of this Act in regard to the administration of the laws relating to highways and to the administration of the laws relating to public health, be deemed to include those portions of the counties of Banff and Elgin respectively hereinbefore mentioned.

(*b.*) The councillors elected for the respective electoral divisions of the county of Banff in which are situate the parishes or parts of the parishes of that county in this section before mentioned shall, with regard to the provisions of this Act for the administration of the laws relating to highways and for the administration of the laws relating to public health, have and exercise all the powers and duties of county councillors in the county of Aberdeen.

(*c.*) The councillors elected for the respective electoral divisions of the county of Banff in which are situate the said parishes of Gamrie and Inverkeithney shall not, with regard to the provisions of this Act for the administration of the laws relating to highways and to public health, have or exercise the powers and duties of county councillors in the county of Banff.

(*d.*) The councillors elected for the respective electoral divisions of the county of Elgin in which are situate the parts of the parishes of that county in this section before mentioned shall, with regard to the provisions of this Act for the administration of the laws relating to highways and to public health, have and exercise all the powers and duties of county councillors in the county of Banff.

(*e.*) Every proprietor who, or whose predecessor in virtue of section forty-five of the Aberdeenshire Roads Act, 1865, has redeemed the assessment therein mentioned, and freed and released lands therefrom, shall be entitled to claim and receive from the county council of the county of Aberdeen the same exemption from said assessment which he at the passing of this Act is entitled to claim and receive from the county road trustees of said county.

(*f.*) Without prejudice to the provisions of sections twenty-five and twenty-six of this Act, nothing contained in this Act shall affect or abrogate the provisions of sections forty-one and forty-two of the Elgin and Nairn Roads and Bridges Act, 1863, and section sixty-two of the Banffshire Roads Act, 1866, except so much of the forty-first section of the last mentioned Act as provides for a ferry and boats and barges, and authorises the collection of any tolls, and the said sections shall with the necessary variations apply after the appointed day to the county councils of the counties of Banff and Elgin respectively in the same manner as they apply at the passing of this Act to the county road trustees of the said counties. If any question shall arise as to the application of this sub-section it may be determined by the Secretary for Scotland.

(*g.*) Nothing in this section contained shall affect or limit the powers and duties of the Boundary Commissioners or of the Secretary for Scotland under this Act.

XLII. *Provision as to county of Fife.*—With respect to the application of this Act to the county of Fife, there shall be enacted the following provision, namely: The Act fifth and sixth William the Fourth, chapter sixty, intituled "An Act for providing in or near the burgh of Cupar more extensive accommodation for holding the courts and meetings of the sheriff, justices of the peace, and commissioners of supply of the county of Fife, and for the custody of the records of the said county," and the Act tenth Victoria, chapter thirty-two, known as the "Dunfermline and Cupar Court Houses Act, 1847," are hereby repealed, and all the powers and rights conferred by said Acts, and the duties, obligations, and liabilities imposed by said Acts or otherwise upon

the commissioners for whose appointment said Acts provide, and all lands, buildings, funds, effects, and property of whatever description belonging to or vested in said commissioners, and all debts and obligations of whatever nature of said commissioners, are hereby transferred to the county council of the county of Fife.

XLIII. *Provision as to certain burghs.*—Wherever a royal burgh or police burgh, or part thereof, is included within the parliamentary area of a burgh, it shall nevertheless be deemed to be a separate burgh or police burgh for the purposes of this Act, having for these purposes the boundaries fixed or ascertained for police purposes under any general or local Act of Parliament.

## PART VIII.

### Appointment of Boundary Commissioners and Simplification of Areas.

*As to Boundaries of Counties, &c.*

XLIV. *Boundaries of Counties.*—For the purposes and subject to the provisions of this Act, and except so far as varied by an order made under this Act, as hereinafter mentioned, the following provisions shall have effect:—

(*a.*) From and after the passing of this Act, counties shall have the contents and boundaries which they respectively have, or in the case of counties still subject to local Acts of Parliament regulating highways will have, after the appointed day for the purposes of the Roads and Bridges (Scotland) Act, 1878; and

(*b.*) The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, fixed, or determined for police purposes under the provisions contained in any general or local Act of Parliament, or when no police assessment is levied as the same are or may be ascertained, fixed, or determined for municipal purposes: Provided that police burghs shall not in any case be deemed to be burghs for the purposes of this Act except for the purposes of and subject to the provisions of the Roads and Bridges (Scotland) Act, 1878.

(*c.*) If any question arises as to whether a part of a county is detached or as to the county with which the part has the longest common boundary, or as to the county with which a burgh has the longest common boundary, the sheriff in the year one thousand eight hundred and eighty-nine, and thereafter the Boundary Commissioners, may by order determine the question.

XLV. *Constitution of Boundary Commission.*—(1.) For the purposes of this Act respecting the formation of electoral divisions, and also so far as expedient for the purpose of regulating the boundaries of counties, and making the boundaries of burghs and parishes coincide with those of counties, and for dealing with detached parts of counties or parishes, the following persons; that is to say, James Arthur Crichton, Esquire, Sheriff of the Lothians, the Honourable Thomas Henry William Pelham, and Colonel Edward Donald Malcolm, C.B., Royal Engineers (of whom the first named shall be chairman), are constituted Commissioners under this Act; and if any vacancy occurs in the office of the chairman or any Commissioner by reason of death, resignation, incapacity, or otherwise, it shall be lawful for Her Majesty, under Her Royal Sign Manual, to appoint some fit person to fill the vacancy, and so from time to time as often as occasion requires.

(2.) The Commissioners appointed under this Act shall be styled "The Boundary Commissioners for Scotland," and are elsewhere in this Act referred to as the Boundary Commissioners or the Commissioners, and shall have a common seal, of which judicial notice shall be taken by all courts of justice, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

(3.) The Boundary Commissioners may from time to time, by order under their hand, require any public officer to produce to them any maps, plans, or other public documents in his possession or under his control which such Commissioners may consider necessary for the execution of their duties under this Act.

(4.) The powers of the Boundary Commissioners shall commence immediately after the first election of county councillors under this Act and shall be exercised within two years next after such commencement.*

(5.) Any power or act by this Act vested in or authorised to be done by the Boundary Commissioners may be exercised or done by any two of them.

(6.) An act or proceeding of the Boundary Commissioners shall not be invalid by reason only of any vacancy in their body.

XLVI. *Appointment of officers. Salaries and expenses.*—(1.) The Boundary Commissioners may from time to time, with the assent of the Treasury as to number, appoint or employ assistant commissioners, a secretary, and such number of other officers and persons as they may think necessary for the purpose of enabling them to carry into effect the provisions of this Act, and the Boundary Commissioners may remove any person so appointed or employed.

(2.) There shall be paid to the Boundary Commissioners under this Act, and to their assistant commissioners, secretary, officers and persons, such salaries or remuneration as the Treasury may assign, and those salaries and remuneration and all expenses of the Boundary Commissioners incurred with the sanction of the Treasury in the execution of this Act shall be paid out of moneys provided by Parliament.

* Extended by 54 and 55 Vict., c. 60, until 1st August 1892.

[LVII. *Settlement of electoral divisions.*—(1.) ] Boundary Commissioners shall proceed as n as may be after such commencement as his part of this Act mentioned to inquire ) the circumstances of every county, and ll by order determine the contents and ndaries of the electoral divisions, and shall, far as seems practicable, adopt, for the pose of forming such electoral divisions, ishes or groups of parishes and police ghs, or if they find it necessary to divide a ish or police burgh or to group parishes or ts of parishes into two or more electoral isions, they shall not have power to include portions of two or more districts formed er the provisions of this Act in one electoral ision. The Boundary Commissioners in rmining such electoral divisions shall have rd to the annual value of the lands and tages therein as appearing on the valuation , to the area thereof, and to the population reof, and the distribution and pursuits of h population, so as to make the representa- on the county council of the electoral isions and burghs approximately equal, but ject always to the provisions of this Act.

).) Before making an order under this ion the Boundary Commissioners shall sult with the authorities concerned, and ll cause the proposed order to be published he Edinburgh Gazette and in such other ner as to make the same known to all ons interested, and shall consider all objec- s and representations respecting such r, and shall thereafter make the order and se the same to be forthwith published in Edinburgh Gazette, and once in each of successive weeks in some one and the e newspaper circulating in the district.

LVIII. *Temporary provisions in regard to oral divisions, &c., at first election of county cillors.*—(1.) As a temporary provision for purposes of the first election of county ncillors under this Act the sheriff shall de the county into electoral divisions, and oing so shall have regard as far as may be he provisions contained in section forty- and sub-section (1.) of the immediately eding section of this Act.

).) The sheriff shall make an order under section for each county, and shall transmit order to the sheriff clerk and to the clerk pply before the twentieth day of September after the passing of this Act, and shall se the same to be forthwith published in Edinburgh Gazette and once in each of successive weeks in some one and the e newspaper circulating in the district.

).) The temporary provisions aforesaid shall effect from and after their publication as esaid, and shall cease to have effect immedi- y after the first election of county coun- rs under this Act.

).) All expenses properly incurred by the iff under this section shall be deemed to part of the expense of making up the ster of county electors, and be defrayed provided for accordingly.

XLIX. *Powers and duties of Boundary Commissioners.*—(1.) The Boundary Commissioners shall proceed as soon as may be after such commencement as in this part of this Act mentioned to inquire into the circumstances of the counties, burghs, and parishes, and detached parts of counties and parishes, and shall frame orders for dealing with such counties, burghs, parishes, and detached parts, so that each burgh and parish, if the Commissioners shall in the whole circumstances of the case deem it necessary or expedient, may be within a single county, and that no part of a county or parish be detached therefrom, and such orders may provide for such alteration of boundaries, whether of the county or of any other area, as may seem necessary for the said purpose, and such alteration shall have effect for all purposes, whether county council, justices, sheriff, militia, parochial board, school board, local authority, or other, save as hereinafter provided.

(2.) The Commissioners before framing any order shall communicate with such of the authorities, whether sheriffs, quarter sessions, county councils, town councils, police commissioners, parochial boards, school boards, local authorities, or others, as appear to them to be concerned, and when they have framed a draft order shall cause the same to be communicated to such of the said authorities as appear to them to be concerned and to be published, and shall consider any objections or suggestions made in relation to such order within one month after such communication or publication.

(3.) The Boundary Commissioners may finally make such order and publish it in the Edinburgh Gazette and bring it before Her Majesty, and subject as hereinafter mentioned, it shall be lawful for Her Majesty in Council to confirm such order, and thereupon the order shall have effect as if enacted by Parliament.

(4.) Provided that if within one month after such publication of the order, any of the authorities affected by the order petition Her Majesty in Council to cause the order to be laid before Parliament, and such petition is not withdrawn, or if the Secretary for Scotland recommends that the order shall be laid before Parliament, the order of the Boundary Commissioners shall be deemed to be a provisional order, and shall be of no effect unless confirmed by Parliament.

(5.) The Secretary for Scotland may introduce a Bill confirming any such provisional order, and if any petition is presented against such order, the Bill, so far as it relates to the order petitioned against, shall be deemed to be, and the petitioners shall be allowed to appear and oppose as in the case of, a private Bill.

(6.) An order of the Boundary Commissioners as in this section mentioned may provide for all or any of the following matters, that is to say,—

(*a.*) may provide for the abolition, restriction, establishment, or extension of the jurisdiction of any authority in or

over any part of the area affected by the order, and for the adjustment or alteration of the boundaries of such area, and for the constitution of the authorities therein, and may deal with the powers and rights of authorities therein and with any offices therein, and may determine the status of any such area as a component part of any larger part, and for the election of representatives in such area;

(*b.*) may make temporary provision for meeting the debts and liabilities of the various authorities affected by the order, and for the management of their property;

(*c.*) may provide for all matters which appear to the Commissioners necessary or proper for giving full effect to the order.

When an order under this Act has taken effect, the Boundary Commissioners may provide for the adjustment and disposal of the property, debts, and liabilities of the various authorities affected by the order, and for the settlement of differences arising out of the order.

L. *Adjustment of property and liabilities.*—(1.) Any councils and other authorities affected by this Act, or by any order, or other thing made or done in pursuance of this Act, may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses, of the parties to the agreement, so far as affected by this Act, or such order, or thing, and the agreement, and any other agreement authorised by this Act to be made for the purpose of the adjustment of any property, debts, liabilities, or financial relations, may provide for the transfer or retention of any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any duties, and for payment by either party to the agreement in respect of property, debts, duties, and liabilities so transferred or retained, or of such joint use, and in respect of the salary, remuneration, or compensation payable to any officer or person, and that either by way of a capital sum or of an annual payment.

(2.) In default of an agreement as to any matter requiring adjustment for the purposes of this Act, then, if no other mode of making such adjustment is provided by this Act, such adjustment may be made or determined by the Commissioners.

(3.) The Commissioners when making an adjustment under this Act shall be deemed to be a single arbiter within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845, and the Acts amending the same, and the provisions of those Acts with respect to an arbitration shall apply accordingly; and, further, the Commissioners may state a special case on any question of law for the opinion of either Division of the Inner House of the Court of Session, who are hereby authorised finally to determine the same along with any question of expenses.

(4.) The payment of any sum required to be paid for the purpose of any adjustment or of any award or order made by the Commissioners may be made out of the county fund or out of the funds of any burgh, as the case may be, or shall be a purpose for which a county council may borrow under this Act, or a town council may borrow under any general or local Act, and the powers of borrowing conferred on any town council by any such Act are hereby extended accordingly.

(5.) Any capital sum paid to any county council or town council for the purpose of any adjustment, or in pursuance of any order or award of the Commissioners under this Act, shall be treated as capital, and applied, with the sanction of the Secretary for Scotland, either in the repayment of debt, or for any other purpose for which capital money may be applied.

*As to subsequent Alteration of Boundaries, &c.*

LI. *Alteration of boundaries, simplification of areas, &c., by provisional order.*—On the representation of a county council or of a town council the Secretary for Scotland may at any time after the expiry of the powers of the Boundary Commissioners by order provide for all or any of the following things:—*

(*a.*) For altering the number of county councillors, the number, contents, and boundaries of electoral divisions, and the assignment of county councillors to counties and burghs;

(*b.*) For altering the boundaries of the county;

(*c.*) For altering the boundaries of any burgh or of any parish situate or partly situate in the county;

(*d.*) For uniting several parishes or parts of parishes into one parish, or annexing one or more of such parish or parishes or parts of parishes to a larger parish; and any parish so formed by a union of parishes or parts of parishes, or enlarged by annexation, shall for all purposes be deemed to be one parish;

(*e.*) For dividing any parish in the county which by reason of its inconvenient extent, or by reason of its forming part of, or having within its boundaries, or lying partly within or partly without a burgh, or a police burgh, it seems expedient to divide, and for uniting all or any of such sub-divisions of the parish with other parishes;†

(*f.*) For the proper adjustment and distribution of the powers, properties, liabilities, debts, officers, and servants of any local authority, consequential on any consolidation, alteration of boundaries, or other act done in pursuance of this section; and

(*g.*) Generally for doing any matter or thing whatever, whether similar or not to those above mentioned, which may be required or be expedient for the proper carrying into effect the purposes of this Act and the settlement of local differences.†

* Extended by § 46 of the Local Government Act, 1894 (57 and 58 Vict., c. 58).

† Amended by do.

Provided as follows:—

(i.) An order under sub-section (*a*) of this section shall not be made unless after the date of any previous order determining the matters therein mentioned there shall have occurred a material change of circumstances in respect of the population and annual value of the counties, burghs, or electoral divisions concerned in such order;

*(ii.) If an order under this section alters the boundaries or contents of any county, burgh, or parish it shall be provisional only, and shall not have effect unless confirmed by Parliament; and

(iii.) Provision shall be made in any order under this section for preserving the rights of creditors and all persons having vested interests, and whose rights would otherwise be affected by any alteration made in pursuance of this section;

(iv.) This section shall be in addition to, and not in derogation of, any provisions in force at the passing of this Act in respect of the union, disjunction, or erection of parishes.

## PART VIII.

### SUPPLEMENTAL.

*Provisions as to Powers of Council.*

LII. *Power to appoint medical officer and sanitary inspector for county.*—(1.) The council of every county shall appoint and pay a medical officer or medical officers and a sanitary inspector or sanitary inspectors, who shall not hold any other appointment or engage in private practice or employment without express written consent of the council.

(2.) The county council and any district committee, as the local authority under the Public Health Acts, may from time to time make and carry into effect arrangements for rendering the services of such officer or officers regularly available in the district of the district committee, on such terms as to the contribution by the district committee to the salary of any medical officer or sanitary inspector, or otherwise, as may be agreed, and any medical officer or sanitary inspector shall have within such district all the powers and duties of a medical officer or sanitary inspector appointed by a district committee.

(3.) So long as such an arrangement is in force, the obligation of the district committee or the local authority under the Public Health Acts to appoint a medical officer or sanitary inspector shall be deemed to be satisfied without the appointment of a separate medical officer or sanitary inspector.

LIII. *Medical officer, &c., to send reports to county council, &c.*—(1.) Every medical officer and sanitary inspector under the Public Health Acts for a district in any county shall send to the county council a copy of every report of which a copy is for the time being required by the Regulations of the Board of Supervision (which they are hereby authorised to make) to be sent to that Board.

(2.) If it appears to the county council that the Public Health Acts have not been properly put in force within any district, or that any other matter affecting the public health of the district requires to be remedied, the council may cause a representation to be made to the Board of Supervision on the matter.

LIV. *Qualifications of officers, &c.*—(1.) No person shall hereafter be appointed the medical officer of any county or district or parish, unless he is a registered medical practitioner.

(2.) No person shall after the first day of January one thousand eight hundred and ninety-three be appointed the medical officer under the Public Health Acts for a county or district or parish which contained, according to the last published census for the time being, a population of thirty thousand or upwards, unless he is qualified as above mentioned, and also is registered on the Medical Register as the holder of a diploma in sanitary science, public health, or State medicine under section twenty-one of the Medical Act, 1886.

(3.) No person shall, except with the express consent of the Board of Supervision, be appointed as the sanitary inspector for a county unless he has been during the three consecutive years preceding his appointment the sanitary inspector of a local authority under the Public Health Acts.

(4.) Every medical officer and every sanitary inspector appointed under this Act or under the Public Health Acts shall be removable from office only with the sanction of the board of supervision.

LV. *Power to county council to enforce provisions of* 39 *and* 40 *Vict. c.* 75.—(1.) On and after the appointed day a county council shall have power, in addition to any other authority, to enforce the provisions of the Rivers Pollution Prevention Act, 1876 (subject to the restrictions in that Act contained), in relation to so much of any stream as is situate within, or passes through or by, any part of their county, and for that purpose they shall have the same powers and duties as if they were a sanitary authority within the meaning of that Act, or any other authority having power to enforce the provisions of that Act, and the county were their district.

(2.) Any county council shall have power to contribute towards the expenses of any prosecution under the said Act instituted by any other county council or by any sanitary authority.

(3.) The Secretary for Scotland, by provisional order made on the application of the council of any of the counties and burghs concerned, may constitute a joint committee or other body representing all the counties and burghs through or by which a river, or any specified portion of a river, or any tributary thereof, passes, and may confer on such committee or body all the powers of a sanitary

* Amended by § 46 of the Local Government Act, 1894 (57 and 58 Vict., c. 58).

authority under the Rivers Pollution Prevention Act, 1876, or such of them as may be specified in the order, and the order may contain such provisions respecting the constitution and proceedings of the said committee or body as may seem proper, and may provide for the payment of the expenses of such committee or body by the counties and burghs represented by it, and for the audit of the accounts of such committee or body, and their officers.

A provisional order made under this section shall be of no effect until it is confirmed by Parliament.

LVI. *Council to have power to oppose Bills in Parliament, &c.*—The council of a county shall have the same powers of opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the county, as are conferred by the Act of the thirty-fifth and thirty-sixth years of Her present Majesty, chapter ninety-one; and, subject as hereinafter provided, the provisions of that Act shall extend to a county council as if such council were included in the expression "governing body," and the county were the district in the said Act mentioned.

Provided that—

(*a.*) No consent of owners and ratepayers shall be required for any proceedings under this section:

(*b.*) This section shall not empower a county council to promote any Bill in Parliament, or to incur or charge any expense in relation thereto, save only a Bill for confirming a Provisional Order made under or in pursuance of the provisions of any Act of Parliament:

(*c.*) The consent of the Secretary for Scotland shall be substituted for the consent of the Secretary of State or Local Government Board.

*Byelaws.*

LVII. *Power of county councils to make byelaws.*—(1.) The council of a county may from time to time make such byelaws as to them seem meet for the administration of the affairs of the county, for the prevention of vagrancy, and for prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Act in force throughout the county, and may thereby appoint such penalties, not exceeding in any case five pounds, as they deem necessary for the punishment of offences against the same.

(2.) Such a byelaw shall not be made unless at least two thirds of the whole number of the council are present.

(3.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof has been fixed on the doors of the county buildings, and of all the parish churches and public schools within the county, and has been advertised in one or more newspapers circulating in the county.

(4.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof signed by the county clerk has been sent to the Secretary for Scotland; and if within those forty days the Secretary for Scotland disallows the byelaw or part thereof, the byelaw or part disallowed shall not come into force; but it shall be lawful for the Secretary for Scotland, at any time within those forty days to enlarge the time within which the byelaw shall not come into force, and in that case the byelaw shall not come into force until after the expiration of that enlarged time.

(5.) A byelaw made under this section shall not be of any force or effect within any burgh or police burgh unless it has been made with the consent of the town council of such burgh, or the commissioners of police of such police burgh.

(6.) The production of a written or printed copy of a byelaw made by a county council under this Act, if authenticated by the signature of the county clerk, shall, until the contrary is proved, be sufficient evidence of the due making and existence of the byelaw, and, if it is so stated in the copy, of the byelaw having been approved and confirmed by the Secretary for Scotland, or having been made with the consent of the town council of any burgh or police commissioners of any police burgh therein named.

Provided that all byelaws with reference to any of the matters aforesaid now in force within any county shall remain in force until new byelaws have been made under the provisions of this section.

LVIII. *Regulations relating to bicycles, &c.* 41 *and* 42 *Vict. c.* 51.—(1.) The provisions of the Roads and Bridges (Scotland) Act, 1878, and the General Police and Improvement (Scotland) Act, 1862, in so far as they give power to make byelaws regulating the use of carriages herein referred to, and all other provisions of any public or private Acts in so far as they give power to any local authority to make byelaws for regulating the use of bicycles, tricycles, velocipedes, and other similar machines are hereby repealed, and bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the said Acts; and the following additional regulations shall be observed by any person or persons riding or being upon such carriage:

(*a.*) During the period between one hour after sunset and one hour before sunrise, every person riding or being upon such carriage shall carry attached to the carriage a lamp which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted as to afford adequate means of signalling the approach or position of the carriage;

(*b.*) Upon overtaking any foot passenger or cart or carriage, or any horse, mule, or other beast of burden, being on or proceeding along the carriage way, every such person shall within a reasonable distance from and before passing such foot passenger, cart or

carriage, horse, mule, or other beast of burden, by sounding a bell or whistle, or otherwise, give audible and sufficient warning of the approach of the carriage;

) Any person summarily convicted of ding against the regulations made by this shall for each and every such offence t and pay any sum not exceeding forty ngs.

*Provisions as to Transfer.*

XX. *Members of local authority under Contagious Diseases (Animals) Acts to cease to hold*—From and after the appointed day all ments in regard to the qualification and ntment of members of the local authority county under the Contagious Diseases nals) Acts shall be repealed, and all ng members of such local authority shall to hold office. The county council shall ne the said local authority and the con- of the county shall be the chairman and ounty clerk shall be the clerk of such rity without any further appointment or neration.

ere the parliamentary area of a county or differs from its area within the meaning is Act, the Secretary for Scotland may mine which shall be the administrative ating authority under the Contagious ses (Animals) Acts in any portion of such and his determination shall, subject to rovisions of this Act, have the same force ffect as if it were enacted in this Act: ded that such determination shall not the powers of the Boundary Commis- s under this Act.

*Further arrangements with burghs, &c.*

7,000.—In order to give effect to the pro- s contained in sections thirteen and en of this Act with respect to the burghs police burghs therein referred to, the ring further provisions shall have effect:

The county council and the town council or police commissioners of any such burgh or police burgh, as the case may be, may make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses, so far as affected by this Act, in manner and to the effect hereinafter provided:

In case of any inability to agree upon any matter requiring adjustment for the purpose of this Act, the Boundary Commissioners hereinbefore appointed, and after the expiry of the powers of the Boundary Commissioners the Secretary for Scotland, on the application of either party, may by order make the adjustment in the manner and to the effect hereinbefore provided:

Every such burgh shall contribute to the county fund in aid of the expenditure thereout for the administration of the police and of the Contagious Diseases (Animals) Acts, or for the latter purpose only, as the case may be:

(4.) For the purpose of every such contribution the rateable property of the burgh, as appearing on the valuation roll of the burgh, shall be included in the rateable property of the county, and the item of the consolidated rates applicable to the expenditure in the immediately preceding sub-section mentioned shall be ascertained and fixed accordingly as if such burgh were one of the parishes in the county; but the amount of the contribution apportioned to the burgh shall not be assessed by the county council on the several lands and heritages in such burgh, but shall be paid by the town council out of the police assessment, or, if there is no police assessment, out of any other assessment imposed and levied therein or out of the common good of such burgh:

(5.) The lands and heritages within any such police burgh shall be assessed by the county council in respect of the expenditure on the administration of the police and of the Contagious Diseases (Animals) Acts in the same manner as other lands and heritages within the county.

LXI. *Summary proceeding for determination of questions as to transfer of powers.*—If any question arises or is about to arise as to whether any business, power, duty, or liability is or is not transferred to any county council or joint committee, or district committee under this Act, that question, without prejudice to any other mode of trying it, may, on the application of the county council or other authority concerned, or of the clerk of the peace, be submitted for decision to either division of the Inner House of the Court of Session in a summary way; and the court, after hearing such parties, and taking such evidence (if any) as it thinks just, shall decide the question, and such decision shall be final.

*Provisions as to Rating.*

LXII. *Levy of consolidated rates.*—The following provisions shall be made with respect to the levy of the consolidated rates; that is to say,

(1.) All rates imposed by the county council shall be deemed and taken to be for the year (in this Act referred to as the local financial year) from the fifteenth day of May preceding the date of imposing the same, and shall be made payable on or before a day to be fixed by the council not being earlier than the first day of November then ensuing.

(2.) The demand note shall set forth the several branches of expenditure in respect of which the consolidated rates are imposed and the amount in the pound applicable to each several branch, and shall state the amount to be paid by the person named in the note and the manner and time of appealing against and paying such

amount and such other particulars as shall be prescribed.

(3.) The county council shall make regulations in regard to the lodging and hearing of appeals against rates, and shall hear any appeals lodged in accordance therewith.

(4.) The county council may relieve from payment of any rate any occupier of lands and heritages under the annual value of four pounds as appearing on the valuation roll on the ground of poverty, but only on application by such occupier; but no lands or heritages shall be exempted from assessment on the ground that they are under the said annual value, or are or have been during the period of assessment unoccupied and unfurnished, except in respect of the amount payable by the occupier.

(5.) The whole powers and rights of issuing summary warrants and proceedings, and all remedies and provisions enacted for the recovery of the land and assessed taxes, or either of them, and other public taxes, shall be applicable to the rates by this Act authorised to be imposed by the county council of any county, and sheriffs, justices of the peace, and other judges may, on the application of the county clerk or collector, grant warrant for the recovery of such rates and expenses, in the like form and under the like penalties as are provided in regard to such land and assessed taxes and other public taxes: Provided, nevertheless, that it shall be competent to the council to prosecute for and recover such rates by action in the sheriff small debt court, or in any other court, as the case may be, and that in any summons, complaint, petition, or action for the recovery of such rates more than six defenders may be cited and called, any law or practice to the contrary notwithstanding; and all rates imposed under any powers transferred or conferred by this Act shall, in the case of bankruptcy or insolvency or liquidation, be preferable to all debts of a private nature due by the parties assessed.

LXIII. *Power to modify regulations as to rating.*—In any case in which it shall happen that, by reason of the special enactments regulating the rating in any division or district of a county, the provisions contained in this Act cannot conveniently receive effect without modification or addition, the county council may by regulations make such modification or addition, and such regulations shall have effect as if they were contained in this Act. But no such regulations shall be made unless public notice of their purport has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such regulations relate, and also in the Edinburgh Gazette.

Provided that such regulations shall have no effect until they have been confirmed by the sheriff after such publication and inquiry as he shall think necessary.

LXIV. *Inspection of assessment roll.* — Any ratepayer and any officer of Inland Revenue may, at any reasonable hour and subject to any regulations made by the county council, inspect the assessment roll, and any estimate made previously thereto, and may take copies thereof, or extracts therefrom, without fee; and whosoever, having the custody of such estimate or roll, refuses to allow or does not permit such inspection to be made, or such copies or extracts to be taken, shall for every such offence be liable to a penalty not exceeding five pounds.

LXV. *Assessment roll to be evidence.* — The production of the assessment roll made under this Act shall alone, and without any other evidence whatsoever, be received as prima facie evidence of the making and validity of the rates therein mentioned.

*Burgh Contributions.*

LXVI. *Requisition for and payment of burgh contributions to county fund.* — The county council annually, and not later than the month of October in each year, shall cause a requisition to be sent to the town council of any burgh, requiring them to pay the sum or sums which under the provisions of this Act they are liable to contribute to the county fund in aid of the expenditure thereout for the purposes set forth in the requisition; and the town council shall, on or before the fifteenth day of January next ensuing, pay to the county council the said sum or sums without any deduction whatever.

*Borrowing.*

LXVII. *Borrowing by county council.*—(1.) The county council may from time to time, with the consent in writing (signed by two members and the county clerk) of the standing joint committee appointed in pursuance of this Act, borrow on the security of any rate leviable by the council under or in pursuance of this Act or of any other Act, such sums as may be required for the following purposes, or any of them; that is to say,

(a.) For any purpose for which any authority whose powers and duties are by or in pursuance of this Act transferred to the county council were, at the passing of this Act, authorised to borrow;

(b.) For any purpose for which the county council is expressly authorised to borrow under the provisions of this Act; and

(c.) For making advances (which they are hereby authorised to make) to any persons or bodies of persons, corporate or unincorporate, in aid of the emigration or colonization of inhabitants of the county, with a guarantee for repayment of such advances from any authority in the county or the government of any colony;

but neither the transfer of powers by this Act nor anything else in this Act, shall, save a

inafter provided, confer on the county cil any power to borrow without the ent above mentioned, and that consent dispense with the necessity of obtaining other consent which may be required by Acts relating to such borrowing, and the standing joint committee, before giving consent, shall take into consideration any sentation made by any ratepayer.

) A loan under this section shall be repaid in such period, not exceeding thirty years, e county council, with the consent of the standing joint committee, determine in case.

) The county council shall pay off every either by equal yearly or half-yearly iments of principal, or of principal and est combined, or by means of a sinking set apart, invested, and applied in dance with regulations which may from to time be framed in that behalf by the tary for Scotland.

) If the county council shall find it necesin any year to make payments, in conn with the current annual expenditure, e purposes of the various Acts of Parliaadministered by them in anticipation of ates under the said Acts applicable to the diture of such year, they may, without consent, borrow from any incorporated or stock bank, or other company or person, ch terms and conditions and in such form ay be agreed on between the parties, y on the security of such part of the as is still due and unreceived, but not to mount greater than one-half of such part ch rates, and when any money has been rrowed on the security of the rates of any financial year, it shall not be competent rrow on the security of the rates of any year until the money borrowed as aforehall have been paid off.

) Where a loan is raised for any purpose the security of any rate leviable by the county council under or in pursuance of ct, or of any other Act, the council shall are that the sums payable in respect of an are charged to the special account to the expenditure for that purpose is eable.

) Where money has been borrowed by a y council or by any authority whose s and duties are by or in pursuance of ct transferred to the council until the has been discharged, the county council within twenty-one days after the expiraof each local financial year, transmit to ecretary for Scotland a return in such and verified in such manner as may from to time be prescribed, showing the amount loan still outstanding, and the steps have been taken to comply with the ions of this or any other Act in regard payment and discharge.

*Accounts and Audit.*

VIII. *Audit of accounts of county council.* The accounts of the receipts and expenof a county council (including those of the district committees) shall be made up and balanced to the fifteenth day of May in every year in such form and shall be completed and signed by such person or officer and before such date as the Secretary for Scotland shall from time to time prescribe.

(2.) The accounts of a county council (including as aforesaid) shall be audited in manner hereinafter provided; and from and after the appointed day all provisions in regard to the audit of accounts of any administrative body whose powers and duties are by this Act transferred to the county council are hereby repealed.

LXIX. *Appointment of county auditors.* — The Secretary for Scotland shall from time to time appoint one or more fit persons (in this Act referred to as county auditors) to audit the accounts of each county council (including those of the district committees), and may remove any county auditor.

The county council shall pay to a county auditor such salary and allowances as shall from time to time be fixed by the county council subject to the approval of the Secretary for Scotland.

Subject to the regulations hereinafter contained, the Secretary for Scotland may make, and when made may revoke and vary, rules for the guidance of county auditors in the discharge of their duties: Provided that no such rules when made or varied shall be in force until they have lain for not less than one month on the table of both Houses of Parliament.

LXX. *Provisions for audit.*—The following regulations with respect to audit shall be observed; (that is to say,)

(1.) Before each audit the county clerk shall, after receiving from the county auditor the requisite appointment, give at least fourteen days notice, in such manner as shall be prescribed from time to time, of the time and place at which the audit will be made, and of the deposit of accounts required by this section, and of the name and address of the county auditor.

(2.) An abstract in duplicate of the accounts duly made up, balanced and signed as aforesaid, shall, together with all assessment books, account books, deeds, contracts, accounts, vouchers, and receipts mentioned or referred to in such accounts, be deposited in the offices of the county council and be open between the hours of eleven forenoon and three afternoon to the inspection of all ratepayers within the county or within any burgh liable to contribute to the county fund, as hereinbefore provided, for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same, without any fee; and any officer of the county council duly appointed in that behalf refusing to allow inspection thereof shall be liable to a penalty not exceeding five pounds.

(3.) For the purpose of any audit under this Act, every county auditor may, by a demand in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, receipts, and other documents and papers which he may deem necessary, and may require any person holding the same or accountable therefor to appear before him at any such audit, or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if such person neglects or refuses so to appear, or to produce any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of perjury.

(4.) Any ratepayer may make any objection to such accounts or any part thereof, and shall transmit the same and the grounds thereof in writing to the county auditor, and a copy thereof to the officer concerned, two clear days before the time fixed for the audit, and any ratepayer may be present at the audit and may support any objection made as hereinbefore provided either by himself or by any other ratepayer.

(5.) If it shall appear to any county auditor acting in pursuance of this section that any payment is in his opinion contrary to law and should be disallowed or that any sum, which in his opinion ought to have been, is not brought into account by any person, whether such payment or failure to account has been made matter of objection or not, he shall by an interim report under his hand report thereon to the Secretary for Scotland, setting forth the grounds of his opinion as aforesaid; and the Secretary for Scotland shall cause such interim report to be intimated to the objector, if any, and to the officer or other person affected thereby; and after due inquiry the Secretary for Scotland shall decide all questions raised by such interim report, and shall disallow all illegal payments and surcharge the same on the person or persons making them, and shall allow all sums which ought to have been but have not been brought into account.

(6.) If the Secretary for Scotland shall be of opinion that, although a disallowance or surcharge might be lawfully made, the subject-matter thereof was incurred under such circumstances, as to make it fair and equitable that the disallowance or surcharge should not be made, he may abstain from making the same.

(7.) Every sum determined by the Secretary for Scotland under this Act to be due from any person shall be paid by such person to the county council within fourteen days after such determination has been intimated to him, and if such sum is not so paid it shall be the duty of the county auditor to recover the same, and the county council shall reimburse him for his expenses, including a reasonable allowance for his time in so far as not recovered from the person surcharged.

(8.) Within fourteen days after the completion of the audit, or, as the case may be, after the Secretary for Scotland has determined any questions raised under an interim report by the county auditor, the county auditor shall report on the accounts audited, and shall certify on each duplicate abstract thereof the amount in words at length of the expenditure so audited and allowed, and further that the regulations with respect to the accounts have been complied with, and that he has ascertained by the audit the correctness of the accounts. He shall forthwith send one duplicate abstract of the accounts hereinbefore mentioned to the county council, who shall cause the same to be deposited in their office, and shall publish such abstract in the form prescribed in some one or more of the newspapers circulating in the county. The county auditor shall also forthwith send the other duplicate abstract of the accounts so certified by him to the Secretary for Scotland; provided that if the Secretary for Scotland shall so determine, such abstract may come in place of and render unnecessary a return of the receipts and expenditure of the county council in pursuance of the Local Taxation Returns (Scotland) Act, 1881.

(9.) Where any surcharge has been made as hereinbefore provided, or the county auditor has made any interim report or report respecting the accounts or the receipts and expenses of the county council, the council shall cause the surcharge and interim report or report to be printed and published, together with the abstract of their accounts hereinbefore mentioned, and to be delivered to any ratepayer as in this section mentioned who asks for the same, and in case of default in such publication the Secretary for Scotland may cause the same to be published, and the cost of such publication, to the amount certified by the Secretary for Scotland, shall be a debt due from the county council to Her Majesty, and the county clerk shall be liable in case of default in such publication to a fine not exceeding twenty pounds.

*Local Annual Budget.*

XXXI. *Annual budget of county council.*—
their meeting in the month of October in
local financial year every county council
l cause to be submitted to them the
mates, prepared as hereinbefore provided
he finance committee, of the receipts and
nditure of such council (including those
e district committees) during that financial
, whether on account of property, contri-
ons, rates, loans, or otherwise, and shall
e such estimates and authorise such ex-
liture and make such provision for meeting
same as they shall approve under the
isions hereinbefore contained.

*ncorporation of County and Proceedings of County Council and Committees.*

XXXII. *Incorporation of county council.*—
county council shall be incorporated under
name of the county council of the county,
e case may be, with perpetual succession
a common seal.
e county council under that name may
or be sued, purchase, take, hold, and dis-
of lands and other property for the
oses of and subject to the provisions of
Act.
l deeds granted by a county council shall,
ddition to being sealed, be signed by two
bers of the council and by the county
.

XXXIII. *Proceedings of county council.*—(1.)
ounty council shall, subject to the pro-
ns of this Act, transact their business
uding the hearing of appeals against or
ications to be relieved from payment of
s) by means of general meetings of their
y or committees as the council may think
dient. But the council shall not delegate
power of raising money by rate or loan:
vided that nothing in this Act shall de-
te from the provisions of the Contagious
ases (Animals) Acts in regard to the ap-
tment on committees under the said Acts
persons not being members of the local
ority thereunder.

.) There shall be not less than three general
tings of the council annually, that is to
in the months of May and October, and on
days in these months as the county
ncil may from time to time determine, and
he third Tuesday of December.
rovided that the first meeting of the county
ncil in the year one thousand eight hundred
ninety, for the ordinary discharge of its
ies, shall take place on the first Thursday
r the appointed day.
he general meeting in the month of May
l be deemed to come in place of the annual
utory meeting of the commissioners of
ply at the passing of this Act held in the
ths of April or May; and the general
ting in the month of October shall be
med to come in place of the general or ad-
ned meeting of the commissioners of supply
the annual general meeting of county road
tees at the passing of this Act held in the
ths of September or October.

(3.) The quorum of the county council shall, unless the council with the consent of the Secretary for Scotland otherwise determine, be one fourth of the whole number of the council.

(4.) A county council may act notwithstanding any vacancy or vacancies caused by insufficient election or otherwise, provided that a quorum exists.

(5.) The ordinary day of election of the convener of the county shall be the third Tuesday of December in each year. The election of convener shall be the first business transacted on the day of election.

In the absence from any meeting of the convener and vice-convener of the county, such councillor as the councillors present shall choose shall be chairman of the meeting.

The chairman of a meeting shall have a casting vote as well as a deliberative vote; and when on the selection of the chairman of the meeting an equal number of votes is given for two or more persons, the meeting shall determine by lot which of these persons shall be the chairman of the meeting.

(6.) Where under any Act excepting the Police Act, 1857, relating to any business, powers, duties, or liabilities wholly or partly transferred by or in pursuance of this Act to the county council, provision is made for the appointment of any board, committee, or commissioners consisting wholly or partly of commissioners of supply, the county council shall annually appoint county councillors in lieu of the said commissioners of supply as the case may be; and the boards, committees, or commissioners constituted under the said Acts, as amended by this Act, shall have and discharge the powers and duties and be subject to the debts and liabilities conferred or imposed or resting upon them under the said Acts amended as aforesaid.

(7.) The county council may, subject to the provisions of this Act, make, vary, and revoke such regulations as they think fit with respect to the summoning, notice, time, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of their business.

(8.) The councillors or members of district committees appointed to represent a burgh or an electoral division consisting of a police burgh or part of a police burgh shall not act or vote in respect of any matters involving expenditure to which such burgh does not contribute or for which the lands and heritages in such burgh or police burgh are not assessed.

LXXIV. *Proceedings of committees.*—(1.) A county council appointing under this Act any committee may from time to time, subject to the provisions of this Act, make, vary, and revoke regulations respecting the quorum and proceedings of such committee; but, subject to such regulations, the proceedings and quorum and the place of meeting, whether within or without the county, shall be such as the committee may from time to time direct, and the chairman at any meeting of the committee shall have a casting vote as well as a deliberative vote.

(2.) Every committee shall report its proceedings to the county council by whom it was appointed.

LXXV. *Payments out of county fund and appointment of finance committee.*—(1.) All payments to and out of the county fund shall be made to and by the county treasurer, and all payments out of the fund shall, unless made in pursuance of the specific requirement of an Act of Parliament or of a decree of a competent court, or on the requisition of any district committee or standing joint committee, or for the periodical payment of salaries and wages, be made in pursuance of an order of the council signed by three members of the finance committee and countersigned by the county clerk, and the same order may include several payments. Moreover, all cheques for payment of moneys shall be signed by two members of the finance committee and be countersigned by the county clerk or by a deputy approved by the council.

(2.) Any such order may be stayed by note of suspension in the Bill Chamber, and may be wholly or partly disallowed or confirmed with or without expenses.

(3.) Every county council shall annually appoint a finance committee for regulating and controlling the finance of their county; and an order for the payment of a sum out of the county fund, whether on account of capital or income, shall not, save in the cases mentioned in the first sub-section of this section, be made by a county council except in pursuance of a resolution of the council passed on the recommendation of the finance committee, and any expenses, debt, or liability exceeding fifty pounds shall not, save as aforesaid, be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee.

(4.) The notice of the meeting of the county council at which any resolution for the payment of a sum exceeding fifty pounds out of the county fund, or any resolution for incurring any expenses, debt, or liability exceeding fifty pounds, will be proposed, shall state the amount of the said sum, expenses, debt, or liability, and the purpose for which they are to be paid or incurred.

*Joint Committees.*

LXXVI. *Appointment of joint committees.*—(1.) Any county councils or county councils and town councils may from time to time join in appointing out of their respective bodies a joint committee for any purpose of this Act in respect of which they are jointly interested.

(2.) Any council taking part in the appointment of any joint committee may from time to time delegate to the committee any power which such council might exercise for the purpose for which the committee is appointed.

(3.) Provided that a council shall not be entitled to delegate to a joint committee any power of raising money by rate or loan.

(4.) Subject to the powers of delegation, any such joint committee shall, in respect of any matter delegated to it, have the same power in all respects as the councils appointing it, or any of them, as the case may be.

(5.) The members of a joint committee shall be appointed at such times and in such manner as may be from time to time fixed by the council who appointed them, and shall hold office for such time as may be fixed by such council.

(6.) The number of members of a joint committee to be appointed by each council shall be fixed by arrangement.

(7.) The joint committee shall from time to time elect a chairman who shall hold office for such period as shall be fixed at the time of his election, and in the case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot. The chairman shall have a casting vote as well as a deliberative vote.

(8.) The costs of a joint committee shall be defrayed by the councils by whom any of its members were appointed in the proportion agreed to by them. The proportion of the costs falling to be defrayed by any county council or town council shall be paid out of the county fund or burgh fund, as the case may be, and shall be provided for by a rate to be imposed and levied as nearly as may be in the same manner and subject to the same provisions as if the costs had been incurred by the county council or by a district committee, or by the town council, as the case may be.

(9.) The councils appointing a joint committee may jointly from time to time make, vary, and revoke regulations respecting the quorum and proceedings and place of meeting of the joint committee.

(10.) For the purposes of this section town council shall include police commissioners of a burgh or police burgh.

*Districts and District Committees.*

LXXVII. *Division of county into districts for roads and public health purposes.*—In order to give effect to the provision of this Act that (except as hereinafter provided) every county shall be divided into districts for the purposes of the management and maintenance of highways, and the administration of the laws relating to public health, there shall be enacted the following provisions:—

(1.) The county council shall at their first meeting in the month of May next after the passing of this Act, and thereafter from time to time, divide the county into districts for the purposes in this section mentioned in such manner that each district shall comprise a group of electoral divisions, and that each parish, so far as within the county, shall be wholly included in one district. Provided always that such division into districts shall not be made if it shall appear to the county council unnecessary or inexpedient in the case of a county containing fewer than six parishes, or which has not been divided into dis-

tricts for the purposes of the management and maintenance of highways therein.

) ) Each district shall have the same contents and boundaries for all the purposes in this section mentioned.

XXVIII. *Constitution of district committee.* enever, for the purposes of this Act, a ty is, as hereinbefore provided, divided districts, the following provisions shall effect with respect to the constitution of istrict committee for each district:

) ) The district committee shall consist of the county councillors for the electoral divisions comprised in the district, together with one representative from the parochial board of each parish comprised or partly comprised therein, and one representative of each burgh within the meaning of the Roads and Bridges (Scotland) Act, 1878, where the management and maintenance of the highways within the burgh have, under the provisions of the last-mentioned Act, been transferred to the county. Provided that in the case of parishes partly landward and partly burghal the representative from every such parish shall be a ratepayer within the meaning of this Act.

) ) The representatives of the parochial boards and burghs as aforesaid shall be appointed from time to time by their respective boards and town councils, and their appointment shall be forthwith intimated in writing to the county clerk, and, after his appointment as hereinafter provided, to the clerk of the district committee. Each such representative shall hold office until the appointment of his successor has been duly intimated.

) ) Provided that where a county is not divided into districts the powers and duties and liabilities of a di trict committee under this Act shall devolve upon the county council, and for the purposes of the management and maintenance of highways, and the administration of the laws relating to public health, the following persons shall be deemed to be county councillors; that is to say, one representative from a parochial board of each parish comprised or partly comprised within the county, and one representative of each burgh within the meaning of the Roads and Bridges (Scotland) Act, 1878, where the management and maintenance of the highways within the burgh have, under the provisions of the last-mentioned Act, been transferred to the county; and the provisions of the immediately preceding subsection shall apply to those representatives.

XXIX. *Powers and designation of district mittee.*—Each district committee shall have may exercise all the powers and duties be subject to all the liabilities transferred r conferred upon it, as the case may be, by or in pursuance of but subject to the provisions of this Act, and shall be designated according to the district within which it acts, and may sue and be sued under that designation.

LXXX. *Proceedings of district committee.*—The first meeting of a district committee shall take place as soon as may be after the thirty-first day of May next after the passing of this Act, and shall be called by the county clerk by circular addressed to each member whose appointment has been intimated to him. The committee may act notwithstanding any vacancy upon it. For the purpose of the regulation of its quorum and proceedings a district committee shall be deemed to be a committee of the county council.

Provided that a district committee may from time to time elect a chairman who shall hold office for such period as shall be fixed at his election, and in the case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot. The chairman shall have a casting vote as well as a deliberative vote. A district committee shall have power to appoint and remove a district clerk and district treasurer, if need be, and, subject to the approval of the county council, to fix the salary which shall be payable to them.

LXXXI. *Provision for special drainage or water supply districts.*—With respect to special drainage districts or special water supply districts the following provisions shall have effect:—

(1.) Where a special drainage district or special water supply district has been formed in any parish under the Public Health Acts, the district committee may, subject to regulations to be from time to time made with the consent of the county council, appoint a sub-committee for the management and maintenance of the drainage or water supply works, and such sub-committee shall in part consist of persons, whether members of the district committee or not, who are resident within the special drainage district or special water supply district;*

(2.) Where a special drainage district or special water supply district is partly within a county and partly within a burgh or police burgh, the sub-committee appointed under the immediately preceding sub-section and such number of the town council or police commissioners (as the case may be) of such burgh or police burgh as failing agreement the Secretary for Scotland may determine having regard to all the circumstances of the case, shall be charged with the management and maintenance of the drainage or water supply works within such special district, and the determination of the Secretary for Scotland may provide for the regulation of the proceedings

* Amended by § 44 (9.) of the Local Government Act, 1894 (57 and 58 Vict., c. 58).

and for the allocation and payment of the expenses incurred under this sub-section;

(3.) Where a special drainage district or special water supply district is wholly within a police burgh formed after the passing of this Act, the police commissioners of such police burgh shall become the local authority under the Public Health Acts for such special district, and the assessments in respect of the drainage and water supply shall be levied in the same manner as they were before such district was formed into a police burgh.

LXXXII.—*Payments to and by district committee.*—All sums passed by the county council to the account of any district committee shall be paid into an account to be kept in name of the district committee with an incorporated or joint stock bank (including any branch thereof) for that purpose appointed by the county council; and all cheques on such account shall be signed by two members of the district committee nominated for that purpose by the committee, and be countersigned by the district clerk.

*Officers.*

LXXXIII. *Clerk of the county council.*—(1.) The clerk of supply in office at and after the passing of this Act shall, subject to the provisions of this Act, discharge all the duties of county clerk until the appointed day, and upon such day the clerk of supply in office shall become the clerk of the county council (in this Act referred to as the county clerk or clerk of the county council), and shall continue in office for twelve months after the first meeting of the council, unless he shall sooner vacate office by death, resignation, or disqualification. At the expiration of such period he shall continue in office during the pleasure of the county council.

(2.) In addition to any other rights and duties conferred or imposed on him by the council, the county clerk shall, after the appointed day and subject to the provisions of this Act, have and discharge the rights and duties now belonging to or devolving on the clerk of supply and county road clerk, and all things authorised or required to be done by or to the clerk of supply and county road clerk may be done by or to the county clerk.

Provided that the county council may continue in office the county road clerk in office at the appointed day, and such county road clerk shall act as county clerk in so far as regards the administration of the laws relating to highways, and after he ceases to hold office his duties as aforesaid shall devolve on the county clerk.

Provided also that the county council may appoint any assessor (not being an officer of Inland Revenue) in office at the appointed day to be collector of the consolidated rates.

(3.) Subject to the provisions of sub-section (1.) of this section, the county council may from time to time appoint a county clerk, treasurer, collector or collectors, assessors, surveyors, and such other inspectors, officers and servants as may be necessary and proper for the efficient execution of the duties of the county council, and may make regulations with respect to the duties of such county clerk, treasurer, collectors, assessors, surveyors, inspectors, officers, and servants. It it is deemed expedient one person may be appointed to fill two or more offices, and two or more persons may be appointed jointly to fill one office.

Provided that where the assessor is an officer of Inland Revenue any regulations made by the county council with respect to his duties shall be subject to the approval of the Treasury.

(4.) After the passing of this Act it shall not be lawful to appoint an officer of Inland Revenue to be assessor without the previously obtained consent of the Treasury, and an appointment made without such consent shall have no force or effect: Provided that such consent shall not be necessary in the case of the reappointment as assessor for any county or burgh of any officer of Inland Revenue, who is at the passing of this Act assessor for such county or burgh.

(5.) It shall not be lawful to appoint a county councillor or the partner in business of a county councillor to any office or place of profit under the county council or any committee in this Act mentioned; and the disqualification shall apply to any person and his partners in business during six months next after such person has ceased to be a county councillor.

(6.) The council shall pay to the county clerk, county road clerk, district clerk, treasurer, collectors, assessors, surveyors, inspectors, officers, and servants continued appointed or employed by them or by any district committee, such reasonable salaries, wages, or allowances as they think proper, and every such county clerk, county road clerk, district clerk, treasurer, collector, assessor, surveyor, inspector, officer, and servant shall, subject to the provisions of this Act, hold office during the pleasure of the council or district committee, as the case may be, by which he was appointed.

Provided that where the assessor is an officer of Inland Revenue the amount of the salary, wages, or allowances awarded to him shall be subject to the approval of the Treasury.

(7.) The council may at any time discontinue the appointment of any inspector, officer, or servant appearing to them not necessary to be reappointed; and may from time to time make such arrangements as they think necessary as to the offices required to be created or abolished.

LXXXIV. *Duties of the clerks of the peace.*—The clerk of the peace in office at the passing of this Act shall, so long as he holds office but without any additional remuneration therefor, act as clerk of the county council in so far as regards any business by this Act transferred from the justices of the peace assembled as hereinbefore mentioned to any

in the county council, and after he to hold office his duties as aforesaid devolve on the county clerk, and there- all things authorised or required to be by or to the clerk of the peace in regard h business may be done by or to the clerk. When so acting the clerk of the shall act under the direction of the council.

*As to School Fees.*

XXV. *Payment of school fees from certain ments.* — Wherever, under any scheme, ional order, deed, or instrument, funds ocated for the payment of school fees in tate-aided school in any standard of the Education Code, for which no school may hereafter be exacted, such funds after the passing of this Act, be applied t to regulations to be from time to time by the governing body under such e, provisional order, deed, or instrument, the approval of the Scotch Education tment.

vided that nothing in this Act shall e any scholar of any advantage under cheme, Provisional Order, deed, or in- ent other than the payment of school

vided also, that nothing in this Act shall lice or affect any application to the of Session under any scheme or Pro- al Order, or under the twentieth section e Educational Endowments (Scotland) 1882.

XXVI. *Compensation to certain teachers for f school fees.*—If under the provisions of Act, or of anything made or done in pur- e thereof, any teacher appointed pre- ly to the passing of the Education (Scot- Act, 1872, shall be prejudiced in any to school fees possessed by him at the ng of this Act, he shall, after the passing is Act, be entitled to receive from the l board compensation in respect of any so sustained by him, and such compensa- failing agreement, may be determined y by the sheriff, and shall be payable out e school fund.

XXXVII. *Amendment as to fixing school fees.* ction fifty-three of the Education (Scot- ) Act, 1872, shall, from and after the ing of this Act, be read and have effect as ter the words "public schools" therein e were inserted the words "and subject to provisions contained in the Scotch Educa- Code, or in any minute of the Scotch cation Department submitted to Parlia- t."

XXXVIII. *Payment of school fees by par- al boards abolished.*—After the passing of Act there shall be repealed—

(1.) Section sixty-nine of the Education (Scotland) Act, 1872, after the words "years of age"; and

(2.) Section twenty-two of the Education (Scotland) Act, 1878.

*As to Expenses of Justices, &c.*

LXXXIX. *Expenses of justices, &c. to be payable out of county fund.*—All expenses lawfully incurred by the quarter sessions or the justices out of sessions or the commissioners of supply of a county shall, so far as they are at the passing of this Act payable out of the county general assessment, continue to be so payable, and the county council of the county shall make provision for such payment accordingly.

*As to Land and Buildings.*

XC. *Transfer of land, &c.*—All land and buildings, roads and bridges, drainage and water supply works, and all other heritable subjects with their pertinents now vested in the commissioners of supply or county road trustees of any county or in any local authority under the Public Health Acts, in so far as their powers are by this Act transferred to the county council, or in any person on their behalf, and all interest in the same for any of the uses and purposes of the county or any division or district of the county or of any parish therein shall, on the appointed day and without any new instrument or conveyance, but subject to the provisions of this Act be transferred to and vested in that council for the same interests and purposes, and subject to the same conditions and restrictions for and subject to which the same are held by such commissioners of supply, county road trustees, local authority, or person on their behalf.

*Provisional Orders.*

XCI. *Regulations as to provisional orders.*—With respect to provisional orders authorised to be made by the Secretary for Scotland under this Act the following enactments shall be made:—

(1.) The Secretary for Scotland shall not make any provisional order unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates, and in the Edinburgh Gazette:

(2.) Before making any such provisional order the Secretary for Scotland shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(3.) The Secretary for Scotland may submit to Parliament for confirmation any provisional order made by him in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:

(4.) If while the Bill confirming any such order is pending in either House of

Parliament a petition is presented against any order comprised therein, the Bill, in so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills:

(5.) The making of a provisional order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken before the making of such order have been complied with:

(6.) Every Act confirming a provisional order made by the Secretary for Scotland under this Act shall be a Public General Act.

*Time.*

XCII. *Computation of time.*—Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a Sunday, Christmas Day, or Good Friday, or a public holiday, or a day appointed for public fast, humiliation, or thanksgiving, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified; but in reckoning clear days for the purposes of this Act, the days in this section specified shall not be excluded.

*Power of Secretary for Scotland.*

XCIII. *Local inquiry, &c.*—(1.) Where the Secretary for Scotland is authorised or required by this Act to make any inquiry, to make or confirm any order or byelaw, or to give any consent, sanction, or approval to any matter, to determine any difference, or make any adjustment, or otherwise to act under this Act, he may or shall, as the case may be, cause a local inquiry to be held by any person nominated by a writing under his hand, and such person shall be entitled to summon witnesses and examine them on oath, and call for the production of books, documents, and accounts.

(2.) Where any matter is authorised or required by this Act to be prescribed, and no other provision is made declaring how the same is to be prescribed, the same shall be prescribed from time to time by the Secretary for Scotland.

(3.) Where the Secretary for Scotland causes any local inquiry to be held under this Act, the costs incurred in relation to such inquiry, including the remuneration of any person appointed to hold the same, not exceeding three guineas a day, shall be paid by the councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Secretary for Scotland may direct, and the said Secretary may certify the amount of the costs incurred, and any sum so certified shall be a debt to the Crown from the council or authority directed to pay the same.

*Legal Proceedings.*

XCIV. *Recovery and application of penalties.*—Any offence against the provisions of this Act or of any byelaw made thereunder may be prosecuted, and any fine or penalty, together with the expenses of process, may be recovered at the instance of the procurator fiscal of court or of the county clerk, before the sheriff or any two justices of the peace under the provisions of the Summary Jurisdiction Acts.

Every prosecution shall be begun within six months after the offence was committed or the fine or penalty incurred.

Every fine or penalty shall be paid into the county fund and applied as the county council shall determine.

Every person found liable in any fine or penalty recoverable summarily under this Act shall, failing payment thereof, with expenses, immediately or within a specified time, as the case may be, be liable to be imprisoned in terms of sub-section (*b.*) of section six of the Summary Jurisdiction (Scotland) Act, 1881.

*Savings.*

XCV. *Saving for votes at any parliamentary elections.*—Nothing in this Act, nor anything done in pursuance of this Act, shall alter the limits of any parliamentary county or burgh or division, or the right of any person to be registered as a voter or to vote at any parliamentary election, or the limits within which the valuation roll for a county or burgh is made up as at the passing of this Act, or the right of assessing for the cost of making up such valuation roll or the register of parliamentary voters for any county or division of burgh.*

XCVI. *Saving for teinds and ecclesiastical arrangements.*—Nothing in this Act, nor anything done in pursuance of this Act, shall alter any right to or affecting teinds or any ecclesiastical arrangements or jurisdictions.*

XCVII. *Saving for divisions and consolidation arrangements under* 20 *&* 21 *Vict. c.* 72.—Nothing in this Act contained shall be held to abrogate or repeal the division of any county into divisions or districts made under and by virtue of the powers contained in sections fifty-eight, fifty-nine, and sixty of the Police Act, 1857, or the consolidations of county and burgh police establishments which have been made under and by virtue of the powers contained in sections sixty-one and sixty-three of the same Act, or the power of making such divisions or consolidations after the passing of this Act, or the mode of assessing therefor.

XCVIII. *Saving as to extension of burghs.*—Nothing contained in this Act or done in pursuance thereof shall prejudice or affect any application to Parliament for the extension of the boundaries of any burgh or the grounds of opposition to such an application.

XCIX. *Saving as to formation of police burghs.*—Nothing in this Act shall interfere with the formation of police burghs under the provisions of the General Police and Improvement (Scotland) Act, 1862; and on the formation of any police burgh the commissioners of police thereof shall become the local authority therein under the Public Health Acts, subject to adjustment by the sheriff in regard to the pro-

* By § 46 of the Local Government Act, 1894 (57 and 58 Vict., c. 58), the above sections are amended as if the words "this Act" mean "the Local Government (Scotland) Acts."

y and debts and liabilities affected by such ge:. Provided always, that unless and the determination as to the number of ty councillors and of electoral divisions is ed under the provisions of this Act, any e burgh formed after the passing of this shall in all other respects remain a part of parish in which it is situated, and shall be entitled to be an electoral division of county.

*Saving for existing securities and discharge bts.*—Nothing in this Act shall prejudici- affect any securities granted before the ing of this Act on the credit of any rate or erty by this Act transferred to a county cil; and all such securities, as well as all cured debts, liabilities, and obligations lully incurred by any local authority, body, erson, in the exercise of any powers or in ion to any property transferred from them e county council under this Act, shall be narged, paid, and satisfied by the council.

*Saving for pending actions, &c.*—(1.) If at passing of this Act any action or proceed- or any cause of action or proceeding, is ding or existing by or against any author- in relation to any powers, duties, liabili- or property by this Act transferred to county council, the same shall not be in vise prejudicially affected by reason of the ing of this Act, but may be continued, ecuted, and enforced by or against the ty council as successors of the said author- in like manner as if this Act had not been ed.

) All contracts, deeds, bonds, agreements, other instruments entered into or made subsisting at the time of the transfer in section mentioned, and affecting any such ers, duties, liabilities, or property of any ority as are by this Act transferred to a ty council, shall be of as full force and t against or in favour of the council, and be enforced as fully and effectually as if, ead of the authority, the said council had a party thereto.

II. *Saving as to land tax, &c.*—Nothing in Act, nor anything done in pursuance of Act, shall alter the quota of land tax now able by any county or burgh, or transfer to unty council any powers as commissioners he land tax, except for the purposes of any l and personal Act of Parliament, or shall held to derogate from the provisions of ions two and four of an Act passed in the nth and eighth years of the reign of his Majesty King George the Fourth, chapter nty-five, intituled "An Act to appoint missioners for carrying into execution eral Acts granting an aid to his Majesty by nd tax to be raised in Great Britain, and tinuing to his Majesty certain duties on sonal estates, offices, and pensions in Eng- l." Provided that any question as to the sion and allocation of the old valued rent ands shall hereafter be determined by the riff whose determination (which shall be l) shall be recorded in the sheriff court books, and shall form the rule of payment subsequent to its date.

*Definitions.*

CIII. *Definition of "written."*—All notices and documents required by this Act to be in writing may be in writing or print, or partly in writing and partly in print, and for the purpose of this section "print" includes any mechanical mode of reproduction.

CIV. *Definition of "population."*—Wherever in this Act reference is made to the population of burghs or police burghs, such reference shall be deemed to be made to the population according to the Census of 1881, unless it shall be established to the satisfaction of the Secretary for Scotland within ten days after the passing of this Act that in the case of any burgh or police burgh it has a larger population as at the passing of this Act, and in any such case such reference shall be taken to be to the larger population so established.

CV. *Interpretation of certain terms.*—In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say—

The expression "county" means a county exclusive of any burgh wholly or partly situate therein, and does not include a county of a city.

The expression "burgh" means any royal or parliamentary burgh.

The expression "police burgh" means a populous place, the boundaries whereof have been fixed and ascertained under the provisions of the General Police and Improvement (Scotland) Act, 1862, or of the Act first therein recited, or under the provisions of any local Act.*

The expression "parish" means a parish *quoad civilia* for which a separate parochial board is or can be appointed, and where part of a parish is situate within and part of it without any county or other area, includes each such part.

The expression "Highlands and Islands of Scotland" shall mean the counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney, and Zetland.

The expression "Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "Bank of England" means the Governor and Company of the Bank of England.

The expression "sheriff" means the sheriff of the county, and includes sheriff-substitute.

The expression "assessor" means the assessor acting under the Registration Acts, or the Valuation Acts, as the case may be.

The expression "Public Health Acts" means the Public Health (Scotland) Act, 1867, and any Acts amending the same, and shall include section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by section nine of the Contagious Diseases (Animals) Act, 1886.

The expression "Registration Acts" means the Acts regulating the registration of parliamentary electors.

The expression "the Valuation Acts" means

* This definition of "Police Burgh" repealed by the Local Government Act, 1894 (57 and 58 ., c. 58), and the definition in the Burgh Police Act, 1892 (55 and 56 Vict., c. 55) substituted.

the Act of the seventeenth and eighteenth Victoria, chapter ninety-one, and any Acts amending the same.

The expression "Contagious Diseases (Animals) Acts" means the Contagious Diseases (Animals) Act, 1878, and any Acts amending the same.

The expression "Summary Jurisdiction Acts" means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same.

The expression "Police Act, 1857," means the Act of the twentieth and twenty-first Victoria, chapter seventy-two.

The expression "existing" means existing at the time specified in the enactment in which the expression is used, and if no such time is expressed, then at the day appointed to be for the purpose of such enactment the appointed day.

The expression "person" includes any body of persons whether corporate or unincorporate.

The expression "ratepayer" means any owner or occupier liable in payment of any rate imposed under or in pursuance of this Act.

The expression "owner" has the same meaning as the expression "proprietor" has in the Valuation Acts, and shall not include a crofter within the meaning of the Crofters' Holdings (Scotland) Act, 1886.

The expression "property" includes all property, heritable and movable, and all interests therein.

The expression "powers" includes rights, jurisdictions, capacities, privileges, and immunities.

The expression "duties" includes responsibilities and obligations.

The expression "liabilities" includes liability to any proceeding for enforcing any duty, and all debts and liabilities to which any authority are or would be, but for the passing of this Act, liable or subject, whether accrued due at the date of the transfer by this Act effected or subsequently accruing, and including any obligation to carry or apply any money to any sinking fund, or to any other particular purpose.

The expression "costs" includes expenses.

The expression "rate" includes assessment.

The expression "pension" includes any superannuation allowance, gratuity, or other payment made on the retirement of any officer.

## PART IX.

### Transitory Provisions.

*General Provisions as to First Elections.*

CVI.—*Preliminary action of county councillors as provisional council.*—(1.) The members of a county council first elected under this Act shall not enter on their ordinary duties or become the county council until the fifteenth day of May next after their election, or such other day as on the application of the provisional council the Secretary for Scotland may appoint.

(2.) Such members shall, on the second Thursday next after the day fixed for the first election, and thenceforward from time to time until the day above mentioned in this section, meet and act as a provisional council for arranging to bring this Act into operation.

(3.) The provisional councillors shall at their first meeting elect one of their number to be chairman of that meeting and of the second meeting, and shall at their second meeting, or some adjournment thereof, proceed to elect as their chairman a person qualified to be convener of the county, and may from time to time fill up any vacancy in the office of such chairman, and the person elected chairman shall be chairman of the provisional council, and also on and after the appointed day convener of the county, and the term of office of such convener shall end on the next ordinary day of election of convener.

(4.) This enactment shall extend to the vice-chairman.

CVII. *First proceedings of provisional council.*—(1.) The provisional council after disposing of the preliminary business shall proceed to provide for bringing the various provisions of this Act into full operation on the appointed day or days, and to make the necessary arrangements with the several authorities whose powers and duties are transferred to them, and with reference to the distribution of duties among the different officers, and to provide for all matters which appear necessary or proper for enabling the county council as constituted under this Act to discharge their duties, and for giving full effect to this Act.

(2.) The provisions of this Act with respect to the proceedings of the county council, shall apply to the proceedings of the provisional council, and any act of the provisional council may be signified under the hand of the chairman and any two members of the council present at the meeting, and countersigned by the officer acting as their clerk.

(3.) The provisional council of a county shall be entitled to use the county buildings of that county, so that they do not interfere with the holding of any court or any meeting of commissioners of supply or county road trustees, and the clerk of supply shall act as the officer of such provisional council, and farther the provisional council may from time to time hire such buildings and appoint such interim officers as appear to them necessary for the performance of their duties, and the costs incurred in the hiring of such buildings and payment of such officers or otherwise in the performance of their duties shall be defrayed as costs properly incurred by the county council. And until such time as the said costs can be paid out of the county fund established under this Act they may be provided for on the security of the said fund, without any other authority or consent than a resolution of the provisional council, by advance from any incorporated or joint stock bank or person willing to make the same.

(4.) There shall be paid out of the general purposes rate to the clerk of the county such reasonable remuneration as the county council may award for extra services rendered by him in bringing this Act into operation, and in

g as such clerk, until his salary for acting ch clerk is fixed in manner provided by ct.

The quarter sessions, commissioners of y, county road trustees, and other rities shall, by the appointment of com- es, or the holding of sessions and ngs, and otherwise, make such provisions necessary or proper for making arrange- s with the provisional council for carrying Act into effect; and the quarter sessions, missioners of supply, county road trustees, other authorities aforesaid may, after the inted day, meet in like manner as if this had not passed, for the purpose of ving reports from the committees and ty officers for the period subsequent to ast quarter sessions or meeting of com- oners of supply or county road trustees other authorities, and prior to the inted day, and for otherwise concluding winding up their business.

III. *Power of Secretary for Scotland to dy defects.*—(1.) If from any cause there is turning officer able to act in any county e first election of a county council, or no ter of county electors properly made up, p proper election takes place, or an election n insufficient number of persons takes , or any difficulty arises as to holding the election of county councillors, or as to irst meeting of a provisional council, the etary for Scotland may by order appoint urning officer or other officer, and do any er or thing which appears to him necessary he proper holding of the first election and he proper holding of the first meeting of provisional council, and may, if it appears im necessary, direct a new election to be , and fix the date for such new election, or authorise the provisional council to meet transact business notwithstanding any ncies in their number. Any such order modify the provisions of this Act and the tments applied by this Act so far as may ar to the Secretary for Scotland necessary he proper holding of the first election and meeting of the provisional council.

.) The Secretary for Scotland, on the lication of a county council or provisional ncil, may within six months after the day d for the first election of councillors of h council, from time to time, make such ers as appear to him to be necessary for ging this Act into full operation as ects the council so applying, and such ers may modify any enactment in this or other Act, whether general or local and sonal, so far as may appear to the Secretary Scotland necessary for the said purpose.

.) The Secretary for Scotland may, if he ll think fit, cause such steps to be taken as considers necessary for having the registers county electors made up.

IX. *Special provision as to certain ex-officio ncillors at the first election.*—The following sons shall, in addition to the councillors cted as hereinbefore mentioned, be councillors of the county council in the same manner as if they had been elected to that office at the first election in pursuance of this Act, that is to say, the persons who are, at the date of such first election, lieutenant of the county, convener of the county, chairman of the county road trustees, and chairman of the local authority of the county under the Contagious Diseases (Animals) Act, 1878, but where there is no permanent chairman of road trustees in any county one person shall be elected by the commissioners of supply an ex-officio member in place of such permanent chairman.

(1.) If more than one of the offices in this section mentioned are held by the same person, the commissioners of supply of the county may nominate, at any meeting held before the appointed day, one, two, or three of their own number, as the case may be, who shall be entitled to act as county councillors under this section.

(2.) A person entitled to act as a county councillor under this section shall be a member of the district committee of the district within which the premises in respect of which he is registered as a county elector are situated.

(3.) The persons entitled to act as county councillors under this section shall cease to hold office at the first retirement of councillors under this Act.

*Appointed Day.*

CX. *Appointed day.*—(1.) Subject as in this Act mentioned, the appointed day for the purposes of this Act shall in each county be the fifteenth day of May next after the passing of this Act, or such other day, earlier or later, as the Secretary for Scotland (but after the election of county councillors for such county on the application of the provisional council or county council) may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections or for different counties.

(2.) Any enactment of this Act authorising anything to be done by the Commissioners of Inland Revenue or the Secretary for Scotland, or relating to the registration of county electors, or to the elections, or to any matter required to be done for the purpose of bringing this Act into operation on the appointed day, shall come into effect on the passing of this Act; but, save as aforesaid, and save so far as there may be anything in this Act inconsistent herewith, any enactment of this Act shall come into operation on the appointed day.

*Postponement of Registration in* 1889.

CXI. *Postponement of registration in* 1889.—During the year one thousand eight hundred and eighty-nine, the Registration Acts shall be read and construed as regards every county with the substitution of "October" fo

"August," of "November" for "September," and of "December" for "October."

Provided that in any burgh in which the preparation of the municipal register is dependent on the preparation of the parliamentary register of the county within which it is situated for parliamentary purposes, the municipal register in force at the passing of this Act shall remain in force until the thirty-first day of October one thousand eight hundred and ninety, and no municipal register shall be prepared and made up for such burgh during the year one thousand eight hundred and eighty-nine. The municipal election in such burgh shall take place on the first Tuesday of November one thousand eight hundred and eighty-nine as if the municipal register continued in force by this section had been prepared and made up in the usual manner.

*Transitional Proceedings.*

CXII. *Current rates.*—(1.) Every rate and requisition for sums of money made before the appointed day may be levied and collected, and proceedings for the enforcement thereof taken in like manner as nearly as may be as if this Act had not passed.

(2.) The accounts of all receipts and expenditure before the appointed day shall be audited and other consequential proceedings had in like manner as nearly as may be as if this Act had not passed, and every officer whose duty it is to make up any accounts, or to account for any portion of the receipts and expenditure in any account shall, until the audit is completed, be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts as before the appointed day.

CXIII. *Transitory provisions as to district lunacy boards, &c.*—The representatives of any county on a district lunacy board, or a visiting committee of a prison, and any visitors of a public, private, or district lunatic asylum appointed by the justices of the peace holding office on the appointed day, shall continue to hold office until the expiration of one week after the county council have elected representatives and visitors for the like purposes, and no longer; and the representatives and visitors elected by the county council shall come into office at the expiration of the said week.

CXIV. *Transitory provisions as to police committee of county.*—The members of the police committee of a county holding office at the appointed day shall continue to hold office until the thirty-first day of May next after the first election of county councillors under this Act, and no longer; and the standing joint committee appointed in pursuance of this Act shall thereupon come into office as the police committee.

CXV.—*Transitory provisions as to Contagious Diseases (Animals) Acts.*—The members of the executive committee of the local authority under the Contagious Diseases (Animals) Acts, and of any other committee of such local authority holding office on the appointed day, shall continue to hold office until the expiration of one week after the county council shall have appointed an executive committee under the said Acts, and no longer; and thereupon the executive committee appointed by the county council shall come into office and shall possess all the powers and discharge all the duties previously belonging to any other committee under the said Acts, unless and until any such other committee is appointed by the county council.

CXVI. *Transitory provisions as to county road board and district road committees.*—The members of a county road board and of any district road committee holding office at the appointed day shall continue to hold office until the thirty-first day of May next after the first election of county councillors under this Act, and no longer; and thereupon the county road board and district road committees appointed or constituted under this Act shall come into office.

CXVII. *Transitory provisions as to public health local authorities.*—The members of a local authority of a parish under the Public Health Acts holding office at the appointed day shall continue to hold office until the thirty-first day of May next after the first election of county councillors under this Act, and no longer; and thereafter the district committee constituted under this Act shall come into office.

*Existing Officers.*

CXVIII. *Existing officers and servants.*—(1.) All persons who at the appointed day hold office as treasurer, collector, assessor, inspector, or surveyor, or are officers of the commissioners of supply, county road trustees, local authority under any Act of Parliament, or quarter sessions or justices of the county, or are servants thereof and perform any duties in respect of the business transferred by or in pursuance of this Act to the county council, and also, but subject to the provisions of this Act, the clerk of supply and the county road clerk shall after the appointed day become the officers and servants of the county council.

(2.) Every person who, at the appointed day, is the chief or other constable of the police force of any county, or is an officer or servant employed in connexion with that force, shall, after the said day, be chief or other constable of the police force or an officer or servant of the same county under the provisions of this Act.

(3.) When any constable at the appointed day belongs to the police force of any burgh or police burgh which will by virtue of this Act cease to maintain a separate police force, such constable shall, after the said day, become a constable of the county police force, and the provisions of this Act with respect to officers of any authority who become officers of the county council shall apply to such constable.

XXIX. *As to officer transferred to county ncils.*—(1.) The officers and servants of any nority who held office at the passing of this , and who, by virtue of this Act, become ers and servants of a county council (in Act referred to as existing officers), shall l their offices by the same tenure, and upon same terms and conditions as if this Act not passed, and while performing the same ies shall receive not less salaries or re- neration, and be entitled to not less pen- s (if any) than they would have received een entitled to if this Act had not passed, when any such officer can only be re- ed with the consent of some specified nority, such consent shall be part of the ure of his office.

.) The county council may distribute the ness to be performed by existing officers nch manner as the council may think just, every existing officer shall perform such ies in relation to that business as may be cted by the council.

.) The county council may abolish the e of any existing officer whose office they deem unnecessary, but such officer shall ntitled to similar compensation under this as he would have been entitled to under former engagement.

.) The provisions of this section shall, sub- to the provisions of the Police Act, 1857, of this Act, apply to the chief and other stables of any police force, and to any ers employed in connection with such .

XX. *Compensation to existing officers.*—(1.) ry existing officer declared by this Act to ntitled to compensation and every other iting officer, whether before mentioned in Act or not, who, by virtue of this Act or hing done in pursuance of or in conse- ce of this Act, suffers any direct pecuni- loss by abolition of office, or by diminution oss of salary or fees, shall be entitled to compensation paid to him for such niary loss by the county council to whom powers of the authority whose officer he are transferred under this Act, regard g had to the conditions on which the intment was made, to the nature of his e or employment, to the duration of his ice, to any additional emoluments which cquires by virtue of this Act, or of any- g done in pursuance of or in consequence his Act, and to the emoluments which he t have acquired if he had not refused to pt any office offered by any council or r body acting under this Act, and to all other circumstances of the case, and the pensation shall not exceed the amount h, under the Acts and rules relating to Majesty's Civil Service, is paid to a person bolition of office.

) Every person who is entitled to com- ation, as above mentioned, shall deliver e county council a claim under his hand, ng forth the whole amount received and nded by him or his predecessors in office, in every year during the period of five years next before the passing of this Act, on account of the emoluments for which he claims compensation, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief: Provided that it shall not be competent for any person to make any claim for compensation after the expiration of two years after the passing of this Act.

(3.) Such statement shall be submitted to the county council, who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

(4.) If a claimant is aggrieved by the refusal of the county council to grant any compensation, or by the amount of compensation assessed, or if not less than one-third of the members of such council subscribe a protest against the amount of the compensation as being excessive, the claimant or any subscriber to such protest (as the case may be) may, within three months after the decision of the council, appeal to the Treasury, who shall consider the case and determine whether any compensation, and if so, what amount, ought to be granted to the claimant, and such determination shall be final.

(5.) Any claimant under this section, if so required by any member of the county council, shall attend at a meeting of the council and answer upon oath, which the convener or vice-convener may administer, all questions asked by any member of the council touching the matter set forth in the claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

(6.) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council on granting the compensation, or in case of appeal by the Treasury, and shall be a debt due to him from the county council, and may be enforced accordingly, in like manner as if the council had entered into a bond to pay the same.

(7.) If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other county council, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office.

(8.) All expenses incurred by a county council in pursuance of this section shall be paid out of the county fund as a payment for general county purposes.

(9.) For the purposes of this section county road clerks and district road clerks shall be deemed to be existing officers.

CXXI. *Repeal of Acts.*—All enactments inconsistent with this Act are hereby repealed; and in the case of every repeal under the provisions of this Act the following provisions shall have effect; that is to say,

(1.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act:

(2.) The repeal shall not affect—

(*a.*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under, or in accordance with any enactment hereby repealed; or

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*d.*) Any power, investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such power, investigation, legal proceeding, and remedy may be exercised and carried on as if this Act had not passed.

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## SCHEDULE.

### Local Taxation Licences.

Licences for the sale of intoxicating liquor for consumption on the premises:

Retailers of spirits (publicans).
Retailers of spirits (occasional licences).
Retailers of beer and cider.
Retailers of beer and wine.
Retailers of wine.
Retailers of sweets.

Licences for the sale of intoxicating liquor, by retail, by persons not licensed to deal therein, for consumption off the premises:

Retailers of spirits.
Retailers of beer and cider.
Retailers of wine.
Retailers of sweets.
Retailers of table beer

Licences to deal in game.

Licences for—

Beer dealers.
Spirit dealers.
Sweets dealers.
Wine dealers.
Dogs.
Killing game.
Guns.
Appraisers.
Auctioneers.
Tobacco dealers.
Carriages.
Armorial bearings.
Male servants.
Hawkers.
House agents.
Pawnbrokers.
Plate dealers.

# ACT OF PARLIAMENT

FOR THE

*ribution and Application of certain Duties of Customs and Excise; and for other purposes connected therewith.*—53 *and* 54 *Vict., cap.* 60.—[18*th Augus* 1890.]

hereas certain local taxation (customs and e)e) duties have by an Act of the present on been directed to be paid to the same t taxation accounts as the local taxation ate duty, and it is expedient to provide he distribution and application of the s so paid:

it therefore enacted by the Queen's most illent Majesty, by and with the advice and ent of the Lords Spiritual and Temporal, Commons, in this present Parliament as- bled, and by the authority of the same, as ws:—

*Application of English share of customs and e duties.*

. *Application of Scotch share of customs and e duties.*—Out of the Scotch share of the t taxation (customs and excise) duties paid he local taxation (Scotland) account on unt of any financial year—

) The sum of forty thousand pounds shall be applied for such purposes of police superannuation in Scotland as hereinafter mentioned;

) A sum not exceeding forty thousand pounds shall be applied in relief from the payment of school fees in the State-aided schools in Scotland, of children in the compulsory standards of the Scotch code, and shall be distributed in such manner and in accordance with such conditions as may be set forth for the present financial year in a minute of the Scotch Education Department to be forthwith laid before Parliament, and in every year subsequent to the present year in the Scotch Education Code annually submitted to Parliament; and

L) The residue shall, until Parliament otherwise determines, be diminished by any charge, or increased by any credit, pursuant to the provisions of the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, and distributed by the Secretary for Scotland—

(*a.*) To the amount of fifteen thousand pounds* as a contribution to the cost of medical officers and sanitary inspectors appointed under the Public Health (Scotland) Act, 1867, or under the Local Government (Scotland) Act, 1889, as the case may be, in such manner and according to such scale and regulations as may be prescribed by the Secretary for Scotland;

(*b.*) And, subject as aforesaid, among the county councils of counties and town councils acting as such or as police commissioners of burghs, and police commissioners of police burghs, in Scotland, in proportion to the respective valuations of such counties and burghs and police burghs as such valuations shall be ascertained by the Secretary for Scotland at the date of such distribution, the share falling to such councils and commissioners respectively to be applied to the relief of local rates levied by them respectively, in such manner as they may determine.

Provided nevertheless that the council of any such county or burgh and the Commissioners of any such police burgh may contribute any sum received by such council or commissioners (as the case may be) in respect of the said residue or any part of that sum for the purposes of technical education within the meaning of the Technical Schools (Scotland) Act, 1887, and may make that contribution over and above any sum that may be paid out of any school fund under that Act whether or not any such sum has been paid out of such fund.

III. *Application of Irish share of customs and excise duties.*

IV. *Distribution of sums for police superannuation in England and Scotland.*—(1.) Out of the annual sum applicable under this Act for police superannuation in England one hundred and fifty thousand pounds shall be paid to the receiver for the Metropolitan police district,

* For Schedule containing conditions and instructions as to distribution of this amount, *infra*

and applied in aid of the police superannuation fund for the Metropolitan police force.

(2.) The remaining half of the said annual sum shall be distributed among the police authorities of the other police forces in England other than the police force of the city of London, and the annual sum of forty thousand pounds applicable for police superannuation in Scotland shall be distributed among the police authorities of police forces in Scotland; and the amounts to be so distributed shall be distributed and applied towards the superannuation of the police forces in such manner and in accordance with such conditions and regulations as may be provided by or in pursuance of any Act hereafter passed, and until so distributed and applied shall remain to the credit of the local taxation accounts.

V. *Distribution of local taxation (customs and excise) duties.*—All sums paid in respect of the local taxation (customs and excise) duties to any local taxation accounts mentioned in section twenty-one of the Local Government Act, 1888, in section twenty-one of the Local Government (Scotland) Act, 1889, or in the Probate Duties (Scotland and Ireland) Act, 1888, shall be paid and distributed by the like central authority as in the case of the local taxation probate duty, and the enactments relating to such distribution shall, subject to the express provisions of this Act, apply accordingly; the said accounts are in this Act referred to by the names given them in the said Acts.

VI. *Definitions.*—In this Act, unless the context otherwise requires:—

The expressions "burgh," "police burgh," and "police commissioners," have respectively the same meaning as in the Local Government (Scotland) Act, 1889.

The expression "local taxation probate duty," means the moiety of probate duties which under section twenty-one of the Local Government Act, 1888, and section twenty-one of the Local Government (Scotland) Act, 1889, and section two of the Probate Duties (Scotland and Ireland) Act, 1888, is directed to be paid to the several local taxation accounts in England, Scotland, and Ireland respectively.

The expression "central authority" means as respects England the Local Government Board; as respects Scotland, the Secretary for Scotland; and as respects Ireland, the Lord Lieutenant.

# LOCAL TAXATION ACT, 1890.

## SCHEDULE.

*tribution from the Local Taxation (Scotland) Account to the cost of Medical Officers and Sanitary Inspectors.*

t the Most Honourable Schomberg Henry, Marquess and Earl of Lothian, .., Her Majesty's Secretary for Scotland, hereby determine that the sum of 0000, mentioned in the second section of the Local Taxation (Customs and se) Duties Act, 1890, sub-section (iii.) (*a*), be distributed as prescribed in following conditions and instructions, viz. :—

) That the contribution shall, subject to the provisions contained in section ub-section (iii.) of the Local Taxation (Customs and Excise) Duties Act, , and until otherwise prescribed, be divided and distributed at such rate £ on the salaries of Medical Officers and Sanitary Inspectors appointed by nty Councils, District Committees, and Burgh Local Authorities under the ic Health or Local Government Acts, as will exhaust, or as nearly as may haust, the whole amount of the contribution.
e contribution will be payable from the Office of the Secretary for Scotland, the Certificate of the Board of Supervision.

) That in order to entitle a County Council, District Committee, or other l Authority to participate in the contribution, it is necessary that the gements made by the County Council, District Committee, or other Local ority for carrying out the provisions of the Public Health or Local rnment Acts, as regards the amount of the salaries and qualification of officers, shall be approved by the Secretary for Scotland, upon the recom- ation of the Board of Supervision.

(Signed) LOTHIAN,
*Her Majesty's Secretary for Scotland.*

FFICE OF THE SECRETARY FOR SCOTLAND,
WHITEHALL, 22*nd August* 1890.

# ACT OF PARLIAMENT

TO

*Explain and Amend the Local Taxation (Customs and Excise) Act*, 1890, *with respect to Contributions for Technical Instruction in Scotland.*—[55 *and* 56 *Vict., cap.* 63.—28*th June* 1892.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

I. *Powers of local authority as to contribution for technical instruction.*—A local authority making contributions for the purposes of technical education in Scotland under the provisions of section two of the Local Taxation (Customs and Excise) Act, 1890, may do so in any one or more of the following ways; that is to say:—

(*a.*) In making provision in aid of technical or manual instruction supplied in schools or institutions within or without its district, provided that if the schools and institutions so aided be without the district they shall be accessible and convenient to the inhabitants of the district.

(*b.*) In providing, or assisting in providing, scholarships or bursaries for, or in paying, or assisting in paying, the fees of students ordinarily resident in the district of the local authority at schools or institutions whether within or without that district.

(*c.*) In providing, or assisting in providing, school-books and apparatus, and salaries for teachers of technical and manual instruction, either within the district or accessible to the inhabitants thereof.

(*d.*) In founding, or assisting in founding, new institutions for technical and manual instruction.

(*e.*) In making contributions to the governing bodies or managers of schools or institutions within the district of the local authority for the promotion of technical education, or technical and manual instruction, under the Technical School (Scotland) Act, 1887, or this Act, subject to such terms or conditions as may be agreed upon between the local authority and any such governing body or managers; provided always that no money so contributed shall be paid in respect of any scholar in a public or state-aided school who has not obtained a certificate under section seventy-three of the Education (Scotland) Act, 1872, as amended by section seven of the Education (Scotland) Act, 1883.

II. *Schools, &c., to which contributions may be made.*—The schools and institutions to which contributions may be made by a local authority under this Act shall include schools and institutions under the management of—

i. A school board; or

ii. A governing body constituted under a scheme approved under the Educational Endowments (Scotland) Act, 1882; or

iii. Any governing body or managers approved of by the Scotch Education Department.

III. *Application of balances.*—Any moneys directed by resolution of a local authority to be appropriated for the purposes of technical or manual instruction, shall, although not expended or specifically allotted in whole or in part before the end of the financial year, remain applicable for such purposes, subject to the orders of the local authority.

IV. *Interpretation of terms.*—In this Act—

The expression "local authority" includes the county councils of counties and town councils acting as such or as police commissioners of burghs, and police commissioners of police burghs in Scotland.

The expression "technical instruction" means instruction in the principles of science and art applicable to industries, and in the application of special branches of science of art to specific industries or employments. It shall not include teaching the practice of any trade, or industry, or employment, but, save as aforesaid, shall include instruction in the branches of science and art with respect to which grants are for the time being made by the Department of Science and Art, and any other form of instruction (including modern languages and commercial and agricultural subjects) which may for the time being be sanctioned by that department, or by the Scotch Education Department, by a minute laid before Parliament, and made on the representation of a local authority that such a form of instruction is required by the circumstances of its district.

The expression "manual instruction" shall mean instruction in the use of tools, processes of agriculture, and modelling in clay, wood, or other material.

V. *Saving.*—Nothing contained in this Act shall prejudice or abridge the powers conferred on local authorities by the Technical Schools (Scotland) Act, 1887, or by the Local Taxation (Customs and Excise) Act, 1890.

VI. *Short title.*—This Act may be cited as the Technical Instruction Amendment (Scotland) Act, 1892.

# ACT OF PARLIAMENT

TO

*ce provision in regard to the Distribution and Application of Sums from time to time paid to the Local Taxation (Scotland) Account and in regard to the Fee Grant in Scotland.*—[55 *and* 56 *Vict., cap.* 51.—27*th June* 1892.]

it enacted by the Queen's most Excellent sty, by and with the advice and consent e Lords Spiritual and Temporal, and Com- , in this present Parliament assembled, by the authority of the same, as follows :—

*Repeal of* 52 *and* 53 *Vict., c.* 50 *s.* 22 (*in* —(1.) So much of section twenty-two of Local Government (Scotland) Act, 1889, as ides for the application of any balance of ys standing to the credit of the Local tion (Scotland) Account towards relief the payment of school fees in the State- schools in Scotland, is hereby repealed m the thirty-first day of March one thou- eight hundred and ninety-two, without dice to any right accrued before that day, the distribution of the moneys referred the said section in so far as hereby unre- d, and in lieu thereof it is enacted as s :

*grant in Scotland.*—After the financial ending the thirty-first day of March one and eight hundred and ninety-two, there be paid out of moneys provided by Par- nt an annual grant towards relief from ayment of school fees in the State-aided ls in Scotland, of two hundred and sixty- housand pounds (or of such other amount rliament may determine, having regard e amount of the fee grant under the entary Education Act, 189:), and that (in this Act called the fee grant in and) shall be distributed in such manner in accordance with such conditions as e set forth in the Scotch Education Code lly submitted to Parliament.

For the purpose of section nineteen of lementary Education Act, 1876, the fee paid or payable to a school shall be d to be income derived from a source than the parliamentary grant.

*Application of certain sums to the credit of cal Taxation (Scotland) Account.*—Whereas the provisions of the immediately pre- g section sums standing to the credit of ocal Taxation (Scotland) Account, and rto applicable as in such section men- d, will be available for application to purposes; be it enacted that until Parliament otherwise determines out of the said account sums shall be applied annually by or under the direction of the Secretary for Scotland in manner following ; (that is to say,)

(1.) In transferring to the Scotch Education Department a sum of sixty thousand pounds in aid of the cost of secondary education in Scotland, and in particular for the purposes following ; (that is to say,)

(*a.*) Defraying the cost of the inspection of higher class schools in Scotland and of the holding of examinations for and granting the leaving certificates of the Scotch Education Department ; and

(*b.*) Making provision for secondary education, under Minutes of the Department submitted to Parliament, in urban and rural districts in Scotland, provided that no aid shall be given to any school not being either a school under the same management as a State-aided school or a higher class public school, or a school managed under the provisions of any Act of Parliament, or scheme, or provisional order issued pursuant to an Act of Parliament.

(2.) In distributing a sum of thirty thousand pounds among the Universities of Scotland in such manner and in accordance with such conditions as may be set forth in an Ordinance or Ordinances of the Commissioners under the Universities (Scotland) Act, 1889.

(3.) In distributing a sum of twenty-five thousand pounds among the parochial boards in Scotland as a further contribution to the cost of maintenance of pauper lunatics chargeable to such boards in the same manner and subject to the same regulations as nearly as may be as are applicable to the grant for the same purpose under section twenty-two of

the Local Government (Scotland) Act, 1889.

(4.) In distributing a sum of fifty thousand pounds among the parochial boards in Scotland in proportion to the valuations and populations of their respective parishes as such valuations and populations shall be ascertained by the Secretary for Scotland at the date of such distribution, the share falling to such parochial boards respectively to be applied to the relief of local rates levied by them respectively in such manner as they may determine.

(5). In distributing a sum of one hundred thousand pounds (or such other sum as with the sums directed to be applied under the provisions of the preceding subsections of this section will be equal to the fee grant in Scotland payable under the provisions of the preceding section of this Act) among the county councils of counties and town councils acting as such or as police commissioners of burghs, and police commissioners of police burghs, in Scotland, in proportion to the respective valuations and populations of such counties and burghs and police burghs as such valuations and populations shall be ascertained by the Secretary for Scotland at the date of such distribution, the share falling to such councils and commissioners respectively to be applied—

(*a.*) to the relief of local rates levied by them, or

(*b.*) in aid of the expenses incurred, or to be incurred, under any statutory power from time to time vested in them respectively in such manner as they may determine, or

(*c.*) under any scheme of public utility framed by them respectively, subject to the approval of the Secretary for Scotland.

(6.) The balance (if any) standing to the credit of the Local Taxation (Scotland) Account shall be applied as an addition to the fee grant in Scotland and be distributed accordingly.

Any moneys received by a county council or a town council or police commissioners under this section, and directed by resolution to be appropriated or to be set aside for any purpose authorised by this section other than the relief of the rates shall, although not expended or specifically contributed or allotted in whole or in part before the end of the financial year, remain applicable for such purposes.

III. *Allocation of fees and compensation to certain teachers for loss of fees.*—Notwithstanding any provisions in any statute, scheme, provisional order, deed, or instrument, it shall be lawful for the governing body or managers, whether school board or other, of any school to which a grant is made under the provisions of section two, sub-section one, of this Act at any time and from time to time to alter or reduce the fees exigible therein, or to regulate the disposal or application of such fees: Provided, that any teacher of a higher class public school, appointed before the passing of this Act, having a vested right to fees exigible in such school, shall be entitled to receive from the school board compensation in respect of any loss sustained by him under the provisions of this section, and such compensation, failing agreement, may be determined finally by the sheriff, and shall be payable out of the school fund.

IV. *Short title and construction.*—(1.) This Act may be cited as the Education and Local Taxation Account (Scotland) Act, 1892.

(2.) This Act shall be construed as one with the Local Government (Scotland) Act, 1889.

# ACT OF PARLIAMENT

TO

*nvide increased Facilities for the raising of Money by Local Authorities in . Scotland by the issue of Debentures, Stock, or otherwise.*—[54 *and* 55 *Vict.*, *cap.* 34.—21*st July* 1891.]

e it enacted by the Queen's most Excellent esty, by and with the advice and consent ne Lords Spiritual and Temporal, and Com- s, in this present Parliament assembled, by the authority of the same, as follows:

PRELIMINARY.

1. *Short Title.*—This Act may be cited as the l Authorities Loans (Scotland) Act, 1891.

2. *Extent of Act.*—This Act shall extend to land only.

3. *Commencement of Act.*—This Act shall into operation on the first day of mber, one thousand eight hundred and y-one, which day is hereinafter referred the commencement of this Act.

4. *Interpretation.*—(1.) In this Act, if not sistent with the context, the following s have the meanings hereinafter respec- y assigned to them; that is to say,—

e expression "local authority" means any county council, town council, or other authority whatsoever having power to levy a rate as in this Act defined:*

Provided that where in any burgh there are police commissioners or other commissioners or trustees having powers of levying and borrowing on the security of a rate, this Act shall be carried into execution by the town council, and in so far as necessary to give effect to the provisions of this Act the powers aforesaid at the commencement of this Act vested or which at any future time may be vested in the commissioners or trustees aforesaid shall be transferred to and may be exercised by the town council as local authority in respect thereof:

e expression "rate" means an assessment or rate the proceeds of which are applicable to public local purposes, and which is leviable on lands and heritages, and includes any sum which though obtained in the first instance by a precept, certificate, or other document requiring payment from some authority or officer, is or can be ultimately raised out of a rate, and the levy of a rate includes the issue and enforcement of any such precept, certificate, or document as aforesaid, and expressions relating to the levy and the assessment of a rate shall be construed accordingly:

The expression "rate" also includes water rates or rents, gas rates or rents, and charges for supply of water or gas, or the hire of meters or fittings connected there with:

The expression "bank" means any bank in Scotland established by or in pursuance of the powers contained in any Act of Parliament or royal charter:

The expression "stock" when used alone means stock created under the powers of this Act; and the expression "stockholder" means a holder of such stock:

The expression "statutory declaration" means a declaration under the Statutory Declarations Act, 1835:

The expression "prescribed" means prescribed by the Secretary for Scotland:

The expression "bond" includes bond and disposition in security:

The expression "burgh" includes royal and parliamentary burghs and any populous place the boundaries whereof have been fixed and ascertained under the provisions of the General Police and Improvement (Scotland) Act, 1862, or of the Acts therein recited or under the provisions of any local Act.

(2.) Any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money, or of redeeming or paying off or creating or continuing payment of or in respect of any annuity, rentcharge, rent, or other security representing or granted in lieu of consideration money for the time being existing under this Act or under any Act of Parliament public or local passed or to be passed, or under any Provisional Order confirmed by Act of Parliament passed or to be passed, or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed is, for purposes of this Act, a statutory borrowing power.

(3.) Where in any burgh there is a common good according to the law and usage of Scotland the town council may from time to time apply to the Secretary for Scotland to determine the amount which the town council may borrow on the security of such common good, having regard to the capital value thereof and all other circumstances affecting the same, and the Secretary for Scotland may, after such inquiry as he shall deem proper, by order de-

* See 56 Vict., c. 8, for definition of Local Authority.

termine such amount accordingly, and the order shall be published in the *Edinburgh Gazette;* and thereafter the town council shall be deemed to have a statutory borrowing power within the meaning of this Act over the common good to the amount so determined by the Secretary for Scotland. †

(4.) Any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money, and any mortgage, bond, debenture, debenture stock, corporation stock, or other stock, annuity, rentcharge, rent, or other security authorised by or under any Act of Parliament passed or to be passed of any local authority in Great Britain except the local authority taking the security, is for purposes of this Act a statutory security.

(5.) The provisions of this Act referring to interest apply to and include instalments of an annuity and half-yearly or other payments of or in respect of a rentcharge, rent, or other statutory security.

### Creation and Charge of Stock.

V. *Creation of Stock.*—(1.) Where the local authority have for the time being any statutory borrowing power, then subject and according to the provisions of this Act the local authority may from time to time by resolution exercise the power by creation of redeemable stock, to be from time to time issued for such amount within the limit of the power, at such price, to bear such half-yearly or other dividends, and to be so transferable, that is to say, in books or by deed, as the local authority by the resolution direct: Provided that all stock at any one time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock, bearing one and the same rate of dividend, and redeemable at the option of the local authority at such one and the same time, not exceeding sixty years from the first creation of the stock, as the Secretary for Scotland, on the application of the local authority, may approve, and the whole of the stock shall be redeemed and extinguished within such period. *

(2.) All stock at any time and from time to time so created shall rank equally, without any priority or preference by reason of any precedence in the date of any statutory borrowing power, or in the date of creation of any portion of stock, or in the date of issue of any portion of stock, or on any other ground whatsoever, and shall also rank equally with all other securities of the local authority at any time after the date of the first creation of any stock under this Act granted by the local authority in pursuance of any statutory borrowing power.

(3.) The resolution for the first creation of stock shall provide that such stock shall be redeemable, at the option of the local authority, at par, that is to say, at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock issued at such time and in such manner as the local authority by that resolution declare.

(4.) Each resolution for creation of stock shall specify after what period the stock thereby created is redeemable, and within what period the stock is to be redeemed and extinguished.

(5.) Stock so created shall be designated by the local authority as redeemable stock, and shall bear such further designation as the Secretary for Scotland, on the application of the local authority, may approve.

VI.—*Confirmation of resolution by Secretary for Scotland.*—A resolution of a local authority, as in the last section mentioned, shall not take effect unless and until—

(1.) It is confirmed at a subsequent meeting of the local authority, held after the resolution has been published in the prescribed manner, and after the expiration of the prescribed time, being not earlier than fourteen days after the first publication of such resolution; and

(2.) It is confirmed by the Secretary for Scotland by an Order under his hand and seal of office. †

VII.—*Borrowing power to be exerciseable for actual sum raiseable.*—Each statutory borrowing power of the local authority shall, subject to the provisions of this Act, be construed to authorise the local authority to create and issue stock from time to time to such nominal amounts as in the aggregate will, according to the price of issue, produce the actual amount of money for the time being lawfully raiseable by the local authority under that power, or some portion of that actual amount, or (as the case may be) the actual amount of money properly payable by the local authority as consideration on payment off or redemption by the local authority of any mortgage, bond, debenture, debenture stock, corporation stock, or other stock, annuity, rentcharge, rent, or other security granted or created by the local authority.

VIII.—*Charge of Stock.*—(1.) All stock for the time being issued, and the dividends thereon, shall be and the same are by virtue of this Act charged indifferently on the whole revenues of the local authority from time to time arising from the lands and heritages, undertakings, and other property for the time being of the local authority, and on all funds and rates established and leviable by the local authority.

(2.) The dividends for the time being payable on all stock shall rank equally with the interest on all other securities of the local authority at any time after the date of the first creation of any stock created or granted in pursuance of any statutory borrowing power, and the same dividends and interest shall, subject to all charges existing at that date, be the first charge on the revenues and rates aforesaid, and on the revenues of the funds aforesaid, all which revenues and rates are comprised in the term the local authority revenues when hereafter used in this Act.

* Repealed and new provisions substituted by the Amending Act, 1893 (56 Vict., c. 8.)

† Amended by same Act.

LOANS FUND.

[illegible]. *Establishment of consolidated loans fund.* [illegible]r payment of dividends on all stock, and [illegible]redemption and extinction, or purchase [illegible] extinction thereof, there shall be estab[illegible]d and formed a fund called the Consoli[illegible]d Loans Fund (in this Act referred to as [illegible]loans fund).

[illegible]. *Contributions to loans fund for dividends.* [illegible]) In each year the local authority shall [illegible]into the loans fund a sum or sums equal [illegible]he aggregate amount of all dividends pay[illegible] in that year on the several portions of [illegible]k issued, in exercise of the respective [illegible]utory borrowing powers of the local [illegible]ority, and remaining outstanding.

[illegible]) They shall provide the sum or sums [illegible]said by contributions from the several [illegible] authority revenues, if any, specifically [illegible]e liable to provide the same by or under [illegible] Act of Parliament, or any Provisional [illegible]r confirmed by Act of Parliament, or any [illegible]r or sanction of any Government depart[illegible]t, or by any resolution of the local authority [illegible]ng reference to those respective statutory [illegible]owing powers, and if, as regards any [illegible]utory borrowing power there is no such [illegible]ific liability, then from the several local [illegible]ority revenues out of which interest would [illegible] been payable on money borrowed by the [illegible] authority under that power, if that money [illegible]been raised and remained secured other[illegible]t than by stock, and in default thereof, [illegible]ubject thereto, they shall provide the [illegible] out of the guarantee rate herein-after [illegible]ided.

[illegible]) The amounts of those several contribu[illegible] (subject to any payment in reduction [illegible]of authorised by this Act) shall be the [illegible]s ascertained to be required in that behalf [illegible]pportionment of that aggregate amount of [illegible]ends among the several local authority [illegible]nues according to the amount of stock the [illegible]ends whereon are properly payable there[illegible]respectively.

[illegible]. *Contributions to loans fund for extinction [illegible]ock.*—(1.) In each year the local authority [illegible] pay into the loans fund a sum or sums [illegible]l to the aggregate amount of all sums [illegible]ble in that year for redemption and [illegible]ction, or purchase and extinction, of the [illegible]al portions of stock issued in exercise of [illegible]respective statutory borrowing powers [illegible]he local authority, and remaining out[illegible]ding.

[illegible]) They shall provide the sum or sums last [illegible]said by contributions from the several [illegible] authority revenues, if any, specifically [illegible]e liable to provide the same by or under [illegible] Act of Parliament, or any Provisional [illegible]r confirmed by Act of Parliament, or any [illegible]r or section of any Government depart[illegible]t, or by any resolution of the local [illegible]ority having reference to those respective [illegible]utory borrowing powers, and if, as regards [illegible] statutory borrowing power, there is no [illegible] specific liability, then from the several local authority revenues out of which any yearly or other sums would have been payable towards a sinking fund for discharge, or towards payment off, by instalments, appropriations, annual repayments, or otherwise, of money borrowed by the local authority under that power, if that money had been raised and remained secured otherwise than by stock, and in default thereof, or subject thereto, they shall provide the same out of the guarantee rate herein-after provided.

(3.) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this Act) shall be the same amounts as would, in the same respective cases, have been payable towards a sinking fund, or towards payment off, as aforesaid, of those contributions to be subject to accumulation if and as in the same respective cases accumulation was directed *

(4.) The local authority shall from time to time, by investment on statutory securities of the sums paid into the loans fund in respect of those several contributions or of proper parts thereof, and by like investment of the interest and annual proceeds arising from those securities, make and maintain such accumulations as are in this section referred to.

(5.) But if the extinction of any portion of stock or any part thereof is accelerated by the application to such extinction of any part of the loans fund required by this Act to be applied to the making and maintenance of those accumulations, then a sum or sums equal to the dividends on the stock so extinguished shall thenceforth in every year, during the residue of the period expressly or by implication limited for the continuance of any loan, be paid into the loans fund out of the local authority revenues chargeable with payment of the dividends on that portion of stock.

XII. *Raising of contributions to loans fund.*—(1.) The local authority shall, from time to time, in order to raise the amounts of the several contributions of the two kinds aforesaid, out of the several local authority revenues, do all such acts, exercise all such powers, collect all such money, and levy all such rates as they lawfully can or ought to do, exercise, collect, and levy for the purposes of or in relation to the respective statutory borrowing powers in exercise whereof the several portions of stock are issued.

(2.) If by reason of any limit of rate, or for any other reason, there is a deficiency on any local authority revenue in respect of any required contribution, the local authority shall advance the amount of the deficiency out of the loans fund.

(3.) The amount so advanced shall be a debt due from the local authority revenue on which the deficiency existed to the loans fund, and interest shall be payable thereon at the rate of five per centum per annum until repayment, and the same debt and interest shall, as soon as in the judgment of the local authority reasonably may be, be raised and paid out of the local authority revenue on which the deficiency existed.

* Amended by same Act (56 Vict., c. 8).

(4.) The amount so advanced, with interest thereon as aforesaid, shall, when repaid to the local authority, be carried into the loans fund and applied to replace the moneys advanced under sub-section (2) of this section, or if the amount so advanced has been provided out of moneys raised by means of the guarantee rate herein-after authorised, the amount so advanced, with interest thereon as aforesaid, shall be carried into the loans fund and applied towards the paying off, rateably or otherwise, as the local authority shall determine, the moneys borrowed by the local authority under this or any other Act of Parliament.

XIII. *Payment of sale money, rents, &c., to loans fund.*—(1.) The local authority shall pay into the loans fund, and shall carry to the proper separate account forming part of the general account of the loans fund, all such money being capital, or in the nature of capital, and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale, lease, or other disposition of lands and heritages, or other property of the local authority on the revenues whereof any stock is charged, and (if the local authority have power to lend) all principal moneys received by the local authority on the payment off, or on account, of any loan made by the local authority by means of the creation and issue of stock under the powers of this Act.

(2.) The local authority shall pay into the loans fund, and shall carry to the proper separate account forming part of the general account of the loans fund, the rents and profits of any lands and heritages, and other property of the local authority acquired by them for the purposes of any undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock, and not otherwise wholly or in part appropriated or made applicable by law or by valid contract, and (if the local authority have power to lend) all moneys received by the local authority as interest on any loan made by the local authority by means of the creation and issue of stock under the powers of this Act.

(3.) The local authority, before making any payment into the loans fund under this section, may deduct from the money, or the rents and profits to which this section applies, any costs and expenses properly incurred by the local authority in or about any sale, lease, or other disposition, or the collection and receipt of any rents and profits.

XIV. *Guarantee rate.*—If at any time it shall appear to the local authority that the amount of any deficiency in respect of any contribution from any of the local authority revenues to the loans fund as herein-before provided, should be advanced to the loans fund out of moneys to be raised by means of the guarantee rate herein-after mentioned, and the local authority, at a meeting specially called, with notice of the object, resolve so to advance the amount of any such deficiency, the local authority may and they are hereby empowered to impose, assess, and levy upon and from all lands and heritages situated within the district of the local authority such rate as they may consider necessary for the purpose of advancing the amount of any such deficiency, which rate shall be called the "guarantee rate"; and the sums so imposed, assessed, and levied shall be carried to and form part of the loans fund, and be applied as herein provided with respect to contributions to the said fund. *

XV. *Mode of levying guarantee rate.*—The guarantee rate shall be imposed and assessed one-half on the owners and one-half on the occupiers of all lands and heritages within the district of the local authority, and shall be levied and recovered in the same manner and subject to the same provisions as the general purposes rate in a county, the police assessment in a burgh, and in the district of any other local authority any rate leviable there by such local authority.

XVI. *Application of loans fund.*—The local authority shall, from time to time, apply the loans fund, first, in paying the dividends on all stock, and next in redeeming stock according to the terms of issue, and purchasing stock for extinction.

XVII. *Extinction of stock redeemed or purchased.*—All stock redeemed by the local authority, or purchased by the local authority for extinction, shall be forthwith cancelled by the local authority, and on such cancellation the same and all dividends thereon (not already accrued) shall be, and the same are by virtue of this Act, extinguished.

XVIII. *Account of loans fund.*—(1.) As part of the general account of the loans fund, the local authority shall keep separate accounts relative to—

(*a.*) Each undertaking or purpose for, or in respect of, which any statutory borrowing power is exercised by them by the issue of stock; and

(*b.*) Each statutory borrowing power exercised.

(2.) Those separate accounts shall distinguish and show—

(*c.*) The portions of stock for the time being unextinguished and chargeable to each undertaking or purpose, and respectively attributable to the exercise of the several statutory borrowing powers, if more than one, relating to that undertaking or purpose; and

(*d.*) The amounts of those several portions of stock redeemed or purchased by means of the loans fund and cancelled or extinguished.

(3.) Those separate accounts shall further distinguish and show in relation to each undertaking or purpose—

(*e.*) All money being capital, or in the nature of capital, arising from any sale, lease, or other disposition of lands and heritages, or other property of the local authority, or (if the local authority have power to lend) principal received

* Amended by 56 Vict., c. 8.

payment off of any loan made by the local authority by means of the creation and issue of stock, under the powers of this Act, paid into the loans fund, and, in the judgment of the local authority, properly attributable to that undertaking or purpose, and the securities on which that money or any part thereof is from time to time invested; and

(.) All money from time to time received as interest, and annual proceeds of the last-mentioned money and securities; and

(.) All money from time to time received as rents and profits of any lands and heritages, and other property of the local authority so as aforesaid acquired, and not otherwise appropriated or made applicable; and

(.) All money and securities transferred to the loans fund as having formed part of a sinking fund, and all money from time to time received as interest and annual proceeds of the last-mentioned money and securities, or of securities wherein the same interest and annual proceeds are from time to time invested by way of accumulation; and

(.) All money paid into the loans fund as contributions from the local authority revenues in respect of dividends on the several portions of stock chargeable to that undertaking or purpose; and

(.) All money paid into the loans fund as contributions from the local authority revenues in respect of redemption and extinction, or purchase and extinction, of those several portions of stock.

(.) All money paid into the loan fund as interest on any loan made by the local authority (if the local authority have power to lend) by means of the creation and issue of stock under the powers of this Act.

(.) All money being unclaimed dividends paid into the loans fund as herein-after provided.

XIX. *Application of income in reduction of contributions.*—(1.) Where any money is standing on a separate account in the loans fund being money paid into the loans fund as rents and profits of the lands and heritages and other property of the local authority, or being money paid into the loans fund as interest on such balances received by the local authority, or being other money paid into the loans fund, which is not being capital or in the nature of capital, and not being required by this Act to be applied to the making and maintenance of such accumulations as are provided for by this Act, the local authority may deal with the same as in this section provided.

(2.) Where any money is standing on a separate account in the loans fund, being money required by this Act to be applied to the making and maintenance of such accumulations as are provided for by this Act, the local authority, after providing for the making and maintenance of those accumulations, may, if they think fit, from time to time, invest that money, or any part therof, in statutory securities, and deal with the interest and annual proceeds of those securities as in this section provided.

(3.) The local authority may, if they think fit, from time to time apply the money described in paragraph (1) of this section, and the last-mentioned interest and annual proceeds to either of the purposes following, or to both of those purposes, in such proportion as the local authority from time to time may consider equitable and expedient (that is to say):—

(*a.*) In reduction of such contributions out of the local authority revenues as are payable into the loans fund in respect of dividends on the portions of stock comprised in the separate account on which the money or interest and annual proceeds is or are standing:

(*b.*) In reduction of such contributions out of the local authority revenues as are payable into the loans fund for redemption and extinction, or purchase and extinction, of those portions of stock.

XX. *Determination as to charge of stock.*—For the purposes of any contribution or account under this Act the local authority, if they think fit, having regard to all the circumstances of the case, and subject to the terms on which any loan of the local authority was contracted or any stock was issued, may, from time to time, determine and declare on which of the local authority revenues any loan of the local authority or any portion of stock is or shall be deemed to be primarily or collaterally charged, or determine and declare that any loan of the local authority or any portion of stock shall be apportioned, as regards the charge thereof, between or among any of the local authority revenues, and every such determination and declaration shall be effectual to all intents.

### Conversion of other Securities into Stock.

XXI. *Payment off or substitution for existing securities.*—(1.) Where any mortgage, bond, debenture, debenture stock, annuity, rent-charge, or other security, granted or created before or after the passing of this Act by the local authority under any statutory borrowing power, is outstanding or payable, and the local authority have power, with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented, or to redeem the same, they may pay off or redeem the security accordingly with money raised by stock, or they may, with the consent of the holder thereof, issue stock in substitution for the security.

(2.) The local authority may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security, and any such payment may be either in money or stock or partly in one and partly in the other: Pro-

vided that public notice by advertisement in a newspaper circulating in the district of the local authority shall be given of any resolution to make such payment, and that the resolution shall not be acted upon until it has been confirmed at a second meeting of the local authority held not less than ten days after such advertisement.

(3.) The local authority may, subject to and in accordance with the provisions of this Act, create and issue stock to such amount as may be requisite for purposes of this section, and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created, and any money so raised shall be applied in payment off or redemption of the security.

(4.) In every such case of payment off, redemption, or substitution, the local authority shall pay and transfer into the loans fund the whole or a proportionate part (as the case may require) of any money and securities forming part of the sinking fund applicable to the discharge of the security.

(5.) Where the holder of the security is one of the persons described in section seven of the Lands Clauses Consolidation (Scotland) Act, 1845, and by that Act enabled to sell land thereunder, that person may consent to payment or redemption of or substitution for the money secured or represented by that security, and may accept money for giving that consent as if the person so consenting were the absolute owner of that security, and that person is hereby indemnified for so doing, and his receipt shall be a good discharge for the same.

(6.) Money received by the holder of any security as authorised by this section, and stock issued to him in substitution for any security, shall be subject to the same trusts, powers, testamentary and other dispositions, provisions, and incumbrances as the money secured or represented by the security was subject to immediately before the payment off, redemption, or substitution, and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

### Effect on Borrowing Powers.

XXII. *Extinction or suspension of power.*—On the issue of any portion of stock the statutory borrowing power in exercise whereof that stock is issued shall be affected as follows (namely):

(*a.*) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any mortgage, bond, debenture, debenture stock, annuity, rentcharge, rent, or other security granted or created by the local authority under that statutory borrowing power, then that power to the extent of the money raised by that stock shall be and the same is by virtue of this Act extinguished; but

(*b*) If the stock is issued for part only of that term, then so much of the money raised by that stock as has not been paid off out of the loans fund may be reborrowed by the local authority for the residue of that term, or any part thereof, and so from time to time.

### Application of Money raised.

XXIII. *General application of money from stock.*—Money raised by stock shall be applied for purposes for which money raiseable under the statutory borrowing power in exercise whereof the stock is issued ought by law to be applied and not otherwise.

XXIV. *Temporary investment of money raised by stock.*—(1.) The local authority may from time to time invest temporarily on statutory securities (other than stock certificates to bearer and other than statutory securities of the local authority) money raised by stock, and not for the time being applied to or required for the undertaking or purpose for which it is raised, and shall from time to time pay the interest and annual proceeds of those securities into the loans fund.

(2.) The local authority may, if they think fit, from time to time, apply the interest and annual proceeds aforesaid or any part thereof in reduction of such contributions out of the local authority revenues as are payable into the loans fund in respect of dividends on the respective portions of stock by the issue whereof that money is raised.

### Registration and Certificates.

XXV. *Appointment of registrar.*—The local authority may, if they think fit, and on and subject to such terms and instructions not inconsistent with any provision of this Act as they think expedient, appoint and keep appointed an officer of the local authority or other person or any bank as registrar for all or any of the purposes of this Act (in this Act referred to as the registrar).

(2.) The local authority in relation to the provisions of this Act and the registrar shall respectively be deemed a banker within the Bankers Books Evidence Act, 1879.

XXVI. *Stock register.*—(1.) The local authority or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of stock and the amounts held by them (in this Act referred to as the stock register).

(2.) The stock register shall be *prima facie* evidence of any matter entered therein in accordance with this Act and of the title of the persons entered therein as holders of stock.

XXVII. *Certificates of proprietorship of stock.*—(1.) On demand of a holder of stock the local authority shall, subject to the provisions herein-after contained in regard to the issue

cock certificates to bearer, give to him a ficate of the proprietorship thereof under e common seal (which if not already incor- ted they are hereby authorised to have use) specifying the amount of stock to h he is entitled (in this Act referred to as ck certificate).

) Every such certificate shall be signed wo members of the local authority and by registrar.

) A stock certificate shall be *prima facie* ence of the title of the person therein ed, his executors, administrators, suc- ors, or assignees to the stock therein ified, but the want of a stock certificate, ch want be accounted for to the satisfac- of the local authority, shall not prevent holder of stock from disposing of and sferring the same.

) If a stock certificate is worn out or aged, the local authority, on production eof, may cancel it and give a similar stock ficate to the party in whom the property e stock certificate and in the stock therein ified is then vested.

) If a stock certificate is lost or destroyed local authority, on proof thereof to their faction, may give a similar stock certificate he party entitled to the certificate lost or royed.

) An entry of the issue of a stock certificate substituted certificate, as the case may be, l be made in the stock register.

TRANSFER.

XVIII. *Power for stockholder to transfer.*—ject to the provisions of this Act every kholder may transfer all or any part of his k in books or by deed.

XIX. *Transfer in books.*—(1.) If and where resolution for creation of any portion of k makes the same transferable in books not by deed, the provisions of this section l apply and have effect but not otherwise.

) The local authority or the registrar shall p books wherein transfers of stock so trans- ble shall be entered (in this Act referred to he stock transfer books).

) Every such entry shall be conceived in per words for the purpose of transfer, and ll be signed by the party making the trans- or, if he is absent, by his agent thereunto fully authorised, in writing under his hand sted by a witness.

) Where any bank are the registrar they , if they think fit, require that the agent so authorised by power of attorney under hand and seal of the party making the nsfer, attested by one or more witnesses.

) The person to whom a transfer is made , if he thinks fit, underwrite his acceptance reof.

) Except as otherwise provided by some er Act of Parliament and subject to the visions of this Act respecting any portion stock which the resolution for creation reof makes transferable by deed and not in ks, no mode of transferring stock other than that provided for in this section shall be good in law.

XX. *Transfer by deed.*—(1.) If and where the resolution for creation of any portion of stock makes the same transferable by deed and not in books, the provisions of this section shall apply and have effect but not otherwise.

(2.) Every transfer of stock so transferable shall be by deed.

(3.) The deed of transfer shall relate only to the transfer, and shall not contain any recital, trust power, or proviso whatsoever, but this provision shall not prevent any of the parties to the transfer being described as a trustee or as possessing any official character.

(4.) The deed of transfer when duly executed shall be delivered to and kept by the local authority or the registrar, and the local authority or the registrar shall enter a memorial thereof in a book to be called the register of transfers of stock, and shall indorse on the deed of transfer a notice of that entry.

(5.) The local authority or the registrar shall on demand and on delivery up of the old stock certificate, or on proof satisfactory to the local authority of its absence, deliver a new stock certificate to the purchaser, or shall, at the option of the purchaser, make an indorsement of the transfer on the existing stock certificate, which indorsement being signed by direction of the local authority or by the registrar shall be equivalent to a new stock certificate.

(6.) Until the deed of transfer has been so delivered to the local authority or the registrar, the local authority or the registrar shall not be affected thereby, and the purchaser of the stock shall not be entitled to receive any dividend thereon.

XXXI. *Evidence on transfer.*—(1.) The local authority or the registrar, before allowing any transfer of stock, may, if the circumstances of the case appear to them or him to make it expedient, require evidence of the title of any person claiming a right to make the transfer.

(2.) That evidence shall be a statutory declaration of one or more competent persons, or of such other nature as the local authority or the registrar, with the approval of the local authority, may require.

XXXII. *Closing of transfer books.*—(1.) The local authority or the registrar, with the approval of the local authority, may, as regards any portion of stock, close the stock transfer books, or the register of transfers of stock (as the case may be) on any day in the month next before that in which dividends on that portion of stock are payable, but so that the books be not at any time kept closed for more than fifteen days.

(2.) The persons who, on the day of such closing, are inscribed as stockholders shall, as between them and their transferees of stock, be entitled to the dividend next payable thereon.

XXXIII. *Stamp duty on transfers.*—Unless the local authority have compounded for

stamp duty, all stock issued by the local authority shall, notwithstanding anything in any resolution of the local authority, be transferable by deed and not in books, and every deed of transfer of stock transferable by deed shall be duly stamped, and the consideration shall be truly stated therein.

TRANSMISSION.

XXXIV. *Transmission on death.*—(1.) The interest in stock of a stockholder dying shall be transferable by his executors or administrators, notwithstanding any specific bequest thereof.

(2.) The local authority or the registrar shall not be required to allow any executors or administrators to transfer any stock until the confirmation or probate of the will of, or the letters of administration to, the deceased has or have been left with the local authority or the registrar for registration, and may require all the executors who have been confirmed or have proved the will to join in the transfer.

XXXV. *Transmission on marriage, &c.*—(1.) If the interest in any stock has become transmitted in consequence of the bankruptcy of a stockholder, or the marriage of a female stockholder, or by any lawful means other than a transfer in books or by deed, or than the death of a stockholder, that transmission shall be authenticated by a statutory declaration of one or more competent persons, or in such other manner as the local authority or the registrar require.

(2.) The declaration shall state the manner in which and the party to whom the stock has been transmitted, and shall be left with the local authority or the registrar.

(3.) If the transmission is in consequence of the marriage of a female stockholder, the declaration shall, if the local authority or the registrar so require, set forth a copy of the register of the marriage or other particulars of the celebration thereof, and declare the identity of the wife with the holder of the stock.

(4.) The name of the person entitled under the transmission shall be entered in the stock register.

(5.) Until the transmission has been so authenticated, the local authority or the registrar shall not be affected thereby, and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

(6.) In this section the term transmission includes any case of apparent transmission in consequence of the change of name of the stockholder, although the actual ownership of the stock may remain unaltered.

DIVIDENDS.

XXXVI. *Payment of dividends.*—The local authority may pay by the registrar the dividends on stock, and such payments shall be made by warrant only.

XXXVII. *Dividends to executors, &c.*—The local authority or the registrar shall not be required to allow any executors or administrators to receive any dividend on stock held by their testator or intestate until the confirmation or probate of the will or the letters of administration has or have been left with the local authority or the registrar for registration.

XXXVIII. *Evidence of title.*—The local authority or the registrar, before allowing the receipt of any dividend on any stock, may, if the circumstances of the case appear to them or him to make it expedient, require evidence of the title of any person claiming a right to receive the dividend, and that evidence shall be a statutory declaration of competent persons, or of such other nature as the local authority or the registrar may require.

XXXIX. *Dividends to joint holders.*—(1.) Where more persons than one are registered as joint holders of any stock, any one of them may give an effectual receipt for any dividend thereon, unless notice to the contrary has been given to the local authority or the registrar by any other of them.

(2.) Where stock is standing in the name of a minor, infant, or person of unsound mind jointly with any person not under legal disability, a power or letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf, if given under the hand and seal of the person not under disability attested by one or more witnesses, but the local authority or the registrar before acting on the power or letter of attorney may, if they or he think fit, require proof to their or his satisfaction of the alleged minority, infancy, or unsoundness of mind by a statutory declaration of one or more competent persons.

XL. *Dividend warrants by post.*—(1.) Where a stockholder desires to have his dividends sent to him by post, he may make a request for that purpose to the local authority or the registrar in writing, signed by him in a form approved by the local authority, and shall give to the local authority or the registrar an address in the United Kingdom or in the Channel Islands or the Isle of Man, to which the letters containing the warrants are from time to time to be sent.

(2.) The posting by the local authority or the registrar of a letter containing a dividend warrant, addressed to a stockholder at his request, at the address so given by him, shall, as respects the liability of the local authority, and of the registrar, be equivalent to the delivery of the warrant to the stockholder himself.

(3.) Every warrant so sent by post shall be deemed a cheque, and the local authority and the registrar shall, in relation thereto, be deemed a banker within the Bills of Exchange Act, 1882.

STOCK CERTIFICATES WITH COUPONS TO BEARER.

XLI. *Provisions respecting stock certificates with coupons to bearer.*—(1.) On demand of a

holder, the local authority or the registrar if they so resolve, issue to the stock-r a stock certificate to bearer, that is to a certificate of title to his stock, or any thereof, entitling the bearer to the stock in specified, and transferable by delivery coupons entitling the bearer of the ons to the dividends on the stock, but so no such certificate or coupons shall give le to dividends beyond the time limited demption of the stock.

) A stock certificate to bearer shall not sued in respect of any sum of stock other ten pounds or a multiple of ten pounds.

) No trustee shall apply for, purchase, or hold a stock certificate to bearer s he is in express words authorised to ) by the instrument creating his trust, any contravention of this provision by a ee shall be deemed a breach of trust, but provision shall not impose on the local ority or the registrar an obligation to ire or to take notice whether a person ring for or holding a stock certificate to r is or is not a trustee, or subject the authority or the registrar to any liability se of their or his, with or without notice, ng to a trustee a stock certificate to r, or invalidate any stock certificate to r issued.

) Where a stock certificate to bearer is anding, the stock represented thereby cease to be transferable in books or by under and according to the provisions of Act.

) The bearer of a stock certificate to bearer on delivery up to the local authority or registrar of the certificate, and of all un-coupons belonging thereto, require to be red in the stock register as the holder of stock described in the certificate under h he derives title, and thereupon the shall be re-entered in the register as sferable, and shall become and again be sferable in the stock transfer books or by , as the case may require, and shall, as rds the mode of payment of the dividends eon, be in the like condition as if no stock ficate to bearer had been issued in respect eof.

) The coupons issued with a stock certi-e to bearer shall comprise the dividends e paid in respect of the stock therein ified for such period as the local authority ove.

) At the end of that period fresh coupons be issued for such further period as the l authority approve, and so for successive ods during the continuance in force of the k certificate, but the local authority or the strar may, in lieu of issuing fresh coupons espect of any stock certificate, give in ex-ge a fresh stock certificate with coupons.

) Payment to the bearer of a coupon of amount expressed therein shall be a full harge to the local authority and to the strar from all liability in respect of that pon, and the dividend represented thereby.

) Where any bank is the registrar, coupons ll be payable at the chief establishment of bank at the expiration of three clear days from the day of presentation, and at any branch establishment of the bank situate more than ten miles from the chief establishment at the expiration of five clear days from the day of presentation.

(10.) If a stock certificate to bearer or coupon is worn out or damaged, the local authority or the registrar, on production and delivery up thereof, may cancel it and issue a new certificate or coupon.

(11.) If a stock certificate to bearer or coupon is lost or destroyed, the local authority or the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of the local authority against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(12.) All coupons issued under this Act in respect of any stock certificate to bearer shall, for the purposes of the Acts relating to stamp duties, be deemed to have been attached to and issued with such stock certificate.

(13.) Stock specified in a stock certificate to bearer shall be charged on the same securities and be subject to the same powers of redemption and other powers, and save as regards the mode of transfer and of payment of dividends thereon, and save so far as a stock certificate to bearer is a negotiable instrument, shall be subject to the same incidents in all respects as if that stock had continued to be registered in the stock register as transferable in books or by deed.

GENERAL.

XLII. *Nature of stock: notice of trusts.*—(1.) Stock is personal property.

(2.) Stock is not liable to foreign attachment by the custom of London or otherwise.

(3.) No notice of any trust, express, implied, or constructive, in respect of any stock or of any stock certificate to bearer or coupon shall be entered in the stock register or in any other book kept by the local authority or the registrar, or be receivable by the local authority or the registrar, or affect the local authority through the registrar or otherwise, but this provision shall not prevent any stockholder from being described as a trustee or as possessing any official character.

XLIII. *Judicial factor.*—(1.) If at any time the local authority, for two months after demand in writing, fail to pay any principal sum or dividend due on any stock, the person entitled thereto may apply to the Court of Session in a summary way for the appointment of a judicial factor, and the court may, if it thinks fit, appoint a judicial factor on such terms as it thinks fit.

(2.) The judicial factor shall have the like power of collecting, receiving, recovering, and applying all money which ought to be paid under this Act into the loans fund, and of assessing and recovering all rates (including the guarantee rate) for the purpose of obtaining the same as the local authority or any officer thereof would or might have, and such other powers and such duties as the court thinks fit, and shall apply all money so collected, after

payment of expenses and costs as the court directs, for the purposes of this Act.

(3.) The court may at any time discharge the judicial factor, and shall have full jurisdiction over him and all persons interested in his acts.

XLIV. *Holding of stock by trustees.*—(1.) Trustees or other persons for the time being authorised to invest money in the mortgages, debentures, or debenture stock of any railway or other company shall, unless the contrary is provided by the instrument authorising the investment, have the same power of investing money in stock issued under the provisions of this Act (other than stock for the time being represented by a stock certificate to bearer) as they have of investing it in the mortgages, debentures, or debenture stock aforesaid.

(2.) Provided that when two or more persons are successively interested in money left subject to a trust, no investment thereof shall be made in stock at a price exceeding the redemption value of the stock unless the instrument creating the trust shall otherwise expressly provide.

XLV. *Protection of holders of stock.*—A person taking or holding stock shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the local authority or otherwise in accordance with this Act, or whether or not the local authority or any meeting thereof was properly constituted or convened, or whether or not the proceedings at any meeting of the local authority were legal or regular, or to see to the application of any money raised by stock, or be answerable for any loss or misapplication thereof.

XLVI. *Annual returns by treasurers, &c., to registrar.*—Within one month after the fifteenth day of May in each year the treasurer, or other financial officer charged with the administration of each statutory borrowing power, shall transmit to the registrar a certificate of the amount of each such borrowing power, and of the extent to which the same has been exercised as at the said fifteenth day of May, and the registrar shall, by examination of the books kept in respect of the several statutory borrowing powers, satisfy himself of the correctness of such certificates, and report thereon to the first meeting of the local authority held thereafter, transmitting with his report an abstract showing the aggregate borrowing powers of the local authority and the extent to which the same have been exercised; and a copy of such report and abstract, verified as may be prescribed, shall be sent to the Secretary for Scotland along with the return provided for in the immediately succeeding section, and such report and abstract shall be deemed to be part of such return.

XLVII. *Annual return to Secretary for Scotland.*—(1.) Once in every year, at a time appointed by the Secretary for Scotland, the local authority shall send to the said Secretary an abstract of the accounts of the local authority relating to stock and the loans fund, in a form prescribed by the Secretary for Scotland, and verified by a statutory declaration of two members and the clerk of the local authority if required by the Secretary for Scotland.

(2.) In case of wilful default therein by the local authority, the local authority shall on each occasion be liable to a fine not exceeding two hundred pounds, and in case of wilful default therein by the said clerk, he shall on each occasion be liable to a fine not exceeding twenty pounds, and every fine under this section shall be recoverable summarily on the prosecution of the Lord Advocate and not otherwise.

(3.) If by any such abstract or otherwise it appears to the Secretary for Scotland that the local authority have failed to comply with any requisition of this Act in relation to any payment application or investment or otherwise in relation to stock or the loans fund, the Secretary for Scotland may, notwithstanding any proceeding for the recovery of any fine or any other proceeding taken by the said Secretary, by order require the local authority to make good the default within a time therein limited; and such order may, if need be, be enforced by the Court of Session on the application of the Lord Advocate.

XLVIII. *Unclaimed dividends.*—(1.) If at any time any dividend on any stock is unclaimed at the time for payment thereof, the same shall, nevertheless, on demand at any subsequent time whatsoever be paid to the person showing his right thereto, but without interest in the meantime.

(2.) Where any dividend remains unclaimed for five years from the time for payment thereof, the local authority shall cause notice thereof to be sent by post in a registered letter addressed to the stockholder named in their books by the description, and at the address therein appearing, and so at the expiration of three other successive periods of five years.

(3.) At the end of every successive period of five years from the day when the first dividend becomes payable on stock first issued after the passing of this Act, the local authority shall publish an advertisement in a newspaper circulating in the district of the local authority stating what, if any, dividends on stock other than those falling due at the then last half-yearly or other day of payment, are then unclaimed, and the names and addresses appearing in the stock register of the holders of the stock on which the dividends are unclaimed.

(4.) At the end of every successive period of ten years from the day when the first dividend becomes payable on stock first issued after the passing of this Act, the local authority, unless it has been otherwise agreed between them and the registrar, may require the registrar to repay to them all dividends unclaimed during that period and then in his hands, and the local authority shall pay the same into the loans fund, and may deal therewith as they are by this Act empowered to deal with money

into the loans fund as interest on cash nces received by them, without prejudice rtheless to the rights of any person to e dividends.

LIX. *Saving for power to borrow otherwise.* thing in this Act shall affect any power ne local authority to raise otherwise than tock any money which they do not think o raise by stock, but whenever from time me, after the date of the first creation of k, the local authority raise money other- than by stock, they shall cause to be n to each lender of money so raised notice writing, signed by the clerk or other orised officer of the local authority, of equality of charge which stock has by ne of this Act.

*Saving for power of revocation.*—Notwithding anything in this Act, the local ority may, with the consent of the tary for Scotland, revoke at any time, hole or in part, any resolution for creation stock theretofore passed by the local ority, if and as far as the same has not acted on by the issue of stock thereer.

*Saving for other obligations.*—Except as his Act expressly provided, nothing in this shall relieve the local authority from any gation imposed on them in relation to any utory borrowing power by any Act of liament, under or by which that power for time being exists or is regulated.

LXII. *Saving for power to sell lands, &c.*—(1.) hing in this Act shall affect any power or of the local authority to sell, lease, or rwise dispose of any lands and heritages roperty of the local authority, or to apply purchase money or other money arising eby in discharge of any charge thereon or revenues thereof other than the charge of k, or affect any claim of any person under a first-mentioned charge.*

(2.) Such lands and heritages or property l, in the hands of the purchaser or other on taking the same under the sale, lease, ther disposition, be by virtue of this Act olutely freed from the charge of stock, and shall not be concerned to see to the application of that purchase money or other money e answerable for any loss or misapplication reof.

LXIII. *Saving for existing securities.*—Nothing or done under this Act shall affect any rity or charge created or granted or pay- by the local authority before and subing at the date of the first creation of any k, and the local authority shall, whenever nired by the holder of any security or rge aforesaid, apply all such money, do all n acts, exercise all such powers, collect all n money, and levy all such rates as they ld or ought to have applied, done, exerd, collected, and levied, for his benefit and rity, if this Act had not been enacted.

LIV. *Consents to exercise of powers when unnecessary.*—Save as in this Act expressly provided, a local authority shall not require to obtain any consents before exercising the powers conferred by this Act.

LV. *Forgery.*—(1.) Stock issued under the provisions of this Act shall be deemed capital stock of a body corporate within the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty (chapter ninety-eight) "to consolidate and amend the Statute Law of England and Ireland relating to Indictable Offences by Forgery," as amended and extended to Scotland by the Forgery Act, 1870.

(2.) A stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the Forgery Act, 1870.

LVI. *Orders of Secretary for Scotland.*—Any order of the Secretary for Scotland under this Act may contain such directions as the Secretary for Scotland thinks necessary or proper for giving effect thereto, and shall be enforceable by the Court of Session on the application of the Lord Advocate, and may be from time to time cancelled or varied by the Secretary for Scotland as the circumstances of the case may require, but the Secretary for Scotland shall not make any such order without first hearing the local authority and others interested, if desirous of being heard, which hearing may be in the form of a public inquiry with or without a published report, or in such other form as the Secretary for Scotland, having regard to the circumstances, thinks just and expedient, and the order may direct as to the costs of the hearings, inquiries, and other proceedings to which this section relates, and as to the parties by whom, or the rates out of which, such costs shall be paid.

LVII. *Regulations by bank.*—Where a bank are the registrar, they may, with the sanction of the local authority, from time to time issue any forms that may be required for carrying into effect the provisions of this Act, and may also from time to time make any regulations that are not inconsistent with this Act relative to the following things, and, when made, may alter, vary, or repeal any such regulations, and make other regulations instead thereof or in addition thereto, and any such regulations for the time being in force shall be duly observed:

(*a.*) The period for which coupons are to be given:

(*b.*) The mode in which the bank are to act in issuing stock certificates to bearer, or entering in the transfer books the bearers of stock certificates to bearer:

(*c.*) The mode of proving the title of, or identifying any person applying for a stock receipt or stock certificate or stock certificate to bearer:

(*d.*) With respect to anything necessary for carrying into effect the provisions of this Act which relate to or affect the bank.

* See proviso to be added here, under 56 Vict., c. 8.

LVIII. *Forms.*—The forms given in the schedule may be used for the purposes therein indicated, and the same or forms to the like effect, with such variations or additions as circumstances require, shall be effectual for those purposes.

LIX. *Fees.*—(1.) Fees not exceeding those specified in the schedule may be taken by or on behalf of the local authority in the cases therein mentioned.

(2.) The proceeds of fees shall be paid by the local authority into the loans fund, and shall be applied in reduction of contributions out of the local authority revenues payable into the loans fund in respect of dividends on such portions of stock as the local authority, having regard to the cases in which the fees are paid, determine.

LX. *Expenses.*—(1.) The expenses incurred by the local authority in or about the creation and issue of any portion of stock, including any sum paid by them for composition for stamp duty thereon, and any other expenses, being, in their judgment, properly chargeable to capital, shall be deemed money raiseable under the statutory borrowing power in exercise whereof that portion of stock is issued.

(2.) Expenses of book-keeping and management, and other current expenses from time to time incurred by the local authority in the execution of this Act shall be defrayed as the ordinary expenses of the local authority are or may be defrayed.

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## SCHEDULE.

### Forms.

(A.)

Resolutions on Creation of Stock.

County, *or* burgh, *or as the case may be*, of .

At a meeting of the of the held on the day of 189 in the .

Present:

Resolved first—

That under the authority and subject to the provisions of the Local Authorities Loans (Scotland) Act, 1891, the do hereby in exercise of their several statutory powers create stock to be called redeemable stock and to be issued to an amount which shall be sufficient for the following purposes but not exceeding pounds:—

A. For raising the following sums (amounting in the aggregate to the sum of pounds which has not been raised) that is to say:—

(1.) The sum of pounds on account of the money which the have authority to raise by borrowing under the powers conferred upon them by the Acts for [*here specify objects*]:

(2.) The sum of pounds on account of the money which the have authority to raise by borrowing under the powers conferred upon them by the Acts for [*here specify objects*]:

(3.) The sum of pounds on account of the money which the town council have authority to raise by borrowing in respect of the common good of the burgh under the order of the Secretary for Scotland dated the day of 189 .

B. For raising instead of reborrowing the sum of pounds required by the for the purpose of paying off when due sums amounting to pounds which will fall due before the [*insert date*] being a portion of their debts now subsisting on the security of outstanding securities granted by the for raising money for the purposes of the following Acts (that is to say):—
and which sums the are under those Acts authorised to reborrow.

C. For raising the sum of pounds for repaying the amount temporarily borrowed by the from in order to enable the to meet sums which amount to pounds being a portion of their debt secured on outstanding securities granted by the for raising money for the purposes of the following Acts (that is to say):—
and which sums the are under those Acts authorised to reborrow.

D. For raising the sum of pounds for paying off or redeeming statutory securities granted by the under the following Acts and now outstanding (that is to say):—

E. For the purpose of issuing stock in substitution for statutory securities granted by the under the following Acts and now outstanding (that is to say):—

Resolved secondly—

That such stock shall be issued at the price and shall bear the dividends and be transferable in the manner herein-after specified (that is to say):—

The minimum price of issue to be £ per centum, the first dividend to be payable on the [*insert date*].

Tenders for stock to be made to the . A deposit of five per centum on the amount of stock tendered for to be paid at at the time of the delivery of the tender.

The dates for the further payments on account of the said tenders when accepted to be as follows:—

In case of default in the payment of any instalment at its proper date the deposit and instalments previously paid will be liable to forfeiture.

Dividends at £ per centum per annum payable half-yearly, or at such other period as the may fix.

Dividends on the total amount of stock (calculated from the 189 ) to be payable on the 189 .

Scrip certificates to bearer with coupons attached for the dividends payable 189 and 189 to be issued in exchange for the provisional receipts.

G. In the event of the receipt of tenders for a larger amount of stock than that proposed to be issued at or above the minimum price, the tenders at the lowest price accepted to be subject to proportionate diminution.

H. Stock to be issued in sums of not less than £10.

J. Stock to be transferable in books and not by deed. (*See, however, Clause* 33.)

Resolved thirdly—

That such stock shall be redeemable as follows: [*State terms*].

Resolved fourthly—

That an agreement be entered into with the Commissioners of Inland Revenue for the payment to them of composition under the provisions of the Customs and Inland Revenue Act, 1887, for the stamp duty on transfers of stock issued under the foregoing resolutions.

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(B.)

STOCK RECEIPT.

REDEEMABLE STOCK.

(£ PER CENT.)

RECEIVED this day of 189 of

herein-after called the said transferee

the sum of

being the consideration for interest or share in the redeemable stock (£ : s. per cent.) transferable at the , and all my property and interest in, and right to, the same, and the dividends thereon by this day transferred unto the said transferee.

Witness hand

Witness

☞ The Proprietors to protect themselves from fraud are recommended to accept by themselves or their attorneys all transfers made to them.

£ s. d.

*ansfer ays:*

nday, esday, nesday, rsday, iday,

*lidays epted.*

[Indorsement.]

TICE TO HOLDERS OF REDEEMABLE STOCK.

(£ PER CENT.)

PAYMENT OF DIVIDENDS.

idends are due on the of either of these months n a Sunday, in which case the dividends e payable on the following day.

idends will be paid in one of the following :—

o the stockholders personally, or to their eys, at the .

—Stockholders may arrange for the receipt of their dividends, free of charge, at any of the *country* branches on application to the agent.

II. By transmission of dividend warrants by post at the risk of the stockholder under the following regulations:—

1. Any stockholder residing within the United Kingdom or in the Channel Islands or the Isle of Man who desires to have his dividend warrant sent to his address by post, must fill up a form of application, to be obtained at the bank or at any of its branches.
2. In the case of joint accounts, the application must be signed by all the members of the account, directing the warrant to be sent to one of them at a given address.
3. Post dividend warrants will be crossed & *Co.*, and will only be payable through a banker. They will be drawn to the order of the stockholder and must be indorsed.

☞ Stockholders whose warrants are sent by post should give notice to the bank if they are not received on the day on which they ought to be delivered, but need not acknowledge those that arrive in due course.

STOCK CERTIFICATES TO BEARER.

Stock certificates to bearer of the denominations of £10 or any multiple of £10, with coupons for the dividends attached, may be obtained in exchange for inscribed stock except in the case of stock held upon any trust.

---

(C.)

STOCK CERTIFICATE.

County, *or* burgh, *or as the case may be*, of .

Number

This is to certify that *A.B.* of is the proprietor of pounds of redeemable stock subject to the Acts of Parliament relating thereto.

Given under the common seal of the this day of 18 .

, Town Councillor,
*or as the case may be.*

, Town Councillor,
*or as the case may be.*

, Registrar.

---

(D.)

TRANSFER IN BOOKS.

REDEEMABLE STOCK.

(£ PER CENT.)

No.

Entered by

Witness to the identity of

this day of in the year one thousand eight hundred and do assign and transfer interest or share in the redeemable stock (£ per cent.) transferable at the and all my property and interest in and right to the same and the dividends thereon unto executors administrators or assignees. Witness hand Witness do freely and voluntarily accept the above stock transferred to

| £ | s. | d. |
|---|---|---|
| | | |

Witness

---

(E.)

APPLICATION FOR ISSUE OF POWER OF ATTORNEY.

the day of 189 .

From *A.B.* and *C.D.* the registered stockholders in the bank books.

£——— REDEEMABLE STOCK.

(£ per cent.)

To *G.H.* (the intended attorney)

Examined by Dr. fol
Cr. fol. Transfer book.
Posted by Posted by

---

(F.)

POWER OF ATTORNEY FOR SALE AND TRANSFER AND FOR RECEIPT OF DIVIDENDS.

Account.

REDEEMABLE STOCK.

Acceptance sale of £ and dividends.

We
our attorneys and attorney
for us and in our name and on our behalf—

First—to accept all transfers made or to be made to us of any sum of :

REDEEMABLE STOCK.

Secondly—to sell and transfer all or any part of the sum of said stock standing in our name in the books of the :

Thirdly—to receive and give receipts for all dividends or payments due or to become due on any sum of the said stock from time to time standing in our name in the books of the :

and also—to do whatever is necessary or proper to be done for the purposes aforesaid or any of them.

In witness whereof

[Indorsement.]

INSTRUCTIONS FOR EXECUTING THE WITHIN LETTER OF ATTORNEY

Account.

The date must be inserted in words and not in figures.

The execution must be attested by two credible witnesses who are not members of the local authority, and who must add their addresses and their qualities, professions or occupations.

A witness resident in a town must give the No. of the house as well as the name of the street.

If clerks or servants are witnesses they must give the names and addresses of their employers.

When a witness is a female she must state whether she is a spinster, wife, or widow; and if a wife she must give her husband's name address and quality, profession or occupation.

A wife is not a valid witness to the execution of this letter of attorney when her husband's name appears in the letter as attorney or transferee.

If any alteration, interlineation, or erasu

…ade in this letter of attorney, it must be …cularly stated in the attestation, sub…ed to by the witnesses, that such alteration, …tineation, or erasure was made previously …e execution of the letter.
…emand to act by this letter of attorney, …day of 18 .
…ness

---

(G.)

DEED OF TRANSFER.

…ounty, *or* burgh, *or as the case may be*, …of .

*I.I.B.* of in consideration of the …of pounds paid to me by *C.D.* (herein-after called the said …feree) do hereby transfer to the said …feree the sum of pounds …redeemable stock standing [*or* …of the stock standing] in my name in the …s of the of to hold …the said transferee, his executors adminis…rs and assignees [*or* successors and …nees] subject to the several conditions …hich I hold the same at the time of the …ition hereof, and I, the said transferee, do …y agree to take the said stock subject to …ame conditions.
…witness our hands and seals the …f 189 .
…ness

---

(H.)

DIVIDEND WARRANT.

REDEEMABLE STOCK.

(£ PER CENT.)

To the cashier of the

… to the bearer the sum of

…one of a …d dividend on the sum …nable stock (£ …ent.) due … Less property tax …d. per £ .

… hereby acknowledge to have received of the above-mentioned sum in …ayment for one of a year's …end due as aforesaid.
…ness my hand this 189 .
… Witness

---

(I.)

DIVIDEND WARRANT BY POST.

(1.)

REDEEMABLE STOCK.

(£ PER CENT.)

REQUEST FOR TRANSMISSION OF DIVIDEND WARRANTS BY POST.

To the

Amount. A sum of £ redeemable stock (£ per cent.) is now standing in

"my" or "our." Names, addresses, and descriptions as recorded in the bank books. name as follows :—

"I" or "we." As the person entitled to the dividends upon the above-mentioned amount of stock hereby authorise

"myself" or "our nominee." the of the for the time being in the name of to draw upon the for the amount of the dividends due and to become due on the said amount of stock or on the amount for the time being standing in

"my" or "our." name :

"I" or "we." And hereby request the said

"my" or "our." to send through the Post at risk, and until further notice the warrants so drawn to—

If the account is a sole one, insert here the name and address of the stockholder: If the account is a joint one, insert here the name and address of one of the stockholders, as nominee. Name

Present address

SIGN HERE.

In the case of joint stockholders or of co-executors all must sign.

Date 189

[On second half-sheet of same Form.]

This half-sheet is to be retained by the stockholder. Reference to it will often save unnecessary correspondence.

NOTICE TO HOLDERS OF REDEEMABLE STOCK.

(£ PER CENT.)

TRANSMISSION OF DIVIDEND WARRANTS BY POST.

Dividends upon the above-named stock may be transmitted through the post to the stock-

holder in sole accounts, and to anyone of the stockholders in joint accounts, at their risk, upon a form of request being duly filled up and forwarded to the . (Forms are obtainable at the and at any of its branches.)

*N.B.*—This arrangement does not apply to stockholders whose addresses are beyond the United Kingdom, the Channel Islands, and the Isle of Man.

Persons receiving dividends under letter of attorney cannot have the warrants for such dividends sent to them by post.

A separate form must be used for each separate holding of stock.

When forwarding a form of request, care should be taken to state the number of overdue dividends, if any.

Dividends are payable on .

When the happens on a Sunday, the dividends are not payable until the .

Forms of request may be delivered at the at any date, either by hand or through the post, but when received between the day on which the balance for a dividend is struck and the day on which the dividend is payable, the warrants for such next dividend will be forwarded as soon as possible, but the will not guarantee their being posted on the day before the dividend is payable.

For the dividend payable the balance is struck on or about the .

For the dividend payable the balance is struck on or about the .

For the dividend payable the balance is struck on or about the .

For the dividend payable the balance is struck on or about the .

Warrants for overdue dividends will be forwarded as promptly as possible, but not necessarily by return of post.

Any change of address of the stockholder in sole accounts, or of the nominee in joint accounts, should be notified at once to the . When any such notification reaches the less than a fortnight before the next dividend is due, there may be a delay of a few days in the delivery of the warrant for such next dividend.

In the absence of any notification to the contrary, it will be taken for granted that dividend warrants have duly reached their destination. When they are not received on the correct day, notice should be given to the without delay.

As postal dividend warrants are made payable to order, they must be indorsed; they are crossed in blank, and consequently are only payable on presentation by a banker. (The will not undertake to cross postal dividend warrants with the names of particular bankers.)

Instructions to transmit warrants by post remain in force, although the stock may have been added to, or a part sold.

Stockholders selling stock by attorney, if they wish to continue to receive their dividends through the post, should instruct their bankers or brokers to obtain letters of attorney for sale only.

All communications with reference to postal dividend warrants should be addressed to the , and the postage should be prepaid.

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(2.)

POST DIVIDEND WARRANT.

REDEEMABLE STOCK.

(£ PER CENT.)

To the

Pay to me or my order on demand the sum of

Being one of a year's dividend at £ per cent. per annum, due on the day of 189 , on the sum of

£ { Stock (£ per Cent.)

Less property tax at per £

Accepted for the

Per pro

The person to whom this warrant is payable must sign his or her name on the back of it.

---

(K.)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

REDEEMABLE STOCK CERTIFICATE TO BEARER.

DIVIDEND AT £ per CENT. per ANNUM.

£50 A 00000

This is to certify that the bearer of this certificate is entitled to fifty pounds redeemable stock with dividend thereon at the rate of £ per cent. per annum, transferable at the , pursuant to the Local Authorities Loans (Scotland) Act, 1891.

Dated 189 .

For the

Countersigned

A 00000 £50.

The coupons attached to this certificate are payable at the or at any of the branches.

When the coupons are exhausted this certificate will be exchanged on presentation at the for a new certificate with fresh coupons attached.

[*Coupons.*]

| | 5 Div. | 4 Div. | 4 Div. |
|---|---|---|---|
| DEEMABLE STOCK. | | REDEEMABLE STOCK. | |
| n for Shillings and Pence (less Income Tax) Months' Dividend per cent. per annum. | Stock. | Coupon for Shillings and Pence (less Income Tax) being Months' Dividend at £ per cent. per annum. | Stock. |
| 0 0 Due on | *Due* | A 00000 Due on | *Due* |
| cate for FIFTY POUNDS | A 00000 | Certificate for FIFTY POUNDS | A 00000 |
| | Stock. | | Stock. |
| ) 0 0 *Payable at the* | £0 0 0 | £0 0 0 *Payable at the* | £0 0 0 |

| | 3 Div. | 2 Div. | 2 Div. |
|---|---|---|---|
| DEEMABLE STOCK. | | REDEEMABLE STOCK. | |
| n for Shillings and Pence (less Income Tax) Months' Dividend per cent. per annum. | Stock. | Coupon for Shillings and Pence (less Income Tax) being Months' Dividend at £ per cent. per annum. | Stock. |
| 000 Due on | *Due* | A 00000 Due on | *Due* |
| cate for FIFTY POUNDS | A 00000 | Certificate for FIFTY POUNDS | A 00000 |
| | Stock. | | Stock. |
| 0 0 0 *Payable at the* | £0 0 0 | £0 0 0 *Payable at the* | £0 0 0 |

FEES.

| | £ | s. | d. |
|---|---|---|---|
| on original issue of stock receipt or stock certificate. | 0 | 2 | 6 |
| on any new stock certificate, | 0 | 2 | 6 |
| on transfer, including certificate, | 0 | 5 | 0 |
| on any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein, | 0 | 0 | 6 |
| on re-entry in stock register of stock specified in stock certificate to bearer, | 0 | 5 | 0 |

# ACT OF PARLIAMENT

TO

*Amend the Local Authorities Loans (Scotland) Act* 1891.—[56 *Vict., cap.* 8.—12*th May* 1893.]

Whereas doubts have arisen as to the meaning of certain provisions contained in the Local Authorities Loans (Scotland) Act, 1891:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. *Short Title.*—This Act shall be construed as one with the Local Authorities Loans (Scotland) Act, 1891, and may be cited as the Local Authorities Loans (Scotland) Act, 1891, Amendment Act, 1893, and this Act and the Local Authorities Loans (Scotland) Act, 1891, may be cited together as the Local Authorities Loans (Scotland) Acts, 1891 and 1893.

II. *Repeal.*—The first sub-section of section five of the Local Authorities Loans (Scotland) Act, 1891, is hereby repealed, and in substitution thereof the following provision shall have effect:

*Creation of Stock.*—Where the local authority have for the time being any statutory borrowing power, then, subject and according to the provisions of this Act and of any amending regulations which may be prescribed by the Secretary for Scotland and confirmed by Her Majesty by Order in Council, the local authority may from time to time, by resolution, exercise the power by creation of redeemable stock, to be from time to time issued for such amount within the limit of the power, at such price, being not lower than ninety-five per centum, to bear such half-yearly or other dividends, and to be so transferable, that is to say, in books or by deed, as the local authority by the resolution direct; provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock, bearing one and the same rate of dividend, and shall be redeemable as herein-after provided after the expiration of such one and the same period from the first creation of the stock as the Secretary for Scotland may approve; and the whole of the stock shall be redeemed or purchased and extinguished within such a period not exceeding sixty years from the first creation of the stock, as the Secretary for Scotland may approve.

III. *Issue of Regulations by Secretary for Scotland.*—(1.) Notwithstanding anything contained in the Local Authorities Loans (Scotland) Act, 1891, or in this Act, it shall be in the power of the Secretary for Scotland, by amending regulations issued under his hand to prescribe from time to time the manner in which stock may be created, issued, transferred, dealt with, and redeemed under these Acts, and without prejudice to the generality of the aforesaid power, such regulations may provide for the discharge of any loan raised by such stock, and in the cas of consolidation of debt for extending or varying the time within which loans may be discharged, and may provide for the consent of limited owners and for the disposal of unclaimed dividends or otherwise.

(2.) Such regulations shall be laid before each House of Parliament for not less than thirty days during which such House sits, and if either House during such thirty days resolves that such regulations ought not to be proceeded with, the same shall be of no effect without prejudice, nevertheless, to the making of further regulations.

(3.) If no such resolution is passed, it shall be lawful for Her Majesty by Order in Council to confirm such regulations, and the same when so confirmed shall be of the same force as if they were enacted in this Act, and the Local Authorities Loans (Scotland) Acts, 1891 and 1893, shall be deemed to have been amended accordingly.

IV. *Powers of Secretary for Scotland.*—(1.) The third sub-section of the fourth section of the Local Authorities Loans (Scotland) Act, 1891, shall be read as if the words "and the method and term of repayment for the purposes of this Act" were inserted after the words "such amount";

(2.) The second sub-section of the sixth section of the said Act shall be read as if the words "with or without modifications" were inserted after the words "Secretary for Scotland";

(3.) The third sub-section of the eleventh section of the said Act shall be read as if the word "of" inserted after the word "aforesaid" in the said sub-section were omitted; and as if the following words were inserted at the end

e sub-section, namely: "and when no amounts are determined by statute or wise, shall be the amounts prescribed by ecretary for Scotland"; and

The fourteenth section of the said Act be read as if the words "subject always e powers and provisions of their local " were inserted after the words "the uthority may."

The first sub-section of the fifty-second n of the said Act shall be read as if the ing words were inserted at the end of ub-section, namely: "Provided that the Secretary for Scotland has deter- the amount which a town council may v on the security of a common good in of section four, sub-section three, of ct, and any loan has been raised by of stock or otherwise on that security, no such power other than that of letting from year to year, or on lease for a period not exceeding five years, shall be exercised in respect of the common good during the continuance of any such loan without the consent of the Secretary for Scotland, by order under his hand, both as to the exercise of the power and as to the application of that purchase money or other money.

V. *Definition of "local authority."*—The expression "local authority," in the Local Authorities Loans (Scotland) Act, 1891, and in this Act, shall include public statutory commissioners or trustees having power to levy a rate as in the said first-mentioned Act defined.

VI. *Extent of Act.*—This Act shall extend to Scotland only.

ACT OF PARLIAMENT

TO

*Facilitate the Acquisition of Small Agricultural Holdings.*—[55 *and* 56 *Vict., cap.* 31.—27*th June* 1892.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

## PART I.

### Provision of Small Holdings by County Councils.

I. *Power for county council to acquire land for small holdings.*—(1.) If the council of any county are of opinion that there is such a demand for small holdings in their county as justifies them in putting into operation this Part of this Act, the council may, subject to the provisions of this Act, acquire any suitable land for the purpose of providing small holdings for persons who desire to buy and will themselves cultivate the holdings.

(2.) The expression "small holding" for the purposes of this Act shall mean land acquired by a council under the powers and for the purposes of this Act, and which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres, is of an annual value for the purposes of the income tax not exceeding fifty pounds.

II. *County council may lease land in lieu of purchasing.*—Where land through its proximity to a town or suitability for building purposes, or for any other special reason has a prospective value which in the opinion of the county council is too high to make its purchase for agricultural purposes desirable, the council may hire the land on lease or otherwise for the purpose of letting it in small holdings in accordance with the provisions of this Act.

III. *Purchase of land and adaptation of it for small holdings.*—(1.) For the purpose of the purchase of land under this Act by a county council the Lands Clauses Acts shall be incorporated with this Act, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, which provisions shall not apply for the purposes of this Act; and section one hundred and seventy-eight of the Public Health Act, 1875, shall apply as if the county council were referred to therein.

(2.) The county council may, if they think fit, before sale or letting, adapt for small holdings any land acquired under this Act by dividing and fencing it, making occupation roads, and executing any other works, such as works for the provision of drainage or water supply, which can in the opinion of the council be more economically and efficiently executed for the land as a whole.

(3.) The county council may also, if they think fit, as part of the agreement for the sale or letting of a small holding, adapt the land for a small holding by erecting thereon such buildings, or making such adaptations of existing buildings, as in their opinion are required for the due occupation of the holding, and cannot be made by the purchaser or tenant.

IV. *Sale or letting of small holdings.*—(1.) The county council shall apportion the total cost of the acquisition of the land, and of any adaptation thereof, among the several holdings in such manner as seems just, and shall, save as herein-after mentioned, offer the small holdings for sale in accordance with rules under this Act.

(2.) Where the county council are of opinion that any persons desirous of themselves cultivating small holdings are unable to buy, on the terms fixed by this Act, or where the land has been hired by the council on lease or otherwise, the council may, in the case of any small holding which either does not exceed fifteen acres in extent, or if exceeding fifteen acres is of the annual value for the purpose of the income tax not exceeding fifteen pounds, instead of offering it for sale, offer to let it in accordance with rules under this Act.

Provided that a tenant of any small holding may, before the expiration of his tenancy, remove any fruit and other trees and bushes planted or acquired by him for which he has no claim for compensation, and remove any toolhouse, shed, greenhouse, fowl-house, or pigsty built or acquired by him for which he has no claim for compensation.

(3.) The county council shall have power to sell, or, in the case of small holdings which may be let, to let one or more small holdings to a number of persons working on a co-operative system, provided such system be approved by the county council.

.) The cost of acquisition and adaptation l for the purposes of this section include y expense incurred by the council in rela- to the land, inclusive of any allowance to officers of the council for work done in ion thereto.

*Committee of and inquiry by council.*—(1.) county council may, and every county ncil not being a council of a county borough l, appoint a committee to consider whether circumstances of the county justify the ncil in putting into operation this Part of Act.

.) Any one or more county electors may nt a petition to the council of their county ing that there is a demand for small hold- in the county, and praying that this Part is Act may be put in operation, and there- the petition shall be referred to the com- ee appointed under this section, who, on g satisfied that the petition is presented in l faith and on reasonable grounds, shall hwith cause an inquiry into the circum- ces to be made and shall report the result he council.

.) If any councillor representing or alder- residing in any electoral division of a nty in which it is alleged that there is a and for small holdings is not a member of committee, he shall be added to the com- ee for the consideration of the alleged and.

*Regulations as to purchase money and sale.*
.) The purchase money for each small hold- sold by the county council shall include costs of registration of title, but shall not ude any expense incurred by the purchaser egal or other advice or assistance.

.) Every purchaser shall, within such time, less than one month after the purchase, as ed by rules under this Act, complete the hase.

.) On such completion he shall pay not than one fifth of the purchase money.

.) A portion representing not more than fourth of the purchase money may, if the nty council think fit, be secured by a per- al rentcharge which shall be redeemable in ner directed by section forty-five of the veyancing and Law of Property Act, 1881, respect to rentcharges to which that ion applies.

.) The residue (if any) of the purchase ey shall be secured by a charge on the ing in favour of the council, and shall er be repaid by half-yearly instalments of cipal with such interest, and within such not exceeding fifty years from the date of sale, as may be agreed on with the council, all, if the purchaser so requires, be repaid such interest and within such term as esaid by a terminable annuity payable by l half-yearly instalments. The amount he time being unpaid may at any time be harged, and any such terminable annuity at any time be redeemed, in accordance tables fixed by the county council.

.) The council may, if they think fit, agree ostpone for a term not exceeding five years time for payment of all or any part of an instalment either of principal or interest or of a terminable annuity, in consideration of expenditure by the purchaser which, in the opinion of the council, increases the value of the holding, but shall do so on such terms as will, in their opinion, prevent them from incurring any loss.

(7.) A small holding may be sold subject to such rights of way or other rights for the benefit of other small holdings as the council consider necessary or expedient.

VII. *Rules as to mode and conditions of sale.*—Every county council acquiring land under this Act shall make rules for carrying into effect this Act, except as otherwise provided, and in particular—

(*a*) as to the manner in which holdings are to be sold or let or offered for sale or letting; and

(*b*) as to the notice to be given of the offer for sale or letting; and

(*c*) for guarding against any small holding being let or sold to a person who is unable to cultivate it properly, and otherwise for securing the proper cultivation of a holding.

VIII. *List to be kept by county council.*—Every county council shall keep a list of the owners and occupiers of small holdings sold or let by them, and a map or plan showing the size, boundaries, and situation of each small holding so sold or let.

IX. *Conditions affecting small holdings.*—(1.) Every small holding sold by a county council under this Act shall for a term of twenty years from the date of the sale, and thereafter so long as any part of the purchase money remains unpaid, be held subject to the following conditions:—

(*a.*) That any periodical payments due in respect of the purchase money shall be duly made;

(*b.*) That the holding shall not be divided, subdivided, assigned, let, or sublet without the consent of the county council;

(*c.*) That the holding shall be cultivated by the owner or occupier as the case may be, and shall not be used for any purpose other than agriculture;

(*d.*) That not more than one dwelling-house shall be erected on the holding;

(*e.*) That any dwelling-house erected on the holding shall comply with such requirements as the county council may impose for securing healthiness and freedom from overcrowding;

(*f.*) That no dwelling-house or building on the holding shall be used for the sale of intoxicating liquors;

(*g.*) In the case of any holding on which, in the opinion of the county council, a dwelling-house ought not to be erected, that no dwelling-house shall be erected on the holding without the consent of the county council.

(2.) If any such condition is broken, the council may, after giving the owner an opportunity of remedying the breach, if it is capable of remedy, cause the holding to be sold.

(3.) If on the decease of the owner while the holding is subject to the conditions imposed by this section, the holding would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided, the council may require the holding to be sold within twelve months after such decease to some one person, and if default is made in so selling the holding, the council may cause the holding to be sold.

(4.) Any sale by the county council under this section may be made either subject to the charge in respect of purchase money or free, wholly or partly, from that charge, and in either case the provisions of this Act with respect to the purchase money shall apply in like manner as if the sale were the first sale of a small holding under this Act.

(5.) The proceeds of the sale shall be applied in discharge of any unpaid purchase money for the holding or redemption of any rentcharge or terminable annuity which is not to continue a charge on the holding, and, subject as aforesaid, shall be paid to the person appearing to the council to be entitled to receive the same.

(6.) The county council may, under special circumstances, to be recorded in their minutes, sell or consent to the sale under this section of a small holding free from all or any of the conditions imposed by this section, and may give such consent on such terms as they think fit.

(7.) Every small holding let by a county council under the foregoing provisions of this Act shall be held subject to the conditions on which it would under this section be held if it were sold, except so far as those conditions relate to the purchase money; and if any such condition or any term of the letting is broken the council may, after giving the tenant an opportunity of remedying the breach (if it is capable of remedy) determine the tenancy.

(8.) Nothing in or done under this section shall derogate from the effect of any building or sanitary byelaws for the time being in force.

X. *Registration of title to small holdings.*—(1.) When a county council have purchased land under this Act, they shall apply for their registration as proprietors thereof with an absolute title under the Land Transfer Act, 1875.

(2.) Rules under the Land Transfer Act, 1875, may—

(*a*) adapt that Act to the registration of small holdings, with such modifications as appear to be required; and

(*b*) on the application and at the expense of a county council provide, by the appointment of local agents or otherwise, for carrying into effect the objects of this section.

XI. *Right of purchase, if land diverted from agriculture.*—If at any time after the restrictive conditions imposed by this Act have ceased to attach to a small holding, the owner of the holding desires to use the holding for purposes other than agriculture, he shall before so doing, whether the holding is situate within a town or built upon or not, offer the holding for sale, first to the county council from whom the holding was purchased, next to the person or persons (if any) then entitled to the lands from which the holding was originally severed, and then to the person or persons whose lands immediately adjoin the holding, and sections one hundred and twenty-seven to one hundred and thirty of the Lands Clauses Consolidation Act, 1845, shall apply as if the owner of the small holding were the promoter of the undertaking, and the holding were superfluous lands within the meaning of those sections.

XII. *Extension of provisions of* 45 *&* 46 *Vict.*, *c.* 38.—Where a person having the powers of a tenant for life within the meaning of the Settled Land Act, 1882, sells, exchanges, or leases, any settled land to a county council for the purposes of this Act, such sale, exchange, or lease may be made at such a price, or for such consideration, or at such rent as, having regard to the said purposes and to all the circumstances of the case, is the best that can be reasonably obtained.

XIII. *Power to limited owner to sell at a fee farm rent.*—A person having the powers of a tenant for life within the meaning of the Settled Land Act, 1882, may grant the settled land, or a part thereof, to a county council for the purposes of this Act in perpetuity, at a fee farm or other rent secured by condition of re-entry, or otherwise as may be agreed upon.

XIV. *Power to attach grazing.*—Where any right of grazing, sheepwalk, or other similar right is attached to land acquired by a county council for the purposes of small holdings, the council may attach any share of the right to any small holding in such manner and subject to such regulations as they think expedient.

XV. *Letting of land unsold and sale of superfluous or unsuitable land.*—(1.) A county council shall, if practicable, sell or let as small holdings, and in accordance with this Act, any land acquired under this Act, but if the council are of opinion that any such land is not needed for, or is unsuitable for, small holdings, or cannot be sold or let under the foregoing provisions of this Act, or that some more suitable land is available, they may sell or let the land otherwise than under the said provisions, or exchange the land for other land more suitable for small holdings, and may pay or receive money for equality of exchange, and may erect such buildings or execute such other works as will in the opinion of the council enable the land to be sold or let without loss.

(2.) The council may also, while any sale of a holding is pending in pursuance of this Act, temporarily let or manage the holding for such time and in such manner as they think expedient.

(3.) Sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (relating to the right of pre-emption of superfluous lands) shall apply upon any sale in pursuance of this section before any such buildings or works as aforesaid are erected or executed on the land proposed to be sold, but save as aforesaid the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands shall not apply.

[illegible] *Provisions as to management of holdings.*
[illegible] Where a county council provide small [illegible]ngs they may delegate, with or without [illegible]ctions, the powers of the county council [illegible] this Act with respect to the adaptation [illegible]d for any holdings, and the sale, letting, [illegible]nanagement of any holdings to a com[illegible]e consisting of—

[illegible]he county councillor representing the electoral division in which the holdings are situate; and

[illegible]wo other members of the county council; and

[illegible]wo of the allotment managers (if any) under the Allotments Act, 1887, for the parish or area in which the holdings are situate selected by those managers, or if there are no allotment managers, two persons appointed in manner provided by that Act for the appointment of allotment managers; or

[illegible] the holdings are situate within the limits of a municipal borough, then, instead of the persons selected or appointed as aforesaid, two members of the borough council;

[illegible] the construction of this Act references [illegible] county council shall, in their application [illegible] powers so delegated, include any such [illegible]ittee. Provided that a county council [illegible] not under this section delegate any [illegible]rs of making or levying a rate or of [illegible]rowing money.

[illegible] The Local Government Act, 1888, shall [illegible]t to any committee appointed under this [illegible]on as if it were appointed under that Act.

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## PART II.

### [illegible]ANS BY COUNTY COUNCILS TO TENANTS PURCHASING SMALL HOLDINGS.

[illegible]II. *Power of county council to advance [illegible]y for purchase of small holding.*—(1.) Where [illegible]enant of a small holding has agreed with [illegible]ndlord for the purchase of the holding the [illegible]ty council of the county in which the [illegible]ng or any part of it is situate may, if they [illegible]t fit, advance to the tenant on the security [illegible]e holding an amount not exceeding four[illegible] of the purchase money thereof.

[illegible]) The provisions of this Act with respect [illegible]e purchase money secured by a charge on [illegible]all holding sold by a county council, and [illegible] respect to any small holding so sold, shall [illegible]y to an advance made and a holding pur[illegible]ed under this section, as if the advance [illegible]he purchase money, save that the county [illegible]cil shall not guarantee the title of the [illegible]haser of the holding.

[illegible]) No advance shall be made by a county [illegible]cil under this section, unless they are [illegible]fied that the title to the holding is good, [illegible] the sale is made in good faith, and that [illegible]price is reasonable.

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## PART III.

### SUPPLEMENTAL.

XVIII. *Restrictions on powers of council.*—(1.) A county council shall not acquire land under this Act save at such price that, in the opinion of the council, all expenses incurred by the council in relation to the land will be recouped out of the purchase money for the land sold by the council, or in the case of land let out of the rent, and shall fix the purchase money or rent at such reasonable amount as will, in their opinion, guard them against loss.

(2.) A county council shall not take any proceedings under this Act whereby the charge for the time being on the county rate, for the purposes of this Act, including the annual payments in respect of the loans raised for those purposes, is, in the opinion of the council, likely to exceed in any one year the amount produced by a rate of a penny in the pound, and, where the said charge at any time is equal or nearly equal to that amount, no further land shall be purchased in pursuance of this Act, until the charge has been decreased so as to admit of the further purchase without the charge exceeding the said amount.

XIX. *Borrowing powers and expenses.*—(1.) A county council may borrow money for the purposes of this Act in accordance with the Local Government Act, 1888, or, if the council of a county borough, with the Public Health Act, 1875, except that any money so borrowed shall notwithstanding anything in either of those Acts, be repaid within such period not exceeding fifty years, as the council, with the consent of the Local Government Board, determine in each case. Provided that money borrowed under this Act shall not be reckoned as part of the total debt of a county for the purpose of section sixty-nine, sub-section two, of the Local Government Act, 1888.

(2.) The Public Works Loan Commissioners may, in manner provided by the Public Works Loans Act, 1875, lend any money which may be borrowed by a county council for the purposes of this Act.

(3.) Every loan by the Public Works Loan Commissioners in pursuance of this Act shall bear such rate of interest not less than three pounds two shillings and sixpence per cent. per annum, as the Treasury may authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer.

(4.) Any capital money received by a county council in payment or discharge of purchase money for land sold by them, or in repayment of an advance made by them, shall be applied, with the sanction of the Local Government Board, either in repayment of debt or for any other purpose for which capital money may be applied.

(5.) The expenses incurred by the council of a county borough under this Act shall be defrayed out of the borough fund or borough rate, and any money borrowed by such a council shall be borrowed on the security of the borough fund or borough rate.

XX. *Definitions.*—For the purposes of this Act—

The expressions "agriculture" and "cultivation" shall include horticulture and the use of land for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry or bees, and the growth of fruit, vegetables, and the like:

The expression "county" shall mean the area under the authority of a county council:

The expression "county council" shall include the council of a county borough, and the expression "electoral division" in its application to a county borough divided into wards shall mean ward, and in its application to a county borough the expression "county rate" shall mean the borough rate or borough fund:

The expression "county elector" shall include "burgess."

In this Act, and in the enactments incorporated with this Act, the expression "land" shall include any right or easement in or over land.

XXI. *Modifications of Act and application to Scotland.*—In the application of this Act to Scotland—

(1.) A reference to any sections of the Lands Clauses Consolidation Act, 1845, shall be construed as a reference to the corresponding sections of the Lands Clauses Consolidation (Scotland) Act, 1845:

(2) A reference to the Local Government Act, 1888, shall be construed as a reference to the Local Government (Scotland) Act, 1889:

(3.) The Secretary for Scotland shall be substituted for the Local Government Board:

(4.) The expression "county rate" shall mean the general purposes rate leviable by a county council:

(5.) The expression "devise" shall mean *mortis causa* disposition:

(6.) The expression "easement" shall mean servitude:

(7.) The references to county boroughs shall not apply:

(8.) The expression "county elector" shall have the same meaning as in the Local Government (Scotland) Act, 1889.

XXII. *Modifications with respect to regulations as to purchase money in Scotland.*—With respect to the unpaid purchase money for a small holding under this Act, the following provisions shall have effect in Scotland in lieu of sub-sections four and five of section six of this Act:—

(1.) A portion, representing not more than one fourth of the purchase money, may, if the county council think fit, be converted into a perpetual rent-charge which shall be a real burden affecting the holding, redeemable at any time at the option of the purchaser in accordance with tables fixed by the county council, and the certificate of the county clerk that the redemption money has been paid shall, without any other instrument, operate as an extinction of the rent-charge, and the registration of such certificate in the register of sasines shall be equivalent to the registration of a discharge of the said rent-charge:

(2.) The residue (if any) of the purchase money shall be secured by a bond which shall be a charge on the holding in favour of the county council, and shall either be repaid by half-yearly instalments of principal with such interest and within such term not exceeding fifty years from the date of the sale as may be agreed on with the council, or shall, if the purchaser so requires, be repaid with such interest and within such term by a terminable annuity payable by half-yearly instalments. The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed in accordance with tables fixed by the county council. A certificate by the county clerk that the whole of the said residue has been paid, or that such terminable annuity has been redeemed, shall, without any other instrument, operate as a discharge of the said residue and extinction of the said terminable annuity, as the case may be, and the registration of such certificate in the register of sasines shall be equivalent to the registration of a discharge of the said bond.

XXIII. *Modifications as to preparation, &c., of titles, &c. connected with small holdings in Scotland.*—In Scotland the county council shall cause to be prepared and duly registered all deeds, writs, and instruments, necessary for completing the title of the purchaser of a small holding, and for securing the payment of any unpaid purchase money, and shall include in the purchase money the cost so incurred, or to be incurred, according to scales set forth in tables fixed by the county council.

Provided that—

(1) the county council, if they think fit, may appoint a person duly qualified (in the opinion of the sheriff) to carry out the provisions of this section, and shall assign to him such salary or other remuneration as they may determine: and

(2) the county council shall not be liable for any expenses incurred by the purchaser of a small holding for legal or other advice or assistance rendered to him on his own employment.

Sections ten, twelve, and thirteen of this Act shall not apply to Scotland.

XXIV. *Modifications as regards management of holdings in Scotland.*—A committee of a county council appointed under this Act with respect to the adaptation of land for small holdings, and the sale, letting, and management of the holdings, shall, in Scotland, consist of—

The county councillor representing the electoral division in which the holdings are situate; and

Two other members of the county council; and

Two persons elected triennially by the county electors in the electoral division aforesaid, in accordance with such regulations as the Secretary for Scotland may from time to time prescribe, whether preliminary or incidental to such election, and for applying to such election any enactments as to offences at the election of county councillors, and for supplying casual vacancies on the committee; or

If the holdings are situate within the limits of any burgh, then, instead of the persons elected as aforesaid, two town councillors or commissioners as the case may be, be appointed for that purpose by the town council or commissioners of such burgh.

XXV. *Extent of Act.*—This Act shall not apply to Ireland.

XXVI. *Commencement of Act.*—This Act shall come into operation on the first day of October 1892.

XXVII. *Short title.*—This Act may be cited as the Small Holdings Act, 1892.

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# ACT OF PARLIAMENT

TO

*Facilitate the provision of Allotments for the Labouring Classes in Scotland.*—

[55 *and* 56 *Vict., cap.* 54.—28*th June* 1892.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Short title.*—This Act may be cited as the Allotments (Scotland) Act, 1892.

2. *Duty of local authority to acquire land for allotments.*—(1.) On a representation in writing to the local authority of any burgh or county by six registered parliamentary electors or ratepayers resident, in the case of a burgh, in the burgh, and, in the case of a county, in any parish in that county, that the circumstances of the burgh or parish are such that it is the duty of the local authority to take proceedings under this Act therein, the local authority shall take such representation into consideration.

If the local authority of any burgh or county is of opinion, either after inquiry made in consequence of such representation or otherwise, that there is a demand for allotments for the labouring population in such burgh, or in any parish in such county, and that such allotments cannot be obtained at a reasonable rent and on reasonable conditions by voluntary arrangement between the owners of land suitable for such allotments and the applicants for the same, the local authority, subject to the provisions of this Act, shall by purchase or leasing acquire any suitable land which may be available, whether within or without the said burgh or the said parish, adequate to provide a sufficient number of allotments, and shall let such land in allotments to persons belonging to the labouring population resident in the said burgh or parish and desiring to take the same.

(2.) A local authority shall not under this Act acquire land for allotments save at such price or rent that in the opinion of the local authority all expenses, except such expenses as are incurred in making roads to be used by the public, incurred by the local authority in acquiring the land and otherwise in relation to the allotments may reasonably be expected to be recouped out of the rents obtained in respect thereof.

For the purpose of this section, the expression "reasonable rent," means the rent, exclusive of rates and taxes, which a person taking an allotment might reasonably be

expected to pay, taking one year with another, to a landlord, having regard to the value of similar land in the neighbourhood, to the extent and situation of the allotment, to the expenses of adapting the land to the purposes of the allotment, and to the repairs and other outgoings payable by the landlord, and to the cost and risk of collecting the rents of, and otherwise managing, allotments.

III. *Acquisition of land for purposes of Act.*—(1.) For the purposes of the purchase of land by agreement by a local authority for allotments, the Lands Clauses Acts shall be incorporated with this Act, except the provisions with respect to the purchase and taking of land otherwise than by agreement, and with respect to the provision to be made for affording access to the special Act.

(2.) If a local authority are unable by leasing or purchase by agreement to acquire suitable land sufficient for allotments under this Act for any burgh or parish at a reasonable price or rent and subject to reasonable conditions, such authority may, subject to the provisions of this Act, make a provisional order putting in force, as respects the land mentioned in the order, the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(3.) Before making any such provisional order the local authority shall—

(*a*) Publish once at the least in each of three consecutive weeks in the month of November in some newspaper circulating in the locality an advertisement describing shortly the land proposed to be taken and naming a place where a plan of the land may be seen at all reasonable hours and stating the quantity of land proposed to be taken; and shall further in the month of December:

(*b*) After such publication serve a notice in manner herein-after mentioned on every owner or reputed owner, lessee or reputed lessee and occupier of such land defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land:

(*c*) Such notice shall be served by delivery of the same personally to the person required to be served or, if such person is absent abroad, to his agent, or by leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such person:

(*d*) After the publication and service in this section mentioned the local authority may, by a majority of the full number of its members at a meeting called with special notice, resolve to make and may make an order putting in force, with reference to the land referred to in such order, the powers of the Lands Clauses Acts with respect to the purchasing a taking of land otherwise than agreement, or any of them, a either absolutely or with such c ditions and modifications as th may think fit, and it shall be t duty of the local authority, wit one month after the date of the ord to serve a copy of any order so ma in the manner and upon the pers in which and upon whom notices respect of the land to which t order relates are required by t Act to be served:

(*e*) No order so made shall be of any v dity unless the same has been c firmed by Act of Parliament; an shall be lawful for the Secretary Scotland, on the application of a local authority, to introduce i Parliament a Bill confirming a provisional order made under t Act by such local authority, and t local authority shall be conside as the promoters of the order:

(*f*) Before introducing any such Bill i Parliament the Secretary for Sc land shall consider any objection the provisional order which may lodged with him within one mo after the date of the service of order as in this section mentio by any person affected thereby, a may, if he thinks fit, direct sheriff to hold a local inquiry and report to him with respect to su objections:

(*g*) The Secretary for Scotland, in case shall refuse to introduce such into Parliament, may make s order as he shall think fit in reg to the costs, charges and expen connected with any inquiry as afo said, including the costs, char and expenses of any party oppos the order; and such costs, char and expenses shall be payable by local authority out of such asse ment as the Secretary for Scotla may determine.

(4.) In construing for the purposes of t section any section or Acts incorporated w or put in force under this section, this A together with any Act confirming a provisio order under this section, shall be deemed to the special Act, and the word "land" sh have the same meaning as in this Act.

Provided that—

(*a.*) Any question of disputed compen tion shall be referred to the arbit tion of a sole arbiter appointed the parties, or if the parties do concur in the appointment of a s arbiter, then, on the application either of them, by the Secretary Scotland, and the remuneration be paid to the arbiter appointed the Secretary for Scotland shall fixed by the said Secretary:

(*b.*) If an arbiter appointed for the p poses of this Act dies or beco incapable to act before he has m

his award, or fails to make his award within two months after he is appointed, his appointment shall determine, and the determination of the compensation shall be referred to another arbiter appointed in like manner as if no arbiter had been previously appointed: Provided always, that the same arbiter may be re-appointed:

(c.) An arbiter appointed under this section shall be deemed to be an arbiter within the meaning of the Lands Clauses Acts and the provisions of those Acts with respect to an arbitration shall apply accordingly; and, further, the arbiter, notwithstanding anything in the said Acts, shall determine the amount of the expenses and shall have power to disallow as expenses in the arbitration the expenses of any witness whom he considers to have been called unnecessarily, and any other expenses which he considers to have been incurred unnecessarily.

(3.) Where land is purchased by a local authority under this Act otherwise than by agreement, the following provisions shall apply:

(a.) The local authority shall not make a provisional order for purchasing any park, garden, pleasure-ground, or other land required for the amenity or convenience of any dwelling-house, or any land the property of a railway or canal company which is or may be required for the purposes of their undertaking:

(b.) The local authority shall, in making a provisional order for purchasing land, have regard to the extent of land held in the neighbourhood by any owner and to the convenience of other property belonging to the same owner, and shall so far as is practicable avoid taking an undue or inconvenient quantity of land from any one owner.

(4.) For the purpose of the letting of land by a local authority for allotments, any person or body of persons or body corporate authorised to sell land to the local authority for the purposes of this Act may, without prejudice to any other power of leasing, lease land to the local authority, for a term not exceeding thirty-one years.

(5.) The local authority shall not make a provisional order for purchasing any right to coal or metalliferous ore.

V. *Costs to be awarded in certain cases.*—Where any Bill for confirming a provisional order made under this Act is referred to a committee of either House of Parliament upon the petition of any person opposing such Bill, the committee shall take into consideration the circumstances under which such opposition was made to the Bill, and whether such opposition was or was not justified by the circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill, as the committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the twenty-eighth and twenty-ninth Victoria, chapter twenty-seven.

The decision of the majority of the members of the committee for the time being present and voting on any question under this section shall be deemed to be the decision of the committee.

V. *Improvement and adaptation of land for allotments.*—The local authority may improve any land acquired by them under this Act, and adapt the same for letting in allotments, by draining, fencing, and dividing the same, acquiring approaches, making roads, and otherwise, as they think fit, and may from time to time do such things as may be necessary for maintaining such drains, fences, approaches, and roads, or otherwise for maintaining the allotments in a proper condition.

VI. *Management of allotments.*—(1.) Subject to the provisions of this Act, the local authority may from time to time make, revoke, and vary such regulations as appear to be necessary or proper for regulating the letting of allotments under this Act, and for preventing any undue preference in the letting thereof, and generally for carrying the provisions of this Act into effect; and such regulations may define the persons eligible to be tenants of such allotments, and the notices to be given for the letting thereof, and the size of the allotments, and the conditions under which they are to be cultivated, and the rent to be paid for them. Provided that all such regulations shall make provision for reasonable notice to be given to a tenant of any allotment of the determination of his tenancy. Provided also, that all regulations made under this section shall not be of any force unless and until they have been confirmed by the Secretary for Scotland, after such publication and inquiry, and with such modifications (if any) as the said Secretary shall determine.

(2.) All regulations for the time being in force under this section shall be binding on all persons whatsoever; and the local authority shall cause them to be from time to time made known, in such manner as the local authority think fit, to all persons interested, and shall cause a copy thereof to be given gratis to any inhabitant of the burgh or parish demanding the same.

(3.) Subject to the provisions of this Act, the local authority may from time to time appoint, and when appointed remove, allotment managers of land acquired under this Act for allotments, and such allotment managers shall consist either partly of members of such authority and partly of other persons, or wholly of other persons, so that in either case such other persons be persons residing in the locality and contributing to the rate or assessment out of which the expenses under this Act are paid.

(4.) The proceedings and powers of allotment managers shall be such as, subject to the provisions of this Act, may be prescribed from time to time by the local authority; the allotment managers may be empowered by the local

authority to do anything in relation to the management of such allotments which the local authority are authorised to do, and to incur expenses to such amount as the local authority prescribe, and any expenses properly so incurred shall be deemed to be expenses of the local authority under this Act.

VII. *Provisions as to letting and use of allotments.*—(1.) The rents of the allotments shall be fixed at an amount not less than such as may reasonably be expected to ensure the local authority from loss; but in calculating such loss any expenses incurred in an unsuccessful attempt to acquire land for allotments shall be excluded and, subject as aforesaid, such rents may be from time to time charged as are reasonable, having regard to the agricultural value of the land, and not more than a quarter's rent shall be required to be paid in advance in any case where it is deemed necessary by the local authority to require the payment of rent in advance.

(2.) The local authority shall, for the purposes of all rates and taxes, be deemed to be the occupiers of the allotments which are let, but they shall cause the sums from time to time paid by way of rates and taxes in respect of the allotments to be apportioned among them, and cause the sum so apportioned in respect of each allotment to be certified to the tenant thereof, and such sum shall be added to the rent otherwise payable by the said tenant in respect of such allotment, and shall be deemed to be part of such rent, and be recoverable accordingly: Provided always, that for the purposes of the parliamentary franchise, and the municipal and county and all other local franchises, the tenants shall be deemed to be the occupiers and such rates to have been paid by them, notwithstanding the provisions herein-before contained.

(3.) One person shall not hold any allotment or allotments acquired under this Act exceeding one acre, and an allotment shall not be sub-let.

(4.) Provided that if at any time any allotment cannot be let in accordance with the provisions of this Act and the regulations, the same may be let to any person whatever at the best annual rent which can be obtained for the same, and on such terms as may enable the local authority to resume possession thereof within a period not exceeding twelve months if it should at any time be required to be let under the provisions aforesaid.

(5.) No building other than a toolhouse, shed, greenhouse, fowlhouse, or pigsty shall be erected on any part of any allotment, and if any building other than as aforesaid is so erected, the local authority shall forthwith pull down such building and sell and dispose of the materials thereof, and the proceeds of the sale shall be applicable in like manner as the rent of the allotment. If any building so allowed to be erected is erected upon an allotment, then at the end of the tenancy neither the local authority nor the incoming tenant shall be bound to take any such building or pay any compensation therefor, but the outgoing tenant shall be at liberty, before the expiration of his tenancy, to remove the same, and, if he fails so to do, the local authorit may, after such expiration, pull down th building and dispose of the materials, an apply the proceeds in like manner as if it we a building prohibited to be erected.

(6.) A tenant of an allotment may, befo the expiration of his tenancy, remove any fru and other trees and bushes planted or acquire by him, for which he has no claim for compe sation.

VIII. *Recovery of rent and possession of allo ments.*—(1.) The rent for an allotment let pursuance of this Act, and the possession such allotment in the case of any warning remove, or failure to deliver up possession the same as required by law, may be recover by the local authority as landlords, in the li manner as in any other case of landlord a tenant.

(2.) If the rent for any allotment is in arre for not less than forty days, or if it appears the local authority that the tenant of an allo ment not less than three months after the co mencement of the tenancy thereof has not du observed the regulations affecting such allo ment made by or in pursuance of this Act, or resident more than one mile out of the bur or parish for which the allotments are pr vided, the local authority may serve upon t tenant, or if he is residing out of the burgh parish, leave at his known last place of abo in the burgh or parish, or fix in some co spicuous manner on the allotment, a writt notice determining the tenancy at the expi tion of one month after the notice has been served or affixed, and thereupon such tenan shall be determined accordingly: Provid that in every such case the local authority default of agreement between the incomi and outgoing tenant shall on demand pay the tenant whose tenancy is so determin any compensation due to him as an outgoi tenant; and such compensation shall assessed by an arbiter appointed by the lo authority, or, if the tenant so elect, by a ref ence under the Agricultural Holdings (Sc land) Act, 1883.

(3.) Upon the ejectment of any tenant fr an allotment, the court ordering the ejectme may stay proceedings until payment of t compensation, if any, due to the outgoi tenant has been made or secured to the sat faction of the court.

IX. *Election of allotment managers.*—( Where allotments have been provided unc this Act on account of a parish in any coun a petition to the local authority may be p sented by a number of the county electors such parish, not being less than one-sixth the whole number of such electors, praying the election of allotment managers in su parish, and thereupon the local authority sh order such election, and the allotme managers so elected shall be the allotme managers of the allotments in such parish lieu of allotment managers appointed by t local authority, who, on an election under t Act, shall cease to hold office.

(2.) The first election shall be held on su day as may, subject to the regulations he

:er mentioned, be fixed by the local thority.

(3.) The number of allotment managers in ch case shall be such (not being less than ree nor more than five) as the local authority ıy fix, and the quorum shall be three, or, if e number of managers is less than five, be o.

(4.) The allotment managers shall retire ennially on such day as may be prescribed the regulations herein-after mentioned, and e allotment managers first elected shall retire the day for retirement which occurs next er the expiration of three years after the y fixed for their election.

(5.) Any casual vacancy among the allotment nagers which occurs by death, resignation, qualification, or otherwise, may, if there re- ins a quorum of allotment managers, be ed up by such managers, but the person cted to fill the vacancy shall hold office only the same time as the vacating manager uld have done.

(6.) If at any time by reason of a failure of ction, or of any other cause, there is no otment manager, or no quorum of allotment nagers in any parish, the local authority ll appoint allotment managers under this t in that parish, and shall continue to ap- nt the same until another petition for the ction of allotment managers is presented der this section

(7.) An elector shall not give more than one e for any candidate nor vote for more candi- es than the number to be elected.

(8.) The election of allotment managers shall held at such time, and in such manner, and accordance with such regulations as the retary for Scotland may from time to time order prescribe; and the Secretary for otland may make regulations respecting the ties of the returning officer, and the expenses the election, and may do and make regula- ns respecting all such things as appear to n necessary or proper for carrying into ct this section, whether preliminary or idental to such election, and for applying such election any enactments respecting ences at the election of county councillors, d may revoke or alter any previous order der this section: Provided as follows:—

(a.) Such person as the local authority may appoint shall be the returning officer;

(b.) A poll, if demanded, shall be taken by ballot, and the said regulations shall provide for the application to such poll of the Ballot Act, 1872, including the provisions for punishing offences;

(c.) The poll shall be held on one day only, and shall close at eight o'clock in the evening, and shall be open for at least the period from five to eight o'clock in the evening.

(d.) The returning officer shall not vote except in the case of an equality of votes between any candidates, in which case he shall give a casting vote;

(e.) Any ballot boxes, instruments, fittings, and compartments provided by any public authority for parliamentary, municipal, county council, or school board elections, or belonging to any public authority for the purpose of elections, shall be lent to the returning officer on his request for the purpose of an election of allotment managers, under such conditions and either free of charge or for such reasonable charge as may be prescribed by regulations under this section.

(9.) An election under this section shall not be questioned except in such manner as may be prescribed by regulations under this section, and the regulations may apply to such election any enactments respecting the questioning of an election of county councillors.

(10.) If an allotment manager is punished with imprisonment for any crime, or is adjudged a bankrupt, or enters into a composition or arrangement with his creditors, or ceases to reside in, or in the neighbourhood of, the parish, or absents himself for twelve months from all meetings of the allotment managers, except for temporary illness or other cause, to be approved by such managers, or is a tenant of any allotment under the management of the managers, he shall cease to be an allotment manager, and his office shall be vacant, and a person who, if elected, would by virtue of this enactment cease, otherwise than by reason of absence from meetings, to be a manager, shall not be qualified to be elected a manager, but, save as aforesaid, any retiring managers shall be eligible for re-election.

Repealed 1894.

X. *Expenses and receipts.*—(1.) All expenses incurred by a local authority under this Act, including allowances to officers of such authority for duties under this Act, shall be defrayed as if they were expenses incurred for water supply under the provisions of the Public Health (Scotland) Acts, and such expenses shall in the case of a county be charged to the district within which is situated the parish on account of which the land was acquired.

(2.) All sums received by a local authority in respect of any land acquired under this Act, otherwise than from any sale or exchange, shall be applied in aid of the expenses incurred by them in respect of such land, and so far as they are not required for the payment of those expenses, shall be applied in aid of the expenses above in this section mentioned, and in the case of a county shall be credited to the district committee of the district within which is situated the parish on account of which the land was acquired.

(3.) The local authority may borrow for the purposes of acquiring, improving, and adapting land under this Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned expenses; and all sums payable by the local authority in respect of principal or of interest on any money so borrowed shall be defrayed in manner provided by this section respecting expenses incurred under this Act in respect of such land.

(4.) The provisions of the Public Health (Scotland) Acts, relating to borrowing by a

local authority for water supply, and sections three and four of the Public Health (Scotland) Act, 1867, Amendment Act, 1875, relating to loans by the Public Works Loan Commissioners to a local authority, shall apply to a loan for the purposes of this Act to a local authority under this Act in like manner as if they were herein re-enacted and with the necessary variations made applicable thereto.

(5.) Separate accounts shall be kept of the receipts and expenditure under this Act of the local authority and their officers (including the allotment managers) acting under this Act, and such accounts shall be audited in like manner, and with the like incidents and consequences as the accounts of the other receipts and expenditure of the local authority and their officers.

XI. *Sale of superfluous or unsuitable land.*—(1.) Where the local authority are of opinion that any land acquired by them in pursuance of this Act or any part thereof is no longer needed for the purpose of allotments, or that any other land more suitable for such purpose is available, they may sell or let such land or part, or exchange the same for other land more suitable for the said purpose, and may pay or receive money for equality of exchange.

(2.) The proceeds of a sale under this section and any money received by the local authority on any such exchange as aforesaid by way of equality of exchange, shall be applied in discharging, either by way of a sinking fund or otherwise, the debts and liabilities of the local authority in respect of the land acquired under this Act, or in acquiring, adapting, and improving other land for allotments under this Act, and any surplus remaining may be applied for any capital purpose which is approved by the Secretary for Scotland; and the interest thereon (if any) and any money received from the letting of the land may be applied in acquiring other land for allotments, or shall be applied in like manner as receipts from allotments under this Act are applicable: Provided that any such proceeds, surplus, interest, and money shall, in the case of a county, be credited to or applied for the benefit of the district within which is situated the parish on account of which the land was purchased.

(3.) Sections one hundred and twenty to one hundred and twenty-three (both inclusive) of the Lands Clauses Consolidation (Scotland) Act, 1845 (relating to the right of pre-emption of superfluous lands) shall apply upon any sale by a local authority in pursuance of this section of any land, whether because it is no longer needed for the purpose of allotments, or because other land more suitable for the purpose is available, but, save as aforesaid, the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the sale of superfluous lands shall not be deemed to be incorporated in this Act, or in any provisional order made under this Act.

XII. *Power to make scheme for provision of common pasture.*—Where it appears to any local authority that, as regards their burgh, or any parish in their county, land can be acquired for affording common pasture at such price or rent that all expenses incurred by the loc authority in acquiring the land and otherwi in relation to the land when acquired m reasonably be expected to be recouped out the charges paid in respect thereof, and th the acquisition of such land is desirable view of the wants and circumstances of t labouring population, such local authority m frame a scheme for providing such comm pasture, and if such scheme shall be approv at a second meeting of the local authority he with special notice by advertisement once least for three successive weeks in some new paper circulating in the locality, the lo authority may order the scheme to be carri into effect, and upon such order being ma this Act shall, with the necessary modifi tions, apply in like manner as if "allotment in this Act included common pasture, a "rent" included a charge for turning out animal.

Provided that the regulations made un this Act may extend to regulating the turni out of animals on the common pasture, to fining the persons entitled to turn them o the number to be turned out, and the con tions under which animals may be turned o and fixing the charges to be made for ea animal, and otherwise to regulating the co mon pasture.

XIII. *As to combination of parishes.*—Two more parishes immediately adjoining ea other may make a joint representation un this Act, and a local authority of a cou may take proceedings in respect of su parishes as if they were a single parish.

XIV. *Register of tenancies.*—The lo authority shall cause a register to be k showing the particulars of the tenan acreage, and rent of every allotment let, a of the unlet allotments, and such register sh be open to the examination of ratepayers the burgh or the county, as the case may in such manner as may be prescribed by regulations made under this Act by the lo authority, and any ratepayer of such burgh county, without paying any fee, may t copies of or extracts from such register, within one month after the fifteenth day May in every year the local authority sh cause an annual statement showing th receipts and expenditure under this Act respect of the year ending on that day, a their liabilities outstanding on that day, to deposited at some convenient place in burgh or county to which the statement lates, and any ratepayer may without fee spect and take copies of such statement.

XV. *Use of school room, &c. free of cha* —Any room in a school receiving a grant of moneys provided by Parliament may, cept during ordinary school hours, and room the expense of maintaining which is p able out of any rate or assessment in the bu or parish other than the school rate may, used free of charge for the purpose of election of allotment managers or an inqu under this Act, or for the purposes of this by the local authority or any commit

reof, or, in the case of a school aforesaid, th the consent of any two members of the hool board or managers, as the case may be, the purpose of holding public meetings to cuss any question relating to allotments der this Act, but any damage done to the m and any expense incurred by the person persons having control over the room on count of its being so used shall be paid by local authority or by the persons calling meeting, as the case may be.

Nothing in this section shall give any right hold a public meeting in a schoolroom (*a*) ess not less than six days before the meet- a notice of the intention to hold the meet- on the day and at the time specified in the ice, signed by the persons calling the eting, being not less than six in number, l being persons qualified to make a repre- tation to the local authority under this , has been given, if the school is under a ool board, to the clerk of the board, and in other case to one of the managers of the ool; nor (*b*) if the use of the schoolroom the said day and at the said time has pre- sly to the receipt of the notice of the ting been granted for some other purpose; in the last-mentioned case the clerk or ager, or some one on his behalf, shall forth- after the receipt of the notice, inform in ing one of the persons signing it that the of the school has been so granted for some r purpose, and name some other day on ch the schoolroom can be used for the ting.

If the persons calling the meeting fail to obtain the use of a schoolroom under this section, they may appeal to the local authority under this Act, and the local authority shall forthwith decide the appeal and make such order respecting the use of the room as seems just.

XVI. *Definitions.*—In this Act, unless the context otherwise requires—

The expression "local authority" shall mean, in a burgh the town council or police commissioners, and in a county the county council:

The expression "allotment" includes a field garden:

The expression "burgh" includes royal and parliamentary burghs and any populous place having police commissioners under any general or local police Act:

The expressions "county," "county elector," "district" and "district committee" have the meanings assigned to them in the Local Government (Scotland) Act, 1889.

The expression "land" includes pasture, arable, and other land, and any right of way or servitude.

The expression "Public Health (Scotland) Acts" means the Public Health (Scotland) Act, 1867, and any Act amending the same.

XVII. *Extent of Act.*—This Act shall apply to Scotland only.

# ACT OF PARLIAMENT

TO

*Provide for the Establishment of a County Councils Association in Scotland, and enable County Councils to contribute to the expenses of the Association.*

[57 *Vict., cap.* 5.—1*st June* 1894.]

Whereas it is proposed that an association of county councils of Scotland sho be formed for the purpose of consultation as to their common interests, and discussion of matters relating to local government:

Be it therefore enacted by the Queen's most Excellent Majesty, by and w the advice and consent of the Lords Spiritual and Temporal, and Commons, in t present Parliament assembled, and by the authority of the same, as follows:—

1. *Contributions from county fund.*—A county council of a county may pay of the general purposes rates as general expenses incurred by them in the exe tion of their duties under the Local Government (Scotland) Act, 1889, any s not exceeding thirty pounds, in any one year as an annual or other subscriptio the funds of the association as well as any reasonable expenses of the attenda of representatives, not exceeding in any case, four, at meetings of the associati

2. *Short title.*—This Act may be cited for all purposes as the County Coun Association (Scotland) Expenses Act, 1894.

# )OUNDARIES of COUNTIES and PARISHES

## f fixed by "The Boundary Commissioners," under the Local Government (Scotland) Act 1889.

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s alterations made by the Boundary Commissioners took effect as to Registra- of Writs in the divisions of the General Register of Sasines on 15th May 2. To ensure accurate and valid registration, the keeper of the Register has mmended that in titles dealing with subjects affected by the new boundaries e should be a reference to both counties, thus: "formerly in the county of A, now in the county of B."

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# ORDERS BY BOUNDARY COMMISSIONERS.

## I.—ABERDEEN.

PARISHES OF ABERDOUR AND STRICHEN.—The detached part of the parish Aberdour, containing 1482 acres or thereby, situated at or near Auchentu shall cease to be part of the parish of Aberdour, and shall form part of the pa of Strichen.

PARISHES OF ABOYNE AND GLENTANNER, AND BIRSE.—The detached part of parish of Aboyne and Glentanner, containing 349 acres or thereby, situated a near Percie, and surrounded by the parish of Birse, shall cease to be part of said parish of Aboyne and Glentanner, and shall form part of the parish Birse.

PARISHES OF CLUNY AND MIDMAR.—So much of the parish of Midmar as lie the west of a line drawn in a southerly direction along the *medium filum* of Douglas Burn from the point where the said burn enters the main portion of parish of Cluny, until the said line meets the aforesaid detached part of the pa of Cluny, and also so much of the parish of Midmar as lies to the north of a drawn in a westerly direction along the centre of the road from Aberdeen Alford from the point where the said road leaves the parish of Echt to the p where it first enters the parish of Cluny, shall cease to be part of the paris Midmar, and shall form part of the parish of Cluny.

II. So much of the parish of Cluny as lies to the south of a line drawn westerly direction along the centre of the road from Aberdeen to Alford from point where the said road first enters the parish of Cluny to the point wher meets the boundary of the parish of Midmar, shall cease to be part of the pa of Cluny, and shall form part of the parish of Midmar.

PARISHES OF FRASERBURGH AND STRICHEN.—The detached part of the paris Fraserburgh, containing 2747 acres or thereby, situated at or near Techmu shall cease to be part of the said parish of Fraserburgh, and shall form par the parish of Strichen.

PARISHES OF ELLON AND METHLICK.—The detached part of the parish Methlick, containing 881 acres or thereby, situated at or near Inverebrie and adj ing the parishes of Ellon and Tarves, shall cease to be part of the said paris Methlick, and shall form part of the parish of Ellon.

PARISHES OF STRATHDON AND TOWIE.—The detached part of the paris Strathdon, containing 3557 acres or thereby, situated at or near Glenkindie, s cease to be part of that parish, and shall form part of the parish of Towie.

PARISHES OF LOGIE-COLDSTONE, STRATHDON, TARLAND AND MIGVIE, TOWIE.—I. So much of the detached part of the parish of Tarland and Mig containing 2398 acres or thereby, situated at or near Deskry, and adjoining parishes of Glenbucket, Strathdon, Logie-Coldstone, and Towie, as lies on left bank of the River Deskry, shall cease to be part of that parish, and

rm part of the parish of Strathdon, and the remainder of the said detached part all cease to be part of the parish of Tarland and Migvie, and shall form part of e parish of Towie.

II. The detached part of the parish of Tarland and Migvie, containing 1969 res or thereby, situated at or near Glack, and adjoining the parishes of Logie-oldstone and Towie, shall cease to be part of the parish of Tarland and Migvie, d shall form part of the parish of Logie-Coldstone.

III. The detached part of the parish of Tarland and Migvie, containing 8293 res or thereby, situated at Glen Ernan, and almost surrounded by the parish of rathdon, shall cease to be part of the parish of Tarland and Migvie and shall rm part of the parish of Strathdon.

IV. So much of the parish of Logie-Coldstone as lies to the east of a line drawn ong the centre of the road leading from the Mill of Culfork in a southerly rection over Green Hill past Littlejohn's Howe, Easter Davoch, Windsee, and illhead to Tarland, from the point at which the said road enters, to the point which it leaves, the said parish of Logie-Coldstone, shall cease to be part of e parish of Logie-Coldstone and shall form part of the parish of Tarland and igvie.

## 2.—ABERDEEN AND BANFF.

PARISH OF CABRACH.—So much of the parish of Cabrach as is situated in the unty of Aberdeen shall cease to be part of that county, and shall form part of e county of Banff.

PARISH OF GLASS.—So much of the parish of Glass as is situated in the county Banff shall cease to be part of that county, and shall form part of the county Aberdeen.

PARISH OF GARTLY.—The detached part of the county of Banff, consisting of art of the parish of Gartly, shall cease to be part of that county, and shall form art of the county of Aberdeen.

PARISHES OF NEW MACHAR AND UDNY.—I. The detached part of the county of anff, being part of the parish of New Machar, containing 2088 acres or thereby, tuated at or near Straloch and adjoining the parishes of Fintry, Keithall, and idny, shall cease to be part of that county, and shall form part of the county of berdeen.

II. So much of the parish of Udny as lies to the south and west of the northern id eastern marches of the estate of Torryleith shall cease to be part of that arish, and shall form part of the parish of New Machar.

PARISH OF OLD DEER.—The detached part of the county of Banff, consisting of ie parish of Old Deer, shall cease to be part of that county, and shall form part the county of Aberdeen.

PARISH OF ST. FERGUS.—The detached part of the county of Banff, consisting the parish of St. Fergus, shall cease to be part of that county, and shall form art of the county of Aberdeen.

PARISHES OF GAMRIE, INVERKEITHNY, ALVAH, AND ROTHIEMAY.—The parishes Gamrie, Inverkeithny, Alvah, and Rothiemay shall for all purposes (including ie administration of the laws relating to highways and the administration of the ws relating to public health) be included in and form part of the county of anff.

PARISHES OF ALVAH AND KING EDWARD.—The detached part of the parish of ing Edward and of the county of Aberdeen, containing 1081 acres or thereby,

situated at or near Montcoffer and adjoining the parishes of Alvah, Banff, ar Gamrie, in the county of Banff, shall cease to be part of the said parish and of t said county, and shall form part of the parish of Alvah and of the county Banff.

PARISHES OF CAIRNIE AND KEITH.—So much of the parish of Cairnie as situated in the county of Banff shall cease to be part of the parish of Cairnie, a shall form part of the parish of Keith in the said county.

## 3.—ABERDEEN AND KINCARDINE.

PARISHES OF BANCHORY-DEVENICK AND PETERCULTER.—So much of the pari of Banchory-Devenick as is situated in the county of Aberdeen, containing 3 acres or thereby, situated in the county of Aberdeen, at or near Deebank, a adjoining the parishes of Maryculter and Peterculter, including the detached pa of the said parish of Banchory-Devenick, and also the lands common to t parishes of Banchory-Devenick and Peterculter, shall cease to be part of t parish of Banchory-Devenick and shall form part of the parish of Peterculter.

PARISH OF BANCHORY-TERNAN.—So much of the parish of Banchory-Ternan is situated in the county of Aberdeen shall cease to be part of that county, a shall form part of the county of Kincardine.

PARISH OF DRUMOAK.—So much of the parish of Drumoak as is situated in t county of Kincardine shall cease to be part of that county, and shall form part the county of Aberdeen.

PARISHES OF MARYCULTER AND PETERCULTER.—So much of the parish Peterculter and of the county of Aberdeen as lies to the south of a line drawn do the *medium filum* of the River Dee from the point south-west of Pittengullies which the boundary between the counties of Aberdeen and Kincardine leaves t *medium filum* of the said river, till the said line again reaches the last-mention boundary (being the detached or nearly detached part of the parish of Petercult and of the county of Aberdeen), shall cease to be part of the said parish and count and shall form part of the parish of Maryculter and the county of Kincardine.

## 4.—ARGYLL.

PARISHES OF CRAIGNISH, AND KILNINVER AND KILMELFORT.—The detach part of the parish of Craignish, containing 529 acres or thereby, situated at near Lagalochan, and adjoining the parishes of Kilninver and Kilmelfort, K martin, and Kilchrenan and Dalavich, shall cease to be part of the parish Craignish, and shall form part of the parish of Kilninver and Kilmelfort.

PARISHES OF GLENORCHY AND INISHAIL, AND KILCHRENAN AND DALAVIC —The detached part of the parish of Kilchrenan and Dalavich, containing 27 acr or thereby, consisting of the island of Inishail in Loch Awe and surrounded b the parish of Glenorchy and Inishail, shall cease to be part of the parish of Ki chrenan and Dalavich, and shall form part of the parish of Glenorchy a Inishail.

PARISHES OF KILMALLIE AND LISMORE AND APPIN.—The detached part of th parish of Lismore and Appin, containing 22,730 acres or thereby, situated at near Kingairloch and adjoining the parishes of Kilmallie, Ardnamurchan, an Morven, shall cease to be part of the the parish of Lismore and Appin, and sha form part of the parish of Kilmallie.

PARISHES OF KILCALMONELL AND KILBERRY, AND SOUTH KNAPDALE.—The detached part of the parish of Kilcalmonell and Kilberry, containing 21,915 acres or thereby, being the old parish of Kilberry, and adjoining the parish of South Knapdale, shall cease to be part of the parish of Kilcalmonell and Kilberry, and shall form part of the parish of South Knapdale, and the remaining portion of the said parish of Kilcalmonell and Kilberry shall be called the parish of Kilcalmonell.

## 5.—ARGYLL—ISLAND OF MULL.

PARISHES OF KILFINICHEN AND KILVICKEON, AND PENNYGOWN AND TOROSAY.—The detached part of the parish of Pennygown and Torosay, containing 1307 acres or thereby, situated at or near Burg and adjoining the parish of Kilfinichen and Kilvickeon, shall cease to be part of the parish of Pennygown and Torosay, and shall form part of the parish of Kilfinichen and Kilvickeon.

II. So much of the parish of Kilfinichen and Kilvickeon as lies to the east of a line drawn from the sea at or near Carvolog in a generally north-westerly direction along the march between the estate of Lochbuie and the estate of Carsaig to the present boundary between the said parish and the parish of Pennygown and Torosay, shall cease to be part of the parish of Kilfinichen and Kilvickeon, and shall form part of the parish of Pennygown and Torosay.

## 6.—ARGYLL AND INVERNESS.

PARISHES OF KILMALLIE AND KILMONIVAIG.—I. The following portion of the parish of Kilmallie situated in the county of Argyll, viz. :—So much of that parish as lies to the north of a line starting at the head of Loch Sheil, and running in a generally easterly direction up the *medium filum* of the Callop river, till it meets Allt Dubhaidh, thence up the *medium filum* of the said Allt Dubhaidh and through Loch an Dubh Torr an Tairbeart to the most easterly point thereof; thence due north-east till it reaches the stream Dubh Lighe (otherwise known as the Druimasallie Burn), thence down the *medium filum* of the said Dubh Lighe until it reaches Loch Eil; thence along the centre of Loch Eil at low water to a point due south of Annat Point; thence along the centre of the channel at low water to a point half-way between Eilean na Bhealaidh and the point on the mainland due south thereof called Rudha Dearg, thence along the centre of the channel at low water to the point of junction of Loch Eil and Loch Linnhe:—and to the east of a line drawn from the last-mentioned point and running in a southerly direction along the centre of Loch Linnhe at low water until it meets the present boundary between the counties of Argyll and Inverness at a point directly opposite to and west of the point where the River Lochy enters Loch Linnhe, shall cease to be part of the county of Argyll, and shall form part of the county of Inverness.

II. That portion of the parish of Kilmonivaig which is bounded on the north by the parish of Kilmallie, on the east by the march between the property of Mrs. Cameron Campbell of Monzie and the property of Lord Abinger, on the south by the parish of Kilmallie, and on the west by Loch Linnhe, shall cease to be part of the parish of Kilmonivaig, and shall form part of the parish of Kilmallie.

PARISH OF SMALL ISLES.—So much of the parish of Small Isles as is situated in the county of Argyll shall cease to be part of that county, and shall form part of the county of Inverness.

## 7.—AYR.

PARISHES OF GALSTON AND RICCARTON.—I. So much of the parish of Galston as lies to the west of the western fence or boundary of the Glasgow and South-

Western Railway line between Kilmarnock and Dumfries, shall cease to be part o that parish, and shall form part of the parish of Riccarton.

II. So much of the parish of Riccarton as lies to the east of the west march o boundary of the estate of Milrig, presently belonging to Colonel John Spro Tait, shall cease to be part of the said parish, and shall form part of the parish o Galston.

PARISHES OF MAUCHLINE AND SORN.—The detached part of the parish of Sorn containing 11 acres or thereby, and situated at or near Garfield and surrounde by the parish of Mauchline, shall cease to be part of the parish of Sorn, and sha form part of the parish of Mauchline.

PARISHES OF OCHILTREE AND STAIR.—I. That portion of the parish of Ochi tree which is bounded on the south by the detached part of the parish of Stai containing 1821 acres or thereby, situated at or near Drongan and adjoining th parishes of Coylton and Ochiltree, and by the southern march of the estate Auchinleck; on the east by a line running from the said march in a general northerly direction, first along the eastern march of the estate of Auchinleck unt it meets the boundary of the detached part of the parish of Stair, containing 11 acres or thereby, situated at or near Trabbochburn, and surrounded by the paris of Ochiltree, then along the eastern and north-eastern boundary of the las mentioned detached part until it reaches the march between the farms of Litt Speirston and Gargown, and then along the last-mentioned march until it mee the boundary between the parishes of Stair and Ochiltree at a point north-east the farm-steading of Little Speirston, on the north by the main portion of th parish of Stair; and on the west by the parish of Coylton, shall cease to be pa of the parish of Ochiltree, and shall form part of the parish of Stair.

II. The detached part of the parish of Stair, containing 1821 acres or thereb situated at or near Drongan, shall cease to be part of the parish of Stair, and sha form part of the parish of Ochiltree.

PARISHES OF AYR AND MAYBOLE.—The detached part of the parish of Ma bole, containing 73 acres or thereby, situated on the right bank of the River Doo at or near its mouth, and adjoining the parish of Ayr, shall cease to be part of th parish of Maybole, and shall form part of the parish of Ayr.

## 8.—AYR AND BUTE.

PARISHES OF ARDROSSAN AND CUMBRAE.—The island of Little Cumbrae sha cease to be part of the parish of Ardrossan and of the registration district of We Kilbride, and shall form part of the parish and registration district of Cumbra in the county of Bute.

## 9.—AYR AND RENFREW.

PARISH OF BEITH.—So much of the parish of Beith as is situated in the coun of Renfrew shall cease to be part of that county, and shall form part of the coun of Ayr.

PARISH OF DUNLOP.—So much of the parish of Dunlop as is situated in th county of Renfrew shall cease to be part of that county, and shall form part the county of Ayr.

## 10.—BANFF AND ELGIN.

PARISHES OF BELLIE, BOHARM, INVERAVON, KEITH, AND ROTHES.—I. Th whole of the parish of Bellie shall for all purposes (including the administration

laws relating to highways and the administration of the laws relating to public lth) be included in and form part of the county of Elgin.

I. The whole of the parish of Boharm shall for all purposes (including the administration of the laws relating to highways and the administration of the laws ting to public health) be included in and form part of the county of Banff.

II. The whole of the parish of Inveravon shall for all purposes (including the inistration of the laws relating to highways and the administration of the s relating to public health) be included in and form part of the county of nff.

V. The whole of the parish of Keith shall for all purposes (including the administration of the laws relating to highways and the administration of the laws ting to public health) be included in and form part of the county of Banff.

. So much of the parish of Rothes as is situated in the county of Banff shall se to be part of that county, and shall form part of the county of Elgin.

## II.—BERWICK.

'ARISHES OF ABBEY ST. BATHANS AND COCKBURNSPATH.—The detached part of parish of Abbey St. Bathans, containing 96 acres or thereby, situated at or r Pateshill and surrounded by the parish of Cockburnspath, shall cease to be t of the parish of Abbey St. Bathans, and shall form part of the parish of kburnspath.

'ARISHES OF ABBEY ST. BATHANS AND LONGFORMACUS.—The detached part he parish of Longformacus, containing 1149 acres or thereby, and adjoining parishes of Abbey St. Bathans, Bunkle, and Duns, shall cease to be part of parish of Longformacus, and shall form part of the parish of Abbey St. hans.

'ARISHES OF CRANSHAWS AND LONGFORMACUS.—I. The detached part of the ish of Cranshaws, containing 6132 acres or thereby, situated at or near Scarlaw adjoining the parishes of Longformacus, Lauder, Westruther and Greenlaw, ll cease to be part of the parish of Cranshaws, and shall form part of the parish Longformacus.

I. So much of the parish of Longformacus as lies to the north of a line starting he point at which the River Whitadder leaves the existing boundary between main portion of the parish of Cranshaws and the parish of Longformacus, and ning down the *medium filum* of the said river to the boundary between the ishes of Longformacus and Duns near Ellem Inn, shall cease to be part of the ish of Longformacus, and shall form part of the parish of Cranshaws.

'ARISHES OF HUME AND NENTHORN.—I. The detached part of the parish of Hume, ending to 39 acres or thereby, and forming part of the home farm of Mellerin, shall cease to be part of the parish of Hume, and shall form part of the ish of Nenthorn.

I. That portion of the parish of Nenthorn, extending to 44 acres or thereby, ich forms part of the farm of Hardiesmillplace and the estate of Stichill and to the east of the Eden Water and to the north of the south march of the ate of Stichill shall cease to be part of the said parish, and shall form part of parish of Hume.

'ARISHES OF COLDINGHAM AND EYEMOUTH.—The detached part of the parish of ldingham, containing 80 acres or thereby, and situated at or near Highlaws, surrounded by the parish of Eyemouth, shall cease to be part of the parish of ldingham, and shall form part of the parish of Eyemouth.

## 12.—BERWICK AND HADDINGTON.

PARISHES OF COLDINGHAM AND OLDHAMSTOCKS.—I. So much of the main p tion of the parish of Oldhamstocks as is situated in the county of Berwick sh cease to be part of that county, and shall form part of the county of Haddingto

II. The detached part of the parish of Oldhamstocks, containing 1417 acres thereby, situated at or near Butterdean, shall cease to be part of that parish, a shall form part of the parish of Coldingham, and shall be attached to the regist tion district of Grant's House therein.

## 13.—BERWICK AND ROXBURGH.

PARISHES OF EARLSTON, LAUDER, AND MELROSE.—I. The detached part of t parish of Lauder in the county of Berwick, containing 1302 acres or thereby, sh cease to be part of that parish and of that county, and shall form part of the par of Melrose and of the county of Roxburgh.

II.—So much of the parish of Earlston in the county of Berwick as lies to t west of the Leader Water (including the detached part of the parish of Earlst containing 0·024 of an acre or thereby, situated at or near Craigsford), shall ce to be part of the parish of Earlston and of the county of Berwick, and shall fo part of the parish of Melrose and of the county of Roxburgh.

PARISHES OF MERTOUN AND ST. BOSWELLS.—So much of the parish of Merto as is situated on the right bank of the River Tweed and adjoins the parish of Boswells shall cease to be part of the parish of Mertoun and of the county Berwick, and shall form part of the parish of St. Boswells and of the county Roxburgh.

## 14.—CAITHNESS.

PARISHES OF HALKIRK AND THURSO.—Part of the parish of Thurso, contain 7074 acres or thereby, situated at or near Dorrery, and adjoining the parishes Halkirk and Reay, shall cease to be part of the parish of Thurso, and shall fo part of the parish of Halkirk.

## 15.—CAITHNESS AND SUTHERLAND.

PARISHES OF FARR AND REAY.—So much of the parish of Reay as is situat in the county of Sutherland shall cease to be part of the parish of Reay, and sh form part of the parish of Farr in the said county.

## 16.—CLACKMANNAN.

PARISHES OF ALLOA AND CLACKMANNAN.—The detached part of the parish Clackmannan, containing 1028 acres or thereby, situated at or near Sauc and Marchglen, and adjoining the parishes of Alloa, Tillicoultry, and Al shall cease to be part of the parish of Clackmannan, and shall form part of t parish of Alloa.

## 17.—CLACKMANNAN, PERTH, AND STIRLING.

PARISHES OF ALLOA, ALVA, AND LOGIE.—I. That portion of the parish Logie which is situated in the county of Clackmannan and is bounded on t north by the parish of Dunblane, on the east by the parish of Alva, on the sou by the parish of Alloa, and on the west by the existing boundary of the county Clackmannan, shall cease to be part of the parish of Logie, and shall form part

parish of Alva; and the whole of the parish of Alva, as altered in area, shall ncluded in, and shall form part of the county of Clackmannan.

. The following portion of the parish of Logie, *videlicet*,—So much of the sh of Logie as is bounded on the north by a line starting at a point on the ting boundary between the counties of Clackmannan and Perth in the centre ie north side of the bridge over the River Devon on the main road from Alloa Stirling, and running first in a westerly direction along the north fence or dary of the said road to the east fence or boundary of Gogar Loan, then ing at right angles across the said Alloa and Stirling road to the south fence oundary thereof, then running along the last-mentioned fence or boundary to point at which the boundary between the counties of Perth and Clackmannan s to the south-west towards the River Forth, and then along the said county dary to the *medium filum* of the River Forth,—on the east by the parish of a,—and elsewhere by the River Forth, shall cease to be part of the parish of ie, and shall form part of the parish of Alloa; and the parish of Alloa, as ed in area, shall be wholly included in and shall form part of the county of kmannan.

I. So much of the parish of Alloa as is situated in the county of Perth shall e to be part of that parish, and shall form part of the parish of Logie, and the sh of Logie, as altered in area shall be wholly included in and shall form part ie county of Stirling.

## 18.—CLACKMANNAN AND STIRLING.

Parishes of Stirling and St. Ninians.—I. The detached parts of the parish . Ninians being (1) the part containing 6 acres or thereby, situated at or near Craigs, and surrounded by the parish of Stirling; and (2) the part containing cres or thereby, situated at or near Allan Park, and surrounded by the parish irling, and the detached part of St. Ninians, containing 170 acres or thereby, ated at or near Shiphaugh (including the part marked on the Ordnance Survey St. Ninians detached No. 3), shall cease to be part of the parish of St. ans, and shall form part of the parish of Stirling.

. All that part of the parish of St. Ninians situated at or near the military blishment at Forthside, which lies between the eastern parliamentary boundary e burgh of Stirling and the eastern boundary of the parish of Stirling, and all part of the parish of St. Ninians situated near Raploch, which lies between western parliamentary boundary of the burgh of Stirling and the western dary of the parish of Stirling, shall cease to be part of the parish of St. ans, and shall form part of the parish of Stirling.

I. So much of the parish of Stirling as lies to the south of the River Forth to the east of the parliamentary boundary of the burgh of Stirling (including ands of Springkerse, Whitehouse, Boroughmeadow and others), shall cease to art of the parish of Stirling, and shall form part of the parish of St. Ninians.

. So much of the parish of Stirling situated within the burgh of Stirling as o the east of a line starting at a point in the centre of the Stirling and St. ans road on the present boundary between the parishes of Stirling and St. ans at or near Viewforth, and running in a northerly direction along the e of the said road and of Port Street to the junction of Port Street with gs Street, and to the south and west of a line running from the said junction south-easterly direction along the centre of Craigs Street until it joins the nt boundary between the said parishes at Aitken's Manufactory, shall cease part of the parish of Stirling, and shall form part of the parish of St. ans.

So much of the parish of Stirling as is situated in the county of Clackmannan cease to be part of that county, and shall form part of the county of Stirling.

## 19.—DUMBARTON AND STIRLING.

PARISH OF NEW OR EAST KILPATRICK.—So much of the parish of N or East Kilpatrick as is situated in the county of Stirling shall cease to be p of that county, and shall form part of the county of Dumbarton.

## 20.—DUMFRIES.

PARISHES OF DORNOCK AND KIRKPATRICK-FLEMING.—So much of the parish Kirkpatrick-Fleming as lies to the west of the eastern fence of the road form the eastern boundary of the estate of Scotsfield shall cease to be part of that par and shall form part of the parish of Dornock.

## 21.—DUMFRIES AND LANARK.

PARISH OF KIRKPATRICK-JUXTA.—So much of the parish of Kirkpatrick-Ju as is situated in the county of Lanark shall cease to be part of that county, shall form part of the county of Dumfries.

PARISH OF MOFFAT.—So much of the parish of Moffat as is situated in county of Lanark shall cease to be part of that county, and shall form part of county of Dumfries.

## 22.—EDINBURGH.

PARISHES OF BORTHWICK AND HERIOT.—The detached part of the paris Borthwick, containing 666 acres or thereby, situated at or near Cowbrae shall cease to be part of the parish of Borthwick, and shall form part of the pa of Heriot.

PARISHES OF CORSTORPHINE AND CURRIE.—The detached part of the paris Corstorphine, containing 34 acres or thereby, situated at or near South Gyle surrounded by the parish of Currie, shall cease to be part of the parish of Cor phine, and shall form part of the parish of Currie.

PARISHES OF CRANSTON AND CRICHTON.—The detached part of the paris Cranston, containing 677 acres or thereby, situated at or near Cakemuir, cease to be part of the parish of Cranston, and shall form part of the paris Crichton.

PARISHES OF CURRIE AND KIRKLISTON.—The detached part of the paris Kirkliston, containing 1892 acres or thereby, situated at or near Listonshiels, adjoining the parishes of Currie, Midcalder, and Penicuik, shall cease to be of the parish of Kirkliston, and shall form part of the parish of Currie.

PARISHES OF HERIOT AND STOW.—The detached part of the parish of S containing 463 acres or thereby, situated at or near Nettlingflat, shall cease t part of the parish of Stow, and shall form part of the parish of Heriot.

PARISHES OF BORTHWICK AND TEMPLE.—The detached part of the paris Temple, containing 228 acres or thereby, situated at or near Gorebridge, adjoining the parishes of Borthwick and Newbattle, shall cease to be part of parish of Temple, and shall form part of the parish of Borthwick.

PARISHES OF CANONGATE, CITY OF EDINBURGH, ST. CUTHBERTS, AND SC LEITH.—I. Those portions of Canongate parish, of St. Cuthberts parish, an

parish of South Leith, which are situated within the boundary line herein-
described, shall cease to be part of their respective parishes, and shall form
of City of Edinburgh parish, viz. :—A line starting from the point in the
e of the street known as North Back of Canongate, to the south of the Burns
ument, at which the boundary between City of Edinburgh parish and the
portion of the parish of South Leith leaves the boundary of Canongate
h, and running first in a northerly direction along the said boundary between
of Edinburgh parish and the parish of South Leith until it intersects the
t known as Regent Road, thence in a north-easterly direction along the
e of the last-mentioned street to a point opposite the centre of Regent Terrace
, thence in a northerly direction to and along the centre of the said lane and
oyal Terrace Lane to the north end thereof, and continuing in the same
tion as the last-mentioned lane to the centre of the street known as London
l, thence in a generally westerly direction along the centre of the last-
tioned street to the centre of the street known as Leith Walk, and along the
re of the last-mentioned street to a point south-east of the Theatre Royal
site the head of Broughton Street, thence in a northerly direction to and
g the centre of the last-mentioned street, the centre of the street known as
sfield Place, the centre of the road leading from Mansfield Place to Canon-
, and the centre of the street known as Canonmills to the centre of the bridge
sing the Water of Leith at Canonmills, thence up the *medium filum* of the
er of Leith to the centre of the Dean Bridge, thence in a southerly direction
g the centre of the Dean Bridge and the centre of the street running along
west side of Randolph Cliff, the west side of Randolph Crescent Gardens, and
west side of Randolph Place, and the centre of Queensferry Street, to its
tion with Princes Street, thence in an easterly direction along the centre of the
mentioned street to a point opposite the boundary between St. Cuthberts
ying-ground and West Princes Street Gardens, thence in a southerly direction
nd along the said boundary till it reaches the north boundary of the North
sish Railway line, thence in an easterly direction along the last-mentioned
ndary until it meets the boundary of the aforesaid detached part of Canongate
sh containing Edinburgh Castle, thence along the northern and eastern
ndaries of the said detached part of Canongate parish until it reaches the
re of the street known as Johnston Terrace, thence in a westerly direction
g the centre of the last-mentioned street to a point opposite the west end of
block of buildings in the last-mentioned terrace forming the Married Soldiers'
rters, then in a southerly direction to and along the existing boundary of
said detached part of Canongate parish containing Edinburgh Castle by the
t side of the said block of buildings till it reaches the Grassmarket at the
tion thereof with the street known as King's Stables Road, thence across the
ssmarket to the north end of the street known as the Vennel, thence in a
herly direction along the centre of the last-mentioned street and of the street
wn as Heriot's Place to the centre of the street known as Lauriston Place,
nce in a generally easterly direction along the centre of the streets known as
riston Place, Teviot Place, Lothian Street, South College Street, and Drum-
nd Street to the centre of the street known as the Pleasance, thence in a
therly direction along the centre of the last-mentioned street and the centre of
Mary Street until it meets the street known as the Canongate, thence across
last-mentioned street to the south end of Cranston Street, thence along the
tre of the last-mentioned street and the centre of the road running underneath
North British Railway lines to the centre of the street known as North Back
Canongate, and thence in an easterly direction along the centre of the last-
ntioned street to the point from which the said line started.

I. The detached part of City of Edinburgh parish situated at or near Elm
w, the detached part of City of Edinburgh parish situated at or near Maryfield,
d so much of the detached part of City of Edinburgh parish situated at or near

Royal Terrace as is not included within the boundary line above described, sh cease to be part of City of Edinburgh parish and shall form part of South Le parish; and so much of the remainder of City of Edinburgh parish as is not cluded within the said boundary line shall cease to be part of City of Edinbu parish, and shall form part of St. Cuthberts parish.

III. So much of the detached part of Canongate parish containing Edinbu Castle as is not included within the boundary line above described, shall cease be part of Canongate parish, and shall form part of St. Cuthberts parish.

IV. The detached part of the parish of St. Cuthberts situated at or near Cal New Burying-Ground, and the detached part of the parish of St. Cuthberts situa at or near Abbeyhill, shall cease to be part of the parish of St. Cuthberts, shall form part of the parish of Canongate.

V. The detached part of the parish of Canongate situated at or near Loth Street, Edinburgh, shall cease to be part of that parish, and shall form par the parish of St. Cuthberts.

## 23.—EDINBURGH AND HADDINGTON.

Parishes of Fala and Soutra and Humbie.—I. So much of the parish Fala and Soutra as is situated in the county of Haddington shall cease to be of that county, and shall form part of the county of Edinburgh.

II. The detached part of the parish of Humbie and of the county of Hadd ton, containing 458 acres or thereby, situated at or near Blackshields, shall c to be part of the said parish and of the said county, and shall form part of parish of Fala and Soutra and of the county of Edinburgh.

## 24.—EDINBURGH AND LINLITHGOW.

Parishes of Cramond and Dalmeny.—I. So much of the parish of Cram as is situated in the county of Linlithgow shall cease to be part of the parish Cramond, and shall form part of the parish of Dalmeny in the county Linlithgow.

II. So much of the parish of Dalmeny in the county of Linlithgow as lies the east of the River Almond shall cease to be part of the parish of Dalmeny of the county of Linlithgow, and shall form part of the parish of Cramond and the county of Edinburgh.

## 25.—ELGIN.

Parishes of Duffus and New Spynie.—I. The detached part of the parish Duffus, being the enclosures marked Nos. 21, 22, 23, 24, 25, 26, 27 and 29 Sheet VII. 5 of the $\frac{1}{2500}$ scale Ordnance Map of Elginshire, and shown there as part of the parish of New Spynie, but which belong in fact to the parish Duffus, shall cease to be part of the parish of Duffus, and shall form part of parish of New Spynie.

II. The detached part of the parish of Duffus, being the enclosures mark Nos. 219, 220, 221, 222, 223 and 224 on Sheet VII. 9 of the said Ordnance M and shown thereon as part of the parish of New Spynie, but which belong in f to the parish of Duffus, and the enclosures marked Nos. 215, 225, and 226 on t said Ordnance Map, shall cease to be part of the parish of New Spynie, and sh form part of the parish of Duffus—the above detached part of Duffus (No. 219 224) being thus united with the main portion of the parish of Duffus.

## 26.—ELGIN AND INVERNESS.

Parishes of Cromdale and Duthil.—So much of the parish of Cromdale is situated in the county of Inverness shall cease to be part of that parish, a shall form part of the parish of Duthil in the said county.

## 27.—ELGIN AND NAIRN.

RISH OF DYKE AND MOY.—The detached part of the county of Nairn, con- g 43 acres or thereby, situated at or near Seafield, and forming part of the of Dyke and Moy, shall cease to be part of the said county, and shall form f the county of Elgin.

RISHES OF ARDCLACH AND EDINKILLIE.—The detached parts of the parish dclach and of the county of Nairn, the first whereof contains 750 acres or oy, situated at or near Glenerney, and surrounded by the parish of Edin- and the second contains 2119 acres or thereby, situated at or near Lurg, early surrounded by said parish of Edinkillie, shall cease to be part of the arish of Ardclach, and of the said county of Nairn, and shall form part of illie and of the county of Elgin.

## 28.—FIFE.

RISHES OF ABBOTSHALL AND KIRKCALDY.—The two detached parts of the of Abbotshall, containing respectively 27 acres or thereby, and 4 acres or oy, and surrounded by the parish of Kirkcaldy, shall cease to be part of the arish of Abbotshall, and shall form part of the parish of Kirkcaldy.

RISHES OF ABDIE, DUNBOG, AND NEWBURGH.—I. The detached part of the of Abdie, containing 1089 acres or thereby, situated at or near Denmuir djoining the parishes of Creich, Dunbog, and Flisk, shall cease to be part of rish of Abdie, and shall form part of the parish of Dunbog.

The detached part of the parish of Abdie, containing 448 acres or thereby, ed at or near Wester Lumbenny and adjoining the parish of Newburgh, cease to be part of the parish of Abdie, and shall form part of the parish of urgh.

RISHES OF ABERDOUR AND KINGHORN.—The part of the parish of Aberdour, ining 132 acres or thereby, situated at or near Kilrie, and adjoining the es of Burntisland and Kinghorn, shall cease to be part of the said parish of dour, and shall form part of the parish of Kinghorn.

RISHES OF ANSTRUTHER-WESTER AND PITTENWEEM.—I. The detached part of arish of Anstruther-Wester, containing 1 acre or thereby, and surrounded e parish of Pittenweem, shall cease to be part of the parish of Anstruther- er and shall form part of the parish of Pittenweem.

The two detached parts of the parish of Pittenweem, each containing 1 acre ereby, and surrounded by the parish of Anstruther-Wester, shall cease to be f the parish of Pittenweem, and shall form part of the parish of Anstruther- er.

. So much of the parish of Anstruther-Wester as lies to the west and south ine starting from the present boundary between the said parishes at the point e Parliamentary boundary between the burghs of Anstruther-Wester and nweem where the road from Pittenweem to Easter Grangemuir crosses the Burn, and running along the said parliamentary boundary in a southerly ion to the centre of the turnpike road from Pittenweem to Anstruther, leaving the said parliamentary boundary and striking eastwards along entre of the said turnpike road to a point directly opposite the centre of Chain Road, and thence running in a southerly direction down the centre e said Chain Road until the sea is reached, shall cease to be part of the h of Anstruther-Wester, and shall form part of the parish of Pittenweem; so much of the parish of Pittenweem as lies to the east and north of the

said line shall cease to be part of that parish, and shall form part of the parish Anstruther-Wester.

PARISHES OF COLLESSIE AND CULTS.—The detached part of the parish of Cu containing 93 acres or thereby, situated at or near Sweethome, and surrounded the parish of Collessie, shall cease to be part of the parish of Cults, and shall fo part of the parish of Collessie.

PARISHES OF CRAIL AND DUNINO.—So much of the parish of Crail (as the parish is delineated in the Ordnance Survey maps) as lies to the east of the cen of the Limelands Avenue (otherwise known as the Brake and Sorbie Road), to the north of the march between the estate of Dunino and the estate of Kir muir, is declared to be and shall form part of the parish of Dunino.

PARISHES OF ELIE AND KILCONQUHAR.—I. The detached part of the parish of E containing 650 acres or thereby, situated at or near Muircambus and adjoin the parishes of Kilconquhar and Newburn, shall cease to be part of the parish Elie, and shall form part of the parish of Kilconquhar.

II. So much of the parish of Kilconquhar as lies to the south of a line drawn a generally easterly direction from the mouth of the Cocklemill Burn up *medium filum* of the said burn, until it meets the south boundary of the Le and East of Fife Railway, and then along the said south boundary until it m the boundary of the main portion of the parish of Elie, shall cease to be par the parish of Kilconquhar, and shall form part of the parish of Elie.

PARISHES OF CRAIL AND KINGSBARNS.—I. So much of the parish of Crai lies to the east and north of the south-west boundary of the farm of East New and to the north-west of the detached part shall cease to be part of that par and shall form part of the parish of Kingsbarns.

II. That part of the parish of Kingsbarns consisting of the farm of Loch and lying to the south of the north march of the said farm of Lochton, and t portion of the detached part of the parish of Kingsbarns consisting of the farm Grassmiston and lying to the west of the east march of the said farm of Gr miston shall cease to be part of the parish of Kingsbarns, and shall form par the parish of Crail.

PARISHES OF MARKINCH AND WEMYSS.—The detached part of the parish Markinch, containing 113 acres or thereby, situated at or near Innerleven adjoining the parishes of Scoonie and Wemyss, shall cease to be part of the pa of Markinch, and shall form part of the parish of Wemyss.

PARISHES OF SALINE AND TORRYBURN.—I. The detached part of the parish Saline, containing 1154 acres or thereby, situated at or near Inzievar, and adj ing the parishes of Carnock and Torryburn, shall cease to be part of the parish Saline, and shall form part of the parish of Torryburn.

II. The detached part of the parish of Torryburn, containing 1734 acres thereby, situated at or near the lands of Cults, and adjoining the parishes of D fermline and Saline, shall cease to be part of the parish of Torryburn, and sh form part of the parish of Saline.

PARISHES OF ST. ANDREWS AND ST. LEONARDS.—I. The part of the parish St. Leonards situated at or near Kenly, and the part of the said parish situa at or near Rathelpie, and so much of the part of the said parish situated at near the site of the old College of St. Leonards, as lies to the west of the centre Abbey Street, shall cease to be part of the parish of St. Leonards, and shall fo part of the parish of St. Andrews.

II. So much of the parish of St. Andrews as is included between the sea an

s starting from the point at low-water mark on East Sands opposite the end of r road running to the south of the St. Andrews Saw Mill, and running in a terly direction to and along the centre of the said road to its junction with the Andrews and Crail Road, thence in a north-westerly direction along the centre he last-mentioned road, of the road adjoining Abbey Wall, and of Abbey Street he junction of Abbey Street and South Street, thence in an easterly direction g the centre of South Street to the east end thereof, thence in a northerly ction along the centre of the street on the west of the Cathedral to its junction h North Street, thence in a westerly direction along the centre of North Street he junction therewith of Butt's Wynd, thence in a northerly direction along centre of Butt's Wynd to its junction with the road known as The Scores, nce in a westerly direction along the centre of the last-mentioned road to a t opposite to the western boundary of the property known as Scores Park, and nce in a northerly direction to and along the western boundary of the said pro- y to low-water mark, shall cease to be part of the parish of St. Andrews, and l form part of the parish of St. Leonards.

## 29.—FIFE AND KINROSS.

ARISHES OF KINGLASSIE AND PORTMOAK.—I. The detached part of the parish Portmoak and of the county of Kinross, containing 124 acres or thereby, ated at or near the Ryelaw, and also those portions of the parish of Portmoak of the county of Kinross lying to the south of and adjoining a line drawn g the centre of the new channel of the River Leven (known as The Cut), in an erly direction from the point at which the said river enters the county of Fife l it meets the boundary of the parish of Leslie, shall cease to be part of the parish and of the said county, and shall form part of the parish of King- e and of the county of Fife.

. So much of the parish of Kinglassie and of the county of Fife as lies to the h of the line described in the preceding section shall cease to be part of that sh and of that county, and shall form part of the parish of Portmoak and of county of Kinross.

ARISHES OF AUCHTERDERRAN, BALLINGRY, KINGLASSIE, AND PORTMOAK.—I. So h of the detached part of the parish of Ballingry, containing 649 acres or eby, situated at or near Wester Balbedie, and adjoining the parish of King- e in the county of Fife and the parish of Portmoak in the county of Kinross s situated to the north of the centre of the new channel of the River Leven wn as The Cut) shall cease to be part of the parish of Ballingry and of the ty of Fife, and shall form part of the parish of Portmoak and of the county of oss, and the remainder of the said detached part shall cease to be part of the h of Ballingry, and shall form part of the parish of Kinglassie.

. The detached part of the parish of Ballingry, containing 60 acres or thereby, ted at or near Spittal, and surrounded by the parish of Auchterderran, shall to be part of the parish of Ballingry, and shall form part of the parish of terderran.

RISHES OF CLEISH, DUNFERMLINE, AND INVERKEITHING.—I. So much of the h of Dunfermline as lies to the north of the south march of the estate of land shall form part of the parish of Cleish and of the county of Kinross.

The detached part of the parish of Dunfermline, situated at or near North nsferry and lying to the south of the parish of Inverkeithing, shall cease to rt of the parish of Dunfermline, and shall form part of the parish of Inver- ing.

. The detached part of the parish of Inverkeithing, situated at or near smark, and almost surrounded by the parish of Dunfermline, and so much of

the parish of Inverkeithing as lies to the west of the east march of the farm o Brucehaven (otherwise called Claysikes), shall cease to be part of the parish o Inverkeithing, and shall form part of the parish of Dunfermline.

## 30.—FIFE, KINROSS, AND PERTH.

PARISH OF ARNGASK.—I. So much of the parish of Arngask as is situated in th county of Fife shall cease to be part of that county, and shall form part of th county of Perth.

II. So much of the parish of Arngask as is situated in the county of Kinro shall cease to be part of that county, and shall form part of the county of Perth.

## 31.—FIFE AND PERTH.

PARISHES OF CULROSS AND TULLIALLAN.—The detached part of the county Perth, consisting of the parishes of Culross and Tulliallan, shall cease to be pa of that county, and shall form part of the county of Fife.

PARISHES OF ABERNETHY, NEWBURGH, AND STRATHMIGLO.—I. So much of th parish of Abernethy as lies to the east and south of the east march of the far and lands of Pitmedden shall cease to be part of the parish of Abernethy, an shall form part of the parish of Newburgh and of the county of Fife.

II. So much of the parish of Abernethy as lies to the east of the west march the lands of Nochnarrie, and so much of the said parish as lies to the east of th west march of the lands of Pitlour shall cease to be part of the parish of Abe nethy, and shall form part of the parish of Strathmiglo and of the county of Fif

III. The remainder of the parish of Abernethy shall be included in and sh form part of the county of Perth.

## 32.—FORFAR.

PARISHES OF AUCHTERHOUSE, CAPUTH, AND TEALING.—I. The detached pa of the parish of Caputh, containing 285 acres or thereby, situated at or near B beuchly, and adjoining the parishes of Auchterhouse and Tealing, shall cease be part of the parish of Caputh, and shall form part of the parish of Aucht house.

II. The detached part of the parish of Tealing, containing 195 acres or thereb situated at or near Pitpointie, and adjoining the parish of Auchterhouse, sh cease to be part of the parish of Tealing, and shall form part of the parish Auchterhouse.

PARISHES OF DUNDEE AND MURROES.—The detached part of the parish Dundee, containing 794 acres or thereby, situated at or near Duntrune, and a joining the parishes of Murroes and Tealing, shall cease to be part of the parish Dundee, and shall form part of the parish of Murroes.

PARISHES OF DUNNICHEN, GUTHRIE, INVERARITY, AND KIRKDEN.—I. T detached part of the parish of Dunnichen, containing 828 acres or there situated at or near Dumbarrow and adjoining the parishes of Carmyllie a Kirkden, shall cease to be part of the parish of Dunnichen, and shall form part the parish of Kirkden.

II. The detached part of the parish of Guthrie, containing 1435 acres or there situated at or near Kirkbuddo and adjoining the parishes of Carmyllie, Dunnich Inverarity, and Monikie, shall cease to be part of the parish of Guthrie, and sh form part of the parish of Inverarity.

III. The detached part of the parish of Kirkden, containing 421 acres or reby, situated at or near Middletonmoor and adjoining the parishes of Guthrie l Kinnell, shall cease to be part of the parish of Kirkden, and shall form part he parish of Guthrie.

'ARISHES OF FARNELL AND KINNELL.—The detached part of the parish of nell, containing 49 acres or thereby, forming a portion of Montreathmont ror, shall cease to be part of the said parish, and shall form part of the parish Kinnell.

'ARISHES OF CORTACHY AND CLOVA, AND KIRRIEMUIR.—The detached part of parish of Kirriemuir, containing 20,630 acres or thereby, situated at Glen- sen and adjoining the parishes of Glenisla, Lintrathen, Kingoldrum, and tachy and Clova, shall cease to be part of the parish of Kirriemuir, and shall n part of the parish of Cortachy and Clova.

'ARISHES OF KINNELL, LUNAN, AND MARYTON.—I. The detached part of the sh of Maryton, containing 964 acres or thereby, adjoining the parishes of Craig Lunan and including the lands of Dysart, shall cease to be part of the parish Maryton, and shall form part of the parish of Lunan.

I. Another detached part of the parish of Maryton, containing 338 acres or reby, situated at or near Montreathmont Moor and adjoining the parishes of nell and Kinnell, shall cease to be part of the parish of Maryton, and shall n part of the parish of Kinnell.

ARISHES OF ARBROATH, PANBRIDE, AND ST. VIGEANS.—I. The detached part he parish of St. Vigeans, containing 133·9 acres or thereby, situated at or Hospitalfield and adjoining the parishes of Arbirlot and Arbroath, shall e to be part of the parish of St. Vigeans, and shall form part of the parish of roath.

I. Another detached part of the parish of St. Vigeans, containing 1108 acres ereby, situated at or near Inverpeffer and adjoining the parishes of Arbirlot Panbride, shall cease to be part of the parish of St. Vigeans, and shall form of the parish of Panbride.

II. So much of the parish of Arbroath as lies to the north of the road leading the Arbroath and Forfar highway past Woodville Feus to Cairnconan, and so much of the parish of Arbroath as lies to the east of the Arbroath and ar highway and to the north of the parliamentary boundary of the burgh of roath, shall cease to be part of that parish, and shall form part of the parish of Vigeans.

## 33.—FORFAR AND KINCARDINE.

RISHES OF EDZELL AND FETTERCAIRN.—So much of the parish of Edzell as uated in the county of Kincardine shall cease to be part of the parish of ll, and shall form part of the parish of Fettercairn in the said county.

## 34.—FORFAR AND PERTH.

RISHES OF ALYTH, COUPAR-ANGUS, FOWLIS EASTER, AND LIFF BENVIE AND RGOWRIE.—I. So much of the parish of Alyth as is situated in the county of r, shall cease to be part of that county, and shall form part of the county of .

So much of the parish of Coupar-Angus as is situated in the county of r shall cease to be part of that county, and shall form part of the county of .

III. So much of the parish of Liff Benvie and Invergowrie as is situated in the county of Perth shall cease to be part of that county, and shall form part of the county of Forfar.

IV. The parish of Fowlis Easter shall cease to be part of the county of Perth and shall form part of the county of Forfar.

PARISHES OF CAPUTH, COLLACE, AND KETTINS.—I. The detached part of the parish of Kettins and of the county of Forfar, extending to 335 acres or thereby, situated at or near Bandirran, and adjoining the parishes of Collace and St Martins, shall cease to be part of the parish of Kettins and of the said county, and shall form part of the parish of Collace and of the county of Perth.

II. The detached part of the parish of Caputh extending to 237 acres or thereby, situated at or near South Bandirran shall cease to be part of that parish, and shall form part of the parish of Collace.

PARISHES OF CAPUTH, KINNETTLES, AND MONIFIETH.—I. The detached part of the parish of Caputh and of the county of Perth, containing 283 acres or thereby, situated at or near Foffarty and adjoining the parishes of Glamis, Inverarity, and Kinnettles, shall cease to be part of the parish of Caputh and said county, and shall form part of the parish of Kinnettles and of the county of Forfar.

II. The detached part of the parish of Caputh and of the county of Perth, containing half an acre or thereby, situated at or near Broughty Castle, shall cease to be part of the said parish and county, and shall form part of the parish of Monifieth and of the county of Forfar.

## 35.—HADDINGTON.

PARISHES OF ATHELSTANEFORD AND PRESTONKIRK.—The detached part of the parish of Athelstaneford, containing 16 acres or thereby, situated between the River Tyne and the main road from Haddington to East Linton, and adjoining the parishes of Haddington and Prestonkirk, shall cease to be part of the parish of Athelstaneford, and shall form part of the parish of Prestonkirk.

PARISHES OF SPOTT, STENTON, AND WHITTINGHAM.—I. The detached part of the parish of Stenton, containing 340 acres or thereby, situated at or near Friardykes, shall cease to be part of that parish, and shall form part of the parish of Spott.

II. That portion of the parish of Spott, containing 90 acres or thereby, and being part of Dunbar Common, which is bounded on the north-west by the main portion of the parish of Stenton, on the south-west and south-east by the parish of Whittingham, and on the north-east by the Messy Burn, shall cease to be part of the parish of Spott, and shall form part of the parish of Stenton.

III. The detached or nearly detached part of the parish of Whittingham, containing 129 acres or thereby, and forming part of Dunbar Common, shall cease to be part of the parish of Whittingham, and shall form part of the parish of Stenton.

## 36.—INVERNESS.

PARISHES OF BOLESKINE AND ABERTARFF, AND DORES.—I. The detached part of the parish of Boleskine and Abertarff, containing 1369 acres or thereby, situated at or near Farraline, and adjoining the parishes of Daviot and Dunlichity and Dores, shall cease to be part of the parish of Boleskine and Abertarff and shall form part of the parish of Dores.

II. The two detached parts of the parish of Dores, the first whereof contains 1927 acres or thereby, and is situated at or near the lands of Dell, and near

rounded by the parish of Boleskine and Abertarff, and the second containing 3 acres or thereby, situated near Loch Killin, and surrounded by said parish of leskine and Abertarff, shall cease to be part of the parish of Dores, and shall m part of the parish of Boleskine and Abertarff.

PARISHES OF KILMORACK, AND KILTARLITY AND CONVINTH.—So much of the rish of Kilmorack as lies to the south and east of the *medium filum* of the River ass shall cease to be part of that parish, and shall form part of the parish of ltarlity and Convinth.

PARISHES OF KINGUSSIE AND INCH, AND LAGGAN.—The detached part of the rish of Kingussie and Inch, containing 2133 acres or thereby, situated on Loch icht and surrounded by the parish of Laggan, shall cease to be part of the rish of Kingussie and Inch, and shall form part of the parish of Laggan.

PARISHES OF SLEAT AND STRATH.—I. So much of the parish of Strath as lies the east and south of a line starting at Loch Eishort, and running in a north-sterly direction up Amhainn Cheannloch Eishort and Allt Cul Airaidh Laggan the point where the march fence of the farm of Kinloch leaves the said Allt l Airaidh Laggan, and thence in a north-easterly and easterly direction along e march fence of the said farm until it meets the public road to Kyle Rhea rry by Bealach Udal and along the centre of the said public road until it ches the boundary of the aforesaid detached part of the parish of Sleat, shall se to be part of the parish of Strath, and shall form part of the parish of Sleat.
II. So much of the parish of Sleat as lies to the north of the centre of the said blic road leading from Bealach Udal to Kyle Rhea Ferry shall cease to be part that parish, and shall form part of the parish of Strath.

## 37.—INVERNESS AND NAIRN.

PARISHES OF CAWDOR, AND MOY AND DALAROSSIE.—So much of the parish of oy and Dalarossie as is situated in the county of Nairn shall cease to be part of e parish of Moy and Dalarossie, and shall form part of the parish of Cawdor in e said county.

PARISH OF PETTY.—So much of the parish of Petty as is situated in the county Nairn shall cease to be part of that county, and shall form part of the county Inverness.

PARISHES OF CAWDOR, CROY AND DALCROSS, DAVIOT AND DUNLICHITY, VERNESS, AND NAIRN.—I. So much of the parish of Cawdor as is situated in e county of Inverness shall cease to be part of that county, and shall form part the county of Nairn.
II. The detached part of the parish of Cawdor, containing 162 acres or thereby, uated in the county of Nairn, at or near Raitknock, and adjoining the parishes Nairn and Auldearn, shall cease to be part of the parish of Cawdor, and shall rm part of the parish of Nairn.
III. The detached part of the parish of Croy and Dalcross containing 4830 res or thereby situated in the county of Inverness, at or near Leys, and adjoin-g the parishes of Daviot and Dunlichity and Inverness, shall cease to be part of e parish of Croy and Dalcross, and shall form part of the parish of Inverness.
IV. The following portion of the parish of Croy and Dalcross, *videlicet*:—So uch of the main portion of the parish of Croy and Dalcross as lies to the west of line starting at a point on the boundary between the said parish and the parish Petty at a point at the west end of Loch Flemington, and running thence in a outherly direction along the present boundary between the counties of Inverness nd Nairn until it meets the northern boundary of the estate of Holme, thence

along the northern and western boundaries of the said estate until it reaches the River Nairn, thence to and up the *medium filum* of the said river until it reaches the march between the farm of Dalroy on the estate of Cantray and the farm of Croygorston on the estate of Culloden, and thence in a generally south-easterly direction along the said march until it meets the boundary of the parish of Cawdor, shall be wholly included in and shall form part of the county of Inverness, and the remainder of the main portion of the parish of Croy and Dalcross shall be wholly included in and shall form part of the county of Nairn.

V. The whole of the parish of Daviot and Dunlichity shall be included in and shall form part of the county of Inverness.

## 38.—INVERNESS AND ROSS AND CROMARTY.

Parishes of Contin, Dingwall, Fodderty, Kilmorack, and Urray.—I. The detached part of the parish of Kilmorack, in the county of Inverness, containing 466 acres or thereby, situated at or near Tomich and nearly surrounded by the parish of Urray, shall cease to be part of the said parish of Kilmorack, and of the said county, and shall form part of the parish of Urray and of the county of Ross and Cromarty.

II. So much of the parish of Urray as is situated in the county of Inverness shall cease to be part of the parish of Urray, and shall form part of the parish of Kilmorack in the said county.

III. The detached part of the parish of Urray in the county of Ross and Cromarty containing 2643 acres or thereby, situated at or near Aultdearg and adjoining the parish of Contin, shall cease to be part of the parish of Urray and shall form part of the parish of Contin.

IV. That portion of the parish of Contin situated at or near Loch an Spardain and lying to the south of the watershed between Strath Conan and Glen Orrin shall cease to be part of that parish, and shall form part of the parish of Urray.

V. That portion of the detached part of the parish of Fodderty situated at or near Loch an Spardain and lying to the south of the watershed between Strath Conan and Glen Orrin, shall cease to be part of the parish of Fodderty, and shall form part of the parish of Urray; and the remainder of the said detached part shall cease to be part of the parish of Fodderty, and shall form part of the parish of Contin.

VI. So much of the parish of Dingwall as lies to the west of the centre of the road leading from Keithtown to Coill an Righe, where the said road divides the lands of Seaforth from the lands of Tulloch, shall cease to be part of the parish of Dingwall, and shall form part of the parish of Fodderty.

Parishes of Killearnan, and Kilmuir-Wester and Suddie (or Knockbain).—I. So much of the parish of Kilmuir-Wester and Suddie (or Knockbain) as lies to the north of a line drawn in an easterly direction along the north fence of the old road from Redcastle to Munlochy from the point where the said fence leaves the main portion of the parish of Killearnan to the point at which it meets the aforesaid detached part of the parish of Killearnan, and also so much of the parish of Kilmuir-Wester and Suddie (or Knockbain), as lies to the west of a line drawn from the boundary of the parish of Killearnan at the north corner of the croft of Gallowhill, in a generally southerly direction along the centre of the track on the east side of Gallowhill Wood until it again meets the boundary of the parish of Killearnan, shall cease to be part of that parish, and shall form part of the parish of Killearnan.

II. So much of the parish of Killearnan as lies to the east of the centre of the public road leading from Allanglach to Bellfield, and also so much of the farm of Bellfield as is situated in the parish of Killearnan, shall cease to be part of that parish, and shall form part of the parish of Kilmuir-Wester and Suddie (or Knockbain).

PARISHES OF APPLECROSS AND LOCHCARRON.—I. The detached part of the ish of Lochcarron, and also so much of the parish of Lochcarron as is bounded the south by a line starting at a point on the boundary between the parishes of plecross and Lochcarron due west of the most westerly point of Lochan Meall Caillich and running thence in a generally easterly direction along the water- d between Allt a Chuirn and Allt a Ghuibhais over the summit of Sgorr a araidh to the northmost point of the small loch situated 800 yards or thereby t of the said summit,—on the east by a line drawn due north from the north- st point of the said small loch to Allt a Ghuibhais,—on the north by the *lium filum* of the said Allt a Ghuibhais,—and on the west by the parish of plecross, shall cease to be part of the parish of Lochcarron, and shall form part he parish of Applecross.

II. So much of the parish of Applecross as lies to the east of the centre of Loch horn at low-water mark and of a line starting at the head of Loch Kishorn l running in a generally northerly direction along the *medium filum* of the er Kishorn to the point at which it meets the march between the estates of horn and Lochcarron, and to the south of a line running from the last- ntioned point in an easterly direction along the march between the said estates il it meets the present boundary between the parishes of Applecross and Loch- ron, shall cease to be part of the parish of Applecross, and shall form part of parish of Lochcarron.

PARISHES OF BARVAS, LOCHS, AND UIG.—So much of the detached part of the ish of Lochs, containing 18,813 acres generally known as the Carloway trict, and adjoining the parishes of Barvas, Stornoway, and Uig, as lies the west of the following line, *videlicet*:—A line starting at low-water rk at Geodha Shealaiga, and running in a south-easterly direction along turf dyke which forms the march between the township of Garinin l the farm of Dalmore and Dalbeg, until it reaches Loch Langabhat: nce through the said Loch direct to the turf dyke which forms the rch between Upper Carloway and Dalmore, and along the last-mentioned e to the public road from Carloway to Shawbost; then crossing the said blic road and continuing along the last-mentioned march dyke to Amhuinn eidagul, crossing the said Amhuinn, and along an old turf fence to where it s Allt Ghleadhairean, thence direct to the nearest point of Loch Ghleadh- ean, and along the centre of the said loch to its southern end, thence direct to north end of Loch Shanndabhat; thence along the centre of the last-mentioned h to its southern end, and thence through Loch Mor Connaidh and up huinn O'thagro to Loch Airidh Seibh; thence along the centre of the last- ntioned loch until it meets the burn flowing down Gleann Eiracleit, and up the d burn until it meets the boundary of the parish of Uig, shall cease to be part the parish of Lochs, and shall form part of the parish of Uig; and the mainder of the detached part of the parish of Lochs shall cease to be part of t parish, and shall form part of the parish of Barvas.

## 39.—KINROSS AND PERTH.

PARISHES OF FORGANDENNY AND FORTEVIOT.—I. So much of the parish of rgandenny as lies to the south and west of a line starting at the point where River May meets the main portion of the parish of Forteviot and running in outherly direction up the *medium filum* of the said river as far as the boundary the detached part of the parish of Forteviot, containing 1006 acres or thereby, d situated at or near Whitehill, shall cease to be part of the parish of Forgan- nny, and shall form part of the parish of Forteviot.

II. The whole of the parish of Forteviot as altered in area shall be included in d shall form part of the county of Perth.

III. The detached part of the parish of Forteviot containing 1887 acres or thereby situated at or near Hilton, shall cease to be part of that parish, and shall form part of the parish of Forgandenny.

PARISHES OF FOSSOWAY AND TULLIEBOLE AND GLENDEVON.—I. That portion of the parish of Fossoway and Tulliebole which is bounded on the east by a line starting at the point on the existing boundary between the parishes of Fossoway and Tulliebole and Glendevon at which the Glendey Burn joins the River Devon and running in a generally northerly direction up the *medium filum* of the Glendey Burn to the point at which the March Burn falls into the Glendey Burn, thence crossing at right angles the road from Muckhart to Dunning and running in a generally north-easterly direction along the east fence or boundary of the said road till it crosses the Fernyhill Burn, then in an easterly direction down the last-mentioned burn till it meets the present boundary between the county of Kinross and the county of Perth, thence running north along the last-mentioned boundary till it meets the boundary of the parish of Dunning,—on the north by the parish of Dunning,—and on the west and south by the parish of Glendevon, shall cease to be part of the parish of Fossoway and Tulliebole, and shall form part of the parish of Glendevon.

II. The whole of the parish of Fossoway and Tulliebole, as altered in area, shall be included in and shall form part of the county of Kinross.

## 40.—LANARK.

PARISHES OF DALZIEL AND HAMILTON.—I. The detached part of the parish of Hamilton, extending to 85 acres or thereby, situated at or near Braidhurst and adjoining the parishes of Bothwell and Dalziel, shall cease to be part of the parish of Hamilton, and shall form part of the parish of Dalziel.

## 41.—LANARK AND PEEBLES.

PARISHES OF CULTER, AND KILBUCHO BROUGHTON AND GLENHOLM.—So much of the parish of Culter as is situated in the county of Peebles shall cease to be part of that parish, and shall form part of the parish of Kilbucho Broughton and Glenholm in the county of Peebles.

## 42.—LANARK AND RENFREW.

PARISHES OF CARMUNNOCK, CATHCART, AND EAST KILBRIDE.—I. The detached part of the parish of Cathcart in the county of Lanark, containing 938 acres or thereby, situated at or near Dripps, shall cease to be part of that parish and shall, except for School Board purposes, form part of the parish of East Kilbride.

II. So much of the road from Symshill to Croftfoot as lies between Symshill on the west, and the point at which the said road leaves the parish of Cathcart, 1[illegible] yards or thereby west of Croftfoot, on the east, and is within the parish of Carmunnock, shall cease to be part of the parish of Carmunnock, and shall form part of the parish of Cathcart; and so much of the parish of Cathcart, as altered in area, as is situated in the county of Lanark shall cease to be part of that county and shall form part of the county of Renfrew.

PARISHES OF EAGLESHAM AND EAST KILBRIDE.—The detached part of the parish of East Kilbride, containing one acre or thereby, situated at or near Kirk lands and surrounded by the parish of Eaglesham, shall cease to be part of the parish of East Kilbride, and shall form part of the parish of Eaglesham.

### Burgh and City of Glasgow and Burgh of Renfrew.

ARISHES OF EASTWOOD, GOVAN, AND RENFREW.—I. So much of the parish ovan and County of Lanark as is situated within the police limits of the h of Renfrew shall cease to be part of that parish and of that county, and l form part of the parish of Renfrew and of the county of Renfrew.

. That part of the parish of Govan in the county of Renfrew which is bounded he east by the boundary of the burgh and city of Glasgow as defined by section the City of Glasgow Act, 1891, on the south by the parish of Eastwood, on west by the parish of Abbey, and on the north partly by the parish of Abbey partly by the existing boundary between the county of Lanark and the county enfrew, shall cease to be part of the parish of Govan, and shall form part of parish of Eastwood.

I. So much of the burgh and city of Glasgow (as defined by section 4 of the of Glasgow Act, 1891) as is situated in the county of Renfrew shall cease to art of that county, and shall, except as hereinafter provided, form part of the nty of Lanark.

*V.* The parish of Govan as altered in area shall, except as hereinafter-mentioned holly included in and form part of the county of Lanark.

. For the purposes of Registration of Writs in the Divisions of the General ister of Sasines for Scotland, the following provisions shall take effect:—

The portions of the parishes of Cathcart and Eastwood situated within the ndaries of the burgh and city of Glasgow as defined by the city of Glasgow 1891, and transferred from the county of Renfrew shall be included in and part of the county of the barony and regality of Glasgow. (*b*) The parish of an as altered in area shall continue to be included in the county of the barony regality of Glasgow, and the portions of the said parish disjoined therefrom l cease to be part of the said county of the barony and regality of Glasgow, shall form part of the county of Renfrew.

## 43.—LINLITHGOW.

ARISHES OF DALMENY, ECCLESMACHAN, AND KIRKLISTON.—So much of the ched part of the parish of Dalmeny, containing 656 acres or thereby, situated r near Auldcathie as lies to the west of a line starting at a point in the northern ndary thereof in the centre of the Craigton Road, and running first in a herly direction along the centre of the said road till it reaches the Edinburgh Glasgow Road at Twelve-Mile Lodge, then in a south-easterly direction along centre of the last-mentioned road to a point opposite to the eastern boundary rinlymire farm, then in a southerly direction to and along the eastern boundary ne said farm until it reaches the southern boundary of the said detached part, l cease to be part of the parish of Dalmeny, and shall form part of the parish cclesmachan; and the remainder of the said detached part shall cease to be of the parish of Dalmeny, and shall form part of the parish of Kirkliston.

ARISHES OF ECCLESMACHAN AND LINLITHGOW.—So much of the parish of ithgow as lies to the east and south of a line starting from a point at the h end of the plantation situated to the west of Bankhead Farm on the ndary between the parish of Linlithgow and the aforesaid detached part of the sh of Ecclesmachan, and running first in a northerly direction along the east of the said plantation until it reaches the Mains Burn, and then in a generally erly direction along the *medium filum* of the said burn until it reaches the ndary of the main portion of the parish of Ecclesmachan, shall cease to be part ne parish of Linlithgow, and shall form part of the parish of Ecclesmachan.

## 44.—NAIRN AND ROSS AND CROMARTY.

PARISH OF URQUHART AND LOGIE-WESTER.—Part of the parish of Urquha and Logie-Wester situated in the county of Nairn, forming a detached part of t said county of Nairn, being surrounded by the county of Ross and Cromarty, sh cease to be part of the county of Nairn, and shall form part of the county of Ro and Cromarty.

## 45.—PEEBLES AND SELKIRK.

PARISH OF INNERLEITHEN.—So much of the parish of Innerleithen as forms p of the county of Selkirk, shall cease to be part of that county, and shall form p of the county of Peebles.

PARISH OF PEEBLES.—So much of the parish of Peebles as is situated in county of Selkirk shall cease to be part of that county, and shall form part of county of Peebles.

PARISHES OF LYNE AND MEGGET AND YARROW.—That detached part of parish of Lyne and Megget in the county of Peebles, known as the Megget trict, shall cease to be part of the parish of Lyne and Megget and of the cou of Peebles, and shall form part of the parish of Yarrow and of the county Selkirk, and the parish of Lyne and Megget as altered in area shall be known the parish of Lyne.

PARISHES OF TRAQUAIR AND YARROW.—I. The detached part of the parish Yarrow in the county of Selkirk, containing 2166 acres or thereby, and adjoin the parishes of Innerleithen, Peebles, and Traquair, shall cease to be part of said parish of Yarrow and of the said county, and shall form part of the parish Traquair and of the county of Peebles.

II. That portion of the parish of Yarrow lying to the north of a line dra due north-east from the point on the existing county boundary on or nearest the summit of Minchmuir until it again meets the said county boundary, sh cease to be part of the parish of Yarrow and of the county of Selkirk, and sh form part of the parish of Traquair and of the county of Peebles.

## 46.—PERTH.

PARISHES OF AUCHTERARDER AND DUNNING.—The detached part of the parish Auchterarder, containing 12 acres or thereby, and situated about half a mile w of the farm of Broom of Dalreoch, and surrounded by the parishes of Dunni Findo-Gask, and Trinity-Gask, shall cease to be part of that parish, and sh form part of the parish of Dunning.

PARISHES OF AUCHTERGAVEN, COMRIE, CRIEFF, FOWLIS WESTER, LIT DUNKELD, METHVEN, MONEYDIE, MONZIE, MONZIEVAIRD AND STROWAN, MUT AND REDGORTON.—I. So much of the detached part of the parish of Monzie lies to the south of the River Almond, shall cease to be part of that parish, shall form part of the parish of Methven.

II. The detached part of the parish of Methven, containing 2823 acres thereby, situated at or near Tullybeagles, shall cease to be part of that parish, shall form part of the parish of Auchtergaven.

III. The detached part of the parish of Auchtergaven, containing 121 acres thereby, situated at or near Moneydieroger, shall cease to be part of that par and shall form part of the parish of Moneydie.

IV. So much of the parish of Auchtergaven as lies to the west and south-w

allybelton estate and to the west of the eastern boundaries of the farms of diehill and Woodend on the Athole estate, shall cease to be part of the parish achtergaven, and shall form part of the parish of Monzie.

The detached part of the parish of Redgorton, containing 1261 acres or by, situated at or near Burmeston, shall cease to be part of that parish, and form part of the parish of Monzie.

So much of the parish of Fowlis Wester as lies north of the River Almond outh of the watershed between Strathbraan and Glenalmond, shall cease to art of the parish of Fowlis Wester, and shall form part of the parish of zie.

II. So much of the parish of Fowlis Wester as lies to the north of the water- between Strathbraan and Glenalmond shall cease to be part of the parish of is Wester, and shall form part of the parish of Little Dunkeld.

III. The detached part of the parish of Crieff situated at Auchilanzie, and so a of the parish of Crieff as lies to the north of a line starting at the boundary een the parishes of Crieff and Monzievaird and Strowan at the point at or Blue Craigs where the farm of Mains of Callander (sometime called Stone- on the estate of Ochtertyre marches with the farm of Conyachan on the e of Glenalmond, and running thence in an easterly direction along the march een the estate of Glenalmond on the one side and the estate of Ochtertyre afterwards the estate of Monzie on the other side, until it meets the main on of the parish of Fowlis Wester, and thence along the northern boundary e parish of Fowlis Wester to the most eastern point of the parish of Crieff, cease to be part of the parish of Crieff, and shall form part of the parish of is Wester.

That portion of the parish of Monzie which lies between the parishes of f and Fowlis Wester, and also the detached part of the parish of Monzie, aining 1107 acres or thereby, situated at or near Innerpeffray, shall cease to art of the parish of Monzie, and shall form part of the parish of Crieff.

The detached part of the parish of Crieff, extending to 1910 acres or by, situated in Glenshervie at or near Auchnafree, shall cease to be part of arish of Crieff, and shall form part of the parish of Monzievaird and Strowan, the detached part of the parish of Monzie, containing 6774 acres or thereby, ted at or near Auchnafree, shall cease to be part of the parish of Monzie, and form part of the parish of Monzievaird and Strowan.

I. The detached part of the parish of Fowlis Wester, containing 590 acres or by, situated at or near Auchnafree, shall cease to be part of that parish, and form part of the parish of Monzievaird and Strowan.

II. The lands situated at or near Auchnafree marked on the Ordnance Survey "Lands claimed by no parish" shall form part of the parish of Monzievaird Strowan.

III. The two detached parts of the parish of Monzievaird and Strowan, con- ng respectively four-fifths of an acre or thereby, and 58 acres or thereby, ted at or near Cultibregan, and another detached part of said parish containing acres or thereby, situated at or near Easter Meiggar, shall cease to be part e parish of Monzievaird and Strowan, and shall form part of the parish of rie.

IV. The detached part of the parish of Monzievaird and Strowan, containing acres or thereby, situated at or near Auchnashelloch, shall cease to be part at parish, and shall form part of the parish of Muthill.

V. So much of the parish of Muthill as lies to the north and west of a line ing at a point on the boundary of the parish of Muthill where the public road Comrie to Ardoch by Glenlichorn crosses the Newton burn, and running in rth-easterly direction along the said burn until it enters the parish of Monzie- d and Strowan at a point near Mill of Fortune, shall cease to be part of the h of Muthill, and shall form part of the parish of Comrie.

XVI. So much of the parish of Crieff as lies to the south of the River Ea shall cease to be part of that parish, and shall form part of the parish of Muthi

PARISHES OF BLAIR-ATHOLE, DULL, DUNKELD AND DOWALLY, FORTINGA KENMORE, KILLIN, LOGIERAIT, MOULIN, AND WEEM.—I. Part of the parish Dunkeld and Dowally, containing 1284 acres or thereby, situated at or near D capon and adjoining the parishes of Logierait, Moulin, and Kirkmichael, sh cease to be part of the parish of Dunkeld and Dowally, and shall form part the parish of Logierait.

II. The detached part of the parish of Moulin, containing 176 acres or there situated at or near Ballyoukan, and surrounded by the parish of Logierait, sh cease to be part of the parish of Moulin, and shall form part of the parish Logierait.

III. That part of the parish of Logierait consisting of the estate of Fon bounded on the north by the parish of Moulin, on the east by the lands of Dr fallandy, on the south by the lands of Ballechin, and on the west by the lands Cluny, shall cease to be part of the parish of Logierait, and shall form part of parish of Moulin.

IV. That part of the parish of Blair-Athole forming the estate of Reinakylli bounded on the west by the stream Aldgirnaig, on the north by the lands Shinigag, on the east by the lands of Conacraig, and on the south by the lands Urrard, shall cease to be part of the parish of Blair-Athole, and shall form p of the parish of Moulin.

V. The detached part of the parish of Moulin, containing 259 acres or there situated in Strathgarry and adjoining the parishes of Blair-Athole and D shall cease to be part of the parish of Moulin, and shall form part of the par of Blair-Athole.

VI. So much of the parish of Dull as lies to the north of the River Tum and of Loch Tummel shall cease to be part of that parish, and shall form p of the parish of Blair-Athole.

VII. That portion of the parish of Dull situated at or near Grandtully a bounded on the north by the River Tay, on the east and south by the parish Little Dunkeld, and on the west by the detached part of the parish of We shall cease to be part of the parish of Dull, and shall form part of the parish Logierait.

VIII. The detached part of the parish of Weem, containing 2207 acres thereby, situated at or near Duntaggart, shall cease to be part of the parish Weem, and shall form part of the parish of Logierait.

IX. The detached parts of the parish of Logierait, the first containing 685 ac or thereby, situated north of Loch Glassie, and adjoining the parishes of We and Dull, and the second containing 1265 acres or thereby, situated at or n Edradynate and surrounded by the parish of Dull, and also so much of anot detached part of the parish of Logierait, containing 1583 acres or thereby, situa at or near Killiechassie and Aberfeldy as lies to the north of the River Tay, sh cease to be part of the parish of Logierait, and shall form part of the parish Weem.

X. So much of the parish of Dull as lies to the east of the main portion of parish of Weem, to the north of the River Tay, to the west of the main port of the parish of Logierait, and to the south of the watershed between Stra tummel and Strathtay (including the lands of Glassie, Cluny, and Derculich), sh cease to be part of the parish of Dull, and shall form part of the parish of Wee

XI. The detached part of the parish of Fortingall, containing 4020 acres thereby, situated at or near Bolfrachs, shall cease to be part of the parish Fortingall, and shall form part of the parish of Dull.

XII. The detached parts of the parish of Weem, viz. : (1) Part of the parish Weem, containing 453 acres or thereby, situated at or near Comrie Castle a

ining the parishes of Kenmore, Dull, and Fortingall; (2) another part of the h of Weem, containing 345 acres or thereby, situated at or near Newhall and ining the parishes of Dull and Kenmore; (3) another part of the parish of m, containing 573 acres or thereby, situated at or near Stix and adjoining the h of Dull and a detached part of the parish of Fortingall; (4) another part e parish of Weem, containing 568 acres or thereby, situated at or near han, north of the River Quaich and adjoining the parishes of Dull and more, and a detached part of the parish of Fortingall; and (5) another part e parish of Weem, containing 945 acres or thereby, situated at or near Coalch and adjoining detached parts of the parishes of Dull, Monzie, and more, shall cease to be part of the parish of Weem, and shall form part of the h of Dull.

III. The detached part of the parish of Kenmore, containing 2578 acres or eby, situated at or near Struan, shall cease to be part of that parish, and shall part of the parish of Dull.

IV. So much of the detached part of the parish of Logierait, containing 1583 s or thereby, and situated at or near Killiechassie and Aberfeldy, as lies to the h of the River Tay, shall cease to be part of that parish, and shall form part e parish of Dull.

V. The detached parts of the parish of Logierait, viz., a part containing 9939 s or thereby, situated on the south side of Loch Rannoch and surrounded he parish of Fortingall; and another part, containing 4681 acres or thereby, ated at or near Lochgarry House and adjoining the parishes of Blair-Athole Fortingall, shall cease to be parts of the parish of Logierait, and shall form of the parish of Fortingall.

VI. So much of the parish of Kenmore on the north of Drummond Hill as north of the watershed between Glen Lyon and Loch Tay shall cease to be of that parish, and shall form part of the parish of Fortingall.

VII. So much of the detached part of the parish of Weem, containing 11,731 s or thereby, extending from Balnahanaid southwards to Loch Tay as lies to north of the watershed between Loch Tay and Glen Lyon, shall cease to be of the parish of Weem, and shall form part of the parish of Fortingall; and uch of the said detached part as lies to the south of the said watershed shall e to be part of the parish of Weem, and shall form part of the parish of more.

VIII. So much of the detached part of the parish of Weem, containing 17,310 s or thereby, situated at or near Lubreoch and Kenknock as lies to the north e watershed between Glen Lochay and Glen Lyon, shall cease to be part of parish of Weem, and shall form part of the parish of Fortingall; and so much e said detached part as lies to the south of the said watershed shall cease to art of the parish of Weem, and shall form part of the parish of Killin.

IX. So much of the detached part of the parish of Kenmore, containing 39 acres or thereby, situated at or near the lands of Kenknock as lies to north of the watershed between Glen Lochay and Glen Lyon, shall cease to art of the parish of Kenmore, and shall form part of the parish of Fortin-; and so much of the said detached part as lies to the south of the said waterd shall cease to be part of the parish of Kenmore, and shall form part of the sh of Killin.

X. The detached part of the parish of Killin, containing 7247 acres or thereby, ated at or near Ardronaig, shall cease to be part of the parish of Killin, and l form part of the parish of Kenmore.

XI. The detached part of the parish of Weem, containing 2993 acres or reby, situated at or near Auchmore, shall cease to be part of that parish, and l form part of the parish of Kenmore.

XII. The detached parts of the parish of Kenmore, viz., the first, containing acres or thereby, situated at or near Daldravaig; and the second containing

6006 acres or thereby, situated at or near Corrycharmaig, shall cease to be part of the parish of Kenmore, and shall form part of the parish of Killin.

XXIII. The detached parts of the parish of Weem, viz., the first containing 191 acres or thereby, situated at or near Bridge of Lochay; and the second containing 3125 acres or thereby, situated at or near Duncroisk, shall cease to be part of the parish of Weem, and shall form part of the parish of Killin.

XXIV. So much of the area marked on the Ordnance Survey maps "Lan common to the parishes of Blair-Athole, Fortingall, and Logierait" as lies nort of Allt Sleibh shall form part of the parish of Blair-Athole, and so much of th said area as lies to the south of the said Allt Sleibh shall form part of the pari of Fortingall.

Parishes of Blackford and Glendevon.—That portion of the parish Blackford which is bounded on the north by the *medium filum* of the River Devo on the west by the parish of Tillicoultry, on the south by the parishes of Till coultry and Dollar, and on the east by the parish of Glendevon, shall cease to part of the parish of Blackford, and shall form part of the parish of Glendevon.

Parishes of Caputh, Clunie, Dunkeld and Dowally, and Longforgan.—I. The detached part of the parish of Caputh, containing ·016 acre or thereby situated at or near Mylnefield and surrounded by the parish of Longforgan, sha cease to be part of the parish of Caputh, and shall form part of the parish Longforgan.

II. The detached part of the parish of Caputh, containing 414 acres or thereby situated at or near Cairns and adjoining the parishes of Clunie and Kinloch shall cease to be part of the parish of Caputh, and shall form part of the parish Clunie.

III. The detached part of the parish of Clunie, containing 649 acres or thereby situated at or near Gourdie and adjoining the parishes of Caputh and Lethend shall cease to be part of the parish of Clunie, and shall form part of the parish Caputh.

IV. So much of the parish of Caputh as lies to the north-east of the weste boundary of the estate of Gourdie and the farm of Logiebrae shall cease to part of that parish, and shall form part of the parish of Clunie.

V. So much of the parish of Caputh as lies to the west and north-west of line running from a point in the *medium filum* of the River Tay at the ea boundary of the Athole estate at Craig Tronach, Newtyle, in a generally northerl direction by the march of the Athole estate until it reaches the wall forming th south boundary of the Letter Hill, thence following the said wall westward an northward until it reaches the public road leading to Dunkeld at the south-we corner of the Loch of the Lowes,—and to the south and west of a line runnin thence in a westerly direction along the centre of the said road to Cally Lodg thence in a northerly direction along the centre of the Hatton Road, being th road marked No. 465 on the Ordnance Survey maps, to a point opposite th centre of the gate leading to Cally Loch, and thence due west until it meets th present boundary of the aforesaid detached part of the parish of Dunkeld an Dowally, shall cease to be part of the parish of Caputh, and shall form part of th parish of Dunkeld and Dowally.

Parishes of Bendochy, Blairgowrie, Caputh, Kinloch, Kirkmichael and Rattray.—I. The detached part of the parish of Blairgowrie, containin 1742 acres or thereby, situated at or near Creuchies and adjoining the parishes Rattray, Bendochy, and Alyth, and also so much of the parish of Blairgowrie a lies to the east of the road forming the boundary between the estates of Parkhea and Rosemount, shall cease to be part of the parish of Blairgowrie, and shall form part of the parish of Bendochy.

II. The detached part of the parish of Bendochy, containing 904 acres or thereby

ed at or near Drimmie and adjoining the parishes of Rattray, Blairgowrie, lyth, shall cease to be part of the parish of Bendochy, and shall form part of rish of Blairgowrie.

So much of the parish of Kinloch as lies to the north of the march separat- e lands of Cochrage and Blackcraig on the north from the lands of Millhole Middleton Farm and Muir, and Glasclune Farm on the south, shall cease part of that parish, and shall form part of the parish of Blairgowrie.

The detached part of the parish of Caputh, containing 308 acres or thereby, ed at or near West Germack and adjoining the parishes of Blairgowrie and ch, shall cease to be part of the parish of Caputh, and shall form part of the of Kinloch.

The detached part of the parish of Bendochy, containing 2999 acres or by, situated at or near Persie, shall cease to be part of that parish, and shall part of the parish of Kirkmichael.

The detached part of the parish of Caputh, containing 688 acres or thereby, ed at or near Craigton, shall cease to be part of that parish, and shall form f the parish of Kirkmichael.

The detached part of the parish of Rattray, containing 848 acres or thereby, ed at or near Bleaton Hallet, shall cease to be part of that parish, and shall part of the parish of Kirkmichael.

RISHES OF CARGILL, KETTINS, KINFAUNS, KINNOULL, ST. MADOES, ST. INS, AND SCONE.—I. So much of the detached part of the parish of Kinnoull, ining 1234 acres or thereby, situated at or near Balthayock and adjoining rishes of Kinfauns, Scone, and Kilspindie as lies to the north of the centre public road running past Balcraig (formerly Springfield Cottage) and Two- House between the point where the said road enters the said detached part he point at which it reaches the parish of Kilspindie, shall cease to be part parish of Kinnoull, and shall form part of the parish of Scone.

So much of the parish of Scone as lies to the south of the centre of the road running past Two-mile House, Balcraig (formerly Springfield Cottage), Parkfield, and thence in a south-westerly direction till it meets the boundary main portion of the parish of Kinnoull, shall cease to be part of the parish one, and shall form part of the parish of Kinnoull.

. So much of the parish of Kinfauns as lies to the north of the old Perth Dundee Road running past Windyedge and to the west of the aforesaid hed part of the parish of Kinnoull, shall cease to be part of the parish of uns, and shall form part of the parish of Kinnoull.

. So much of the detached part of the parish of Kinnoull, containing 669 or thereby, situated at or near Inchyra and Tofthill and adjoining the parishes nfauns and St. Madoes as lies to the east of the west march of the estate of ra, shall cease to be part of the parish of Kinnoull, and shall form part of rish of St. Madoes; and so much of the said detached part as lies to the of the said march shall cease to be part of the parish of Kinnoull, and shall part of the parish of Kinfauns.

The detached part of the parish of Kinnoull, containing 453 acres or thereby, ed at or near Balbeggie, and adjoining the parishes of St. Martins and indie, shall cease to be part of the parish of Kinnoull, and shall form part of rish of St. Martins.

. The portion of the county of Perth, containing 717 acres or thereby, situated near West Kinnochtry and marked on the Ordnance Survey maps as a hed part of the parish of Scone, but alleged to be part of the parish of Kettins, cease to be part either of the parish of Scone or of the parish of Kettins, and form part of the parish of Cargill.

RISHES OF DRON AND DUNBARNEY.—So much of the parish of Dunbarney

as lies to the south of the stone dyke running east and west about 530 yards sou of the farm steading of Pitkeathly Mains shall cease to be part of that parish, a shall form part of the parish of Dron.

PARISHES OF KILMADOCK AND KINCARDINE.—I. So much of the parish of K madock as lies to the south of a line starting at a point in the centre of Coldoch Road near Ramoth on the existing boundary between the parish of K madock and the main portion of the parish of Kincardine, and running in a sou westerly direction along the centre of the said road till it crosses the Wate Goodie, and thence in a generally westerly direction along the *medium filum* the said water to the point at which it meets the boundary of the detached p of the parish of Kincardine, shall cease to be part of the parish of Kilmadock, a shall form part of the parish of Kincardine.

II. So much of the main portion of the parish of Kincardine as lies to the w of a line starting at the Bridge of Teith and running in a generally south-weste direction along the centre of the road from Doune to the old Lochhills Toll as as the said toll, and then along the centre of the old Lochhills Road and of Coldoch Road to the present boundary of the parish of Kilmadock near Ramo shall cease to be part of the parish of Kincardine, and shall form part of parish of Kilmadock.

III. So much of the detached part of the parish of Kincardine as lies to north and west of a line starting at a point on the present boundary betw the said detached part and the parish of Kilmadock where the said bound meets the south march of Whirrieston Farm, and running first in a weste direction along the said march until it meets the Boquhapple Burn, then i southerly direction down the said burn to the centre of the Port of Mente Road, and again in a westerly direction along the centre of the said road unti meets the boundary of the parish of Port of Menteith, shall cease to be par the parish of Kincardine and shall form part of the parish of Kilmadock.

PARISHES OF PERTH AND TIBBERMORE.—I. The detached part of the parish Tibbermore, containing 4 acres or thereby, situated at or near York Place, Per and surrounded by the parish of Perth, shall cease to be part of the parish Tibbermore, and shall form part of the parish of Perth.

II. So much of the part of the parish of Tibbermore, containing 96 acres thereby, situated at or near Tullylumb, and surrounded or nearly surrounded the parish of Perth as lies within the municipal boundaries of the burgh of Per shall cease to be part of the parish of Tibbermore, and shall form part of parish of Perth.

III. So much of the parish of Perth as lies to the north and west of a l starting at the point where the Scouring Burn leaves the boundary between parishes of Perth and Aberdalgie, and running in a generally easterly direct along the *medium filum* of the said Burn till it reaches the Perth burgh bound near Cherrybank, and then along the said burgh boundary in a north-easte direction until it reaches the *medium filum* of the River Tay, shall cease to be p of the parish of Perth, and shall form part of the parish of Tibbermore.

## 47.—PERTH AND STIRLING.

PARISHES OF LECROPT AND LOGIE.—I. So much of the parish of Lecropt lies to the east of a line starting at the point at which the existing bound between the parishes of Lecropt and Logie cuts the western boundary of Scottish Central Railway south-west of Keirfield, and running in a genera northerly direction along the western boundary of the said railway to the point which it meets the boundary between the counties of Perth and Stirling, and the south of a line running from the last-mentioned point in an easterly direct

the said county boundary to the *medium filum* of the River Allan where it the boundary of the parish of Logie, shall cease to be part of the parish of pt, and shall form part of the parish of Logie.

So much of the parish of Logie as is bounded on the east by a line starting point at which the existing boundary between the parishes of Lecropt and cuts the western boundary of the Scottish Central Railway south-west of eld, and running in a generally southerly direction along the western ary of the said railway until it reaches the *medium filum* of the River Allan, the south by the *medium filum* of the said river,—and elsewhere by the of Lecropt, shall cease to be part of the parish of Logie, and shall form f the parish of Lecropt, and the parish of Lecropt as altered in area shall olly included in and shall form part of the county of Perth.

RISH OF KIPPEN.—So much of the parish of Kippen as forms part of the y of Perth shall cease to be part of that county, and shall form part of the y of Stirling.

## 48.—RENFREW.

RISHES OF ABBEY AND PAISLEY.—I. So much of Abbey parish as is bounded north by a line starting at a point on the boundary between the said parish ae parish of Paisley at the centre of Abbey Bridge, and running first in a easterly direction along the centre of the bridge to a point opposite the of Seedhill Walk, and then in a south-easterly direction along the centre said Seedhill Walk and of Cart Street to the north-west corner of the ached part of the parish of Paisley at Lady Burn;—on the east by the said detached part of the parish of Paisley;—on the south by a line starting oint in Seedhill on the western boundary of the said detached part of the of Paisley, 65 yards south of the aforesaid north-west corner thereof, and ng in a north-westerly direction to the point where the boundary between id parishes leaves the *medium filum* of the said River Cart and strikes in a ly direction towards Bladda Lane;—and on the west by the main portion parish of Paisley; shall cease to be part of Abbey parish, and shall form f the parish of Paisley.

The detached part of Abbey parish, containing 0·414 of an acre or thereby, ed at or near Seedhill, and surrounded by part of the parish of Paisley, shall to be part of the Abbey parish, and shall form part of the parish of Paisley.

## 49.—ROXBURGH.

RISHES OF JEDBURGH, OXNAM, AND SOUTHDEAN.—I. So much of the parish of n as lies to the west of a line starting at the south point of the eastern of Scraesburgh, being a point in Towery Plantation on the boundary en the parishes of Jedburgh and Oxnam, and running in a south-easterly ion to the nearest point on the road from Oxnam to Mossburnford, thence enerally southerly direction along the centre of the said road to the point at it meets the track leading to Birkenside Cottage, then along the said track joins the track from Cringle Burn to Birkenside, then to and along the west or boundary of the enclosure attached to Birkenside Cottage until the of Dolphingston is met, thence along the north and east marches of the of Dolphingston until it reaches the road leading from Mossburnford by thence along the centre of the last-mentioned road until it reaches the of Stotfield near Stotfield Burn, thence along the north-eastern march totfield Farm until it reaches the boundary of the detached part of the of Jedburgh, shall cease to be part of the parish of Oxnam, and shall form f the parish of Jedburgh.

II. So much of the parish of Jedburgh as lies to the east of a line drawn in northerly direction along the *medium filum* of the Oxnam Burn from the poi where it crosses the Roman road to the point where it reaches the parish of Cra ing,—and to the north of the present boundary between the parishes of Oxna and Jedburgh,—shall cease to be part of the parish of Jedburgh, and shall for part of the parish of Oxnam.

III. So much of the detached part of the parish of Jedburgh, containi 536 acres or thereby, situated at or near Old Jedward and adjoining t parishes of Oxnam and Southdean, as lies to the south of the march between t farm of Mervinslaw on the one side and the farms of Old Jedward and Earlsheu on the other side, shall cease to be part of the parish of Jedburgh, and shall for part of the parish of Southdean.

PARISHES OF HAWICK AND WILTON.—I. The detached part of the parish Wilton, containing 1 acre or thereby, which is separated from the main portion the parish of Wilton by part of the parish of Hawick known as the Comm Haugh, shall cease to be part of the parish of Wilton, and shall form part of t parish of Hawick.

II. That portion of the parish of Hawick situated at or near Albert Mil bounded on the north by the centre of the road leading from Wellington street the Hawick and Wilton road, on the east by the centre of the said Hawick a Wilton road, on the south by the centre of the road leading from Wilton Lod to the said Hawick and Wilton road, and on the west by the present bounda between the parishes of Hawick and Wilton, shall cease to be part of the par of Hawick, and shall form part of the parish of Wilton.

## 50.—ROXBURGH AND SELKIRK.

PARISHES OF ASHKIRK AND SELKIRK.—I. The detached part of the parish Selkirk, containing 1430 acres or thereby, situated at or near Todrig and adjo ing the parishes of Kirkhope, Roberton, and Ashkirk, shall cease to be part of t parish of Selkirk, and shall form part of the parish of Ashkirk.

II. The whole of the parish of Ashkirk as altered in area shall be included and shall form part of the county of Selkirk.

III. So much of the parish of Selkirk as is situated in the county of Roxbu shall cease to be part of that county, and shall form part of the county of Selki

PARISHES OF GALASHIELS AND MELROSE.—I. So much of the parish of Melr as is situated in the county of Selkirk shall cease to be part of that parish, a shall form part of the parish of Galashiels.

II. The parish of Galashiels as altered in area shall be wholly included in shall form part of the county of Selkirk.

PARISH OF ROBERTON.—So much of the parish of Roberton as is situated in county of Selkirk shall cease to be part of that county, and shall form part of county of Roxburgh.

## 51.—SUTHERLAND.

PARISHES OF DORNOCH AND ROGART.—I. Part of the parish of Dornoch, exte ing to 725 acres or thereby, situated at or near Kinnauld and adjoining parishes of Golspie and Rogart, shall cease to be part of the parish of Dorno and shall form part of the parish of Rogart.

II. So much of the parish of Rogart as lies to the south of a line starting a point on the boundary between the parishes of Dornoch and Rogart at the h of Allt Reidh Chalmac and running in a generally westerly direction first

a-bhlair, thence along the watershed between Strath Fleet on the north and Carnach and Strath Tollaidh on the south to a knoll a little to the east of na Saobhaidhe, from which knoll it runs direct in a south-westerly direction forkings at the head of Allt an Cealgaiche, and thence down the said burn t meets the boundary of the parish of Creich, shall cease to be part of the of Rogart, and shall form part of the parish of Dornoch.

## 52.—ZETLAND.

ISHES OF FETLAR AND NORTH YELL, AND MID AND SOUTH YELL.—Part parish of Fetlar and North Yell, containing 17,430 acres or thereby, being l parish of North Yell, and adjoining the parish of Mid and South Yell, ease to be part of the parish of Fetlar and North Yell, and shall form part parish of Mid and South Yell, and the remaining portion of the said parish lar and North Yell shall be called the parish of Fetlar, and the parish of nd South Yell shall be called the parish of Yell.

ISHES OF BRESSAY BURRA AND QUARFF, AND LERWICK AND GULBERWICK. ions of the parish of Bressay Burra and Quarff, to wit, the old parishes of and Quarff shall cease to be part of the parish of Bressay Burra and Quarff, all form part of the parish of Lerwick and Gulberwick which shall be hence- alled the parish of Lerwick, and the remaining portion of the said parish of y Burra and Quarff shall be henceforth called the parish of Bressay.

# ACT OF PARLIAMENT

FOR THE

*Better prevention of Corrupt and Illegal Practices at Elections in Scotland other than Parliamentary elections.*—53 *and* 54 *Vict., cap.* 55.—[18*th August* 1890].

I. *Short title.*—This Act may be cited as the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890, and shall apply to elections to any corporate office as defined by section two hereof.

II. *Definitions.* — "Burgh" includes royal burgh, parliamentary burgh, burgh of barony, burgh of regality, and police burgh formed under any general police Act, and the burgh of Coatbridge in the county of Lanark:

"Corporate office" means the office of county councillor, town councillor, or police commissioner of a burgh, member of parochial board, or member of school board:

"Election" means an election to a corporate office as defined by this Act:

"Bribery," "treating," "undue influence," and "personation," include respectively anything done before, at, after, or with respect to an election under this Act, which, if done before, at, after, or with respect to a parliamentary election, would make the person doing the same liable to any penalty, punishment, or disqualification for bribery, treating, undue influence, or personation, as the case may be, under any Act for the time being in force with respect to parliamentary elections:

"Corrupt practice" means treating and undue influence as defined by the Corrupt and Illegal Practices Prevention Act, 1883, and bribery and personation, as defined by the enactments set forth in the First Schedule to this Act, and aiding, abetting, counselling, and procuring the commission of the offence of personation:

"Candidate" means a person elected, or having been nominated, or having declared himself a candidate for election, to a corporate office:

"Election court" means a court constituted under this Act for the trial of an election petition:

"Election petition" means a petition under this Act complaining of an undue election:

"Licensing Acts" means the Acts regulating the licensing of premises for the sale of intoxicating liquors in Scotland:

"Parliamentary election petition" means a petition under the Parliamentary Elections Act, 1868:

"Prescribed" means prescribed by general rules made under this Act:

"Revising authority" means the sheriff:

"Election," when used with reference to a petition, means the election to which the petition relates:

Other expressions shall have the same meaning as in the Corrupt and Illegal Practices Prevention Act, 1883.

*Corrupt Practices.*

III. *General penalties for corrupt practices.*—A person who commits any corrupt practice in reference to an election under this Act shall be guilty of the like offence, and shall on conviction be liable to the like punishment, and subject to the like incapacities, as if the corrupt practice had been committed in reference to a parliamentary election.

IV. *Incapacity of candidate guilty of corrupt practice.*—(1.) Where upon the trial of an election petition it is found by the election court that any corrupt practice, other than treating and undue influence, has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate thereat, that candidate shall not be capable of ever holding a corporate office, and if he has been elected his election shall be void; and he shall further be subject to the same incapacities as if at the date of the said finding he had been convicted of a corrupt practice.

(2.) If the election court finds that any candidate at such election has been guilty by his agents of a corrupt practice in reference to such election, that candidate shall not be capable of being elected to or holding any corporate office during a period of three years from the date of the finding, and, if he has been elected, his election shall be void.

V. *Avoidance of election for general corruption.*—An election shall be wholly avoided by such general corruption, bribery, treating, or intimidation at the election, as would by the common law of Parliament avoid a parliamentary election.

VI. *Striking off votes.*—The votes of persons in respect of whom any corrupt practice is proved to have been committed at an election shall be struck off on a scrutiny.

VII. *Personation.*—The enactments for the time being in force for the detection of personation and for the apprehension of persons charged with personation at a parliamentary

election shall apply in the case of an election under this Act.

*Illegal Practices.*

VIII. *Certain expenditure to be illegal practice.*—(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at an election, be made—

(*a.*) on account of the conveyance of electors to or from the poll whether for the hiring of horses or carriages, or for railway fares, or otherwise; or

(*b.*) to an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice: or

(*c.*) on account of any committee room in excess of the number allowed by this Act (that is to say), one committee room if the number of electors is less than two thousand, and one additional committee room for every two thousand electors and incomplete part of two thousand electors, over and above the said two thousand.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section, either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

(3.) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisments, a payment to or contract with such elector if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

IX. *Expense in excess of the maximum to be illegal practice.*—(1.) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by or on behalf of a candidate at an election, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, save that a sum may be paid and expense incurred not in excess of the maximum amount following; (that is to say)—

The sum of twenty-five pounds, and, if the number of electors entitled to vote for such candidate exceeds five hundred, an additional amount of threepence for each elector above the first five hundred electors.

(2.) Where there are two or more joint-candidates at an election the maximum amount of expenses shall, for each of such joint candidates, be reduced by one fourth, or if there are more than two joint-candidates by one third.

(3.) Where two or more candidates at an election, by themselves or any agent or agents, hire or use the same committee-rooms for such election, or employ or use the services of the same clerks, messengers, or polling agent at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint-candidates at such election: Provided that—

(*a.*) The employment and use of the same committee-room, clerk, messenger, or polling agent, if accidental or casual, or of trivial and unimportant character, shall not be deemed of itself to constitute persons joint-candidates;

(*b.*) Nothing in this enactment shall prevent candidates from ceasing to be joint-candidates;

(*c.*) Where any excess of expenses above the maximum allowed for one or two or more joint-candidates has arisen owing to his having ceased to be a joint-candidate, or to his having become a joint-candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than, under the circumstances, is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the election court of an exception from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate may be relieved accordingly from the consequences of having incurred such excess of expenses.

(4.) Any candidate or agent of a candidate or person who knowingly acts in contravention of this section shall be guilty of an illegal practice.

X. *Voting by prohibited persons, and publishing of false statements of withdrawal to be illegal.*—(1.) If any person votes or induces or procures any person to vote at an election, knowing that he or such person is prohibited, whether by this or any other Act, from voting at such election, he shall be guilty of an illegal practice.

(2.) Any person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, shall be guilty of an illegal practice.

(3.) Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed without his knowledge and consent.

XI. *Punishment on conviction of illegal practice.*—A person guilty of an illegal practice in reference to an election shall, on summary conviction, be liable to a fine not exceeding

one hundred pounds, and be incapable, during a period of five years from the date of his conviction, of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a corporate office within the meaning of this Act) held for or within the county, burgh, or parish in which the illegal practice has been committed.

XII. *Incapacity of candidate guilty of illegal practice.*—Where, upon the trial of an election petition it is found that a candidate at an election has been guilty, by himself or his agents, of an illegal practice in reference to such election, the candidate shall not be capable of being elected to or of holding any corporate office during the period for which he was elected to serve, or for which, if elected, he might have served, and if he was elected, his election shall be void; and if such candidate has himself been guilty of such illegal practice, he shall also be subject to the same incapacities as if, at the date of the finding, he had been convicted of such illegal practice.

*Illegal Payment, Employment, and Hiring.*

XIII. *Providing money for illegal practice or payment to be illegal practice.*—Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment, except where the same may have been previously allowed, in pursuance of this Act, to be an exception, such person shall be guilty of illegal payment.

XIV. *Employment of hackney carriages or of carriages and horses kept for hire.*—(1.) A person shall not let, lend, or employ, for the purpose of the conveyance of electors to or from the poll at an election, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of illegal hiring.

(2.) A person shall not hire, borrow, or use, for the purpose of the conveyance of electors to or from the poll, any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of illegal hiring.

(3.) Nothing in this Act shall prevent a carriage, horse, or other animal being let to or hired, employed, or used by an elector at his own cost, or by several electors at their joint cost, for the purpose of conveying him or them to or from the poll.

(4.) No person shall be liable to pay any duty or to take out a license for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

XV. *Corrupt withdrawal from a candidature.*—Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, shall be guilty of an illegal payment, and any person withdrawing in pursuance of such inducement or procurement shall also be guilty of illegal payment.

XVI. *Certain expenditure to be illegal payment.*—(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at an election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is made in contravention of this section, either before, during, or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

XVII. *Certain employment to be illegal.*—(1.) No person shall, for the purposes of promoting or procuring the election of a candidate at an election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except as follows (that is to say)—

(*a.*) A number of persons may be employed not exceeding two if the number of electors is less than two thousand, and one additional person may be employed for every thousand electors and incomplete part of a thousand electors over and above the said two thousand, and such persons may be employed as clerks and messengers, or in either capacity; and

(*b.*) One polling agent may be employed in each polling station:

Provided that this section shall not apply to any engagement or employment for carrying into effect a contract *bonâ fide* made with any person in the ordinary course of business.

(2.) Subject to such exception as may be allowed in pursuance of this Act if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment, if he knew that he was engaged or employed in contravention of this Act.

(3.) A person legally employed for payment under this section may or may not be an elector, but may not vote.

XVIII. *Name and address of printer on pla-*

*cards.*—Every bill, placard, or poster having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard, or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is a candidate, be guilty of an illegal practice, and if he is not the candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

XIX. *Saving for creditors.*—The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense, in excess of a certain maximum, shall not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

XX. *Use of certain premises for committee rooms or meetings to be illegal hiring.*—(1.)

(*a.*) Any premises, which are licensed for the sale of any intoxicating liquor for consumption on or off the premises or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises, or

(*b.*) Any premises where any intoxicating liquor is supplied to members of a club, society, or association, on any part of any such premises,

shall not, for the purpose of promoting or procuring the election of a candidate at an election, be used either as a committee room or for holding a meeting, and if any person hires or uses any such premises or any part thereof in contravention of this section he shall be guilty of illegal hiring, and the person letting or permitting the use of such premises or part thereof, if he knew it was intended to use the same, in contravention of this section, shall also be guilty of illegal hiring.

(2.) Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

XXI. *Punishment of illegal payment, employment, or hiring.*—(1.) A person guilty of an offence of illegal payment, employment, or hiring shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

(2.) Where an offence of illegal payment, employment, or hiring is committed by a candidate, or with his knowledge and consent, such candidate shall be guilty of an illegal practice.

XXII. *Avoidance of election for extensive illegal practices, &c.*—Where, upon the trial of an election petition, it is found that illegal practices or offences of illegal payment, employment, or hiring, committed in reference to such election for the purpose of promoting the election of a candidate at that election, have so extensively prevailed that they may be reasonably supposed to have affected the result of that election, the election of such candidate, if he has been elected, shall be void, and he shall not, during the period for which he was elected to serve, or for which, if elected, he might have served, be capable of being elected to or holding any corporate office.

*Excuse and Exception for Corrupt or Illegal Practice, or Illegal Payment, Employment, or Hiring.*

XXIII *Exoneration of candidate in certain cases of corrupt and illegal practice by agents.*—Where, upon the trial of an election petition, the election court finds that a candidate at any election has been guilty by his agents of the offence of treating and undue influence and illegal practice, or of any of such offences, in reference to such election, and the election court further finds—

(*a.*) That no corrupt or illegal practice was committed at such election by the candidate or with his knowledge or consent, and the offences were committed without the sanction or connivance of such candidate; and

(*b.*) That all reasonable means for preventing the commission of corrupt and illegal practices at such election were taken by and on behalf of the candidate; and

(*c.*) That the offences were of a trivial, unimportant, and limited character; and

(*d.*) That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned in such finding, be void, nor shall the candidate be subject to any incapacity under this Act.

XXIV. *Power of election court to except innocent act from being illegal practice, &c.*—Where, on application made, it is shown to the election court, by such evidence as seems to the court sufficient—

(*a.*) That any act or omission of a candidate at an election or of any agent or other person, would, by reason of being in contravention of any of the provisions of this Act, be but for this section an illegal practice, payment, employment, or hiring; and

(*b.*) That such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(*c.*) That such notice of the application has been given as to the court seems fit;

and under the circumstances it seems to the court to be just that the said candidate, agent, and person, or any of them, should not be subject to any of the consequences under this

Act of the said act or omission, the court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Act of the said act or omission.

*Claims and Payments for Election Expenses.*

XXV. *Sending in claims and making payments for election expenses*—(1.) Every claim against any person in respect of any expenses incurred by or on behalf of a candidate at an election on account of or in respect of the conduct or management of such election shall be sent in within fourteen days after the day of election, and if not so sent in shall be barred and not paid, and all expenses incurred as aforesaid shall be paid within twenty-one days after the day of election, and not otherwise, and any person who makes a payment in contravention of this section, except where such payment is allowed as provided by this section, shall be guilty of an illegal practice, but if such payment was made without the sanction or connivance of the candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of such payment having been made in contravention of this section.

(2.) Every agent of a candidate shall, within twenty-three days after the day of election, make a return to the candidate in writing of all expenses incurred by such agent on account of or in respect of the conduct or management of such election, and if he fails so to do he shall be liable, on a summary conviction, to a fine not exceeding fifty pounds.

(3.) Within twenty-eight days after the day of an election every candidate at such election shall send to the prescribed officer a return of all expenses incurred by such candidate or his agents on account of or in respect of the conduct or management of such election, vouched (except in the case of sums under twenty shillings) by bills stating the particulars and receipts, and accompanied by a declaration by a candidate made before a justice of the peace in the form set forth in the Second Schedule to this Act, or to the like effect.

(4.) After the expiration of the time for making such return and declaration, the candidate, if elected, shall not, until he has made the return and declaration (in this Act referred to as the return and declaration respecting election expenses), or until the date of the allowance of such authorised excuse, as is mentioned in this Act, sit or vote in respect of any corporate office to which he has been elected as aforesaid, and if he does so, shall forfeit fifty pounds for every day on which he so sits or votes to any person who sues for the same.

(5.) If the candidate, without such authorised excuse as is mentioned in this Act, fails to make the said return and declaration, he shall be guilty of an illegal practice, and if he knowingly makes the said declaration falsely, he shall be guilty of an offence, and on conviction thereof shall be liable to the punishment for wilful and corrupt perjury, and such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

(6.) The election court for the county in which the election was held, may, on application either of the candidate or a creditor, allow any claim to be sent in and any expenses to be paid after the time limited by this section, and a return of any sum so paid shall forthwith after payment be sent to the prescribed officer.

(7.) If the candidate applies to the election court, and shows that the failure to make the said return and declaration, or either of them, or any error or false statement therein, has arisen by reason of his illness or absence, or of the absence, death, illness, or misconduct of any agent, clerk, or officer, or by reason of inadvertence, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application and on production of such evidence of the grounds stated in the application, and of the good faith of the applicant, and otherwise as to the court seems fit, make such order for allowing the authorised excuse for the failure to make such return and declaration, or for an error or false statement in such return or declaration as to the court seems just.

(8.) The order may make the allowance conditional upon compliance with such terms as to the court seem calculated for carrying into effect the objects of this Act, and the order shall relieve the applicant from any liability or consequences under this Act in respect of the matters excused by the order.

(9.) The date of the order, or if the conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

(10.) The return and declaration sent in pursuance of this Act to the prescribed officer shall be kept at his office, and shall at all reasonable times during the twelve months next after they are received by him be open to inspection by any person on payment of the fee of one shilling, and the prescribed officer shall, on demand, furnish copies thereof or of any part thereof at the price of twopence for every seventy-two words.

(11.) After the expiration of the said twelve months the prescribed officer may cause the return and declaration to be destroyed, or if the candidate so require shall return the same to him.

*Disqualification of Electors.*

XXVI. *Prohibition of persons guilty of offences from voting.*—Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at an election, is prohibited from voting at such election, and if any such person votes, his vote shall be void, and shall be struck off on a scrutiny.

XXVII. *Prohibition of disqualified persons from voting.*—Every person who, in consequence of conviction or of the finding of any election court under this Act or under any other Act for the time being in force relating to corrupt practices at an election for any public office, has become incapable of voting at any election, whether a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

XXVIII. *Hearing of person before he is found guilty of corrupt or illegal practice, and incapacity of person found guilty.*—(1.) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is found by an election court to have been guilty at an election of any corrupt or illegal practice, the court shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself, and of calling evidence in his defence.

(2.) Every person who, after the commencement of this Act, is found by an election court to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is found guilty.

(3.) Where a person who is a justice of the peace is found by an election court to have been found guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of Her Majesty's advocate to report the case to the Lord High Chancellor of Great Britain, with such evidence as may have been given of such corrupt practice, and where any such person acts as a justice of the peace by virtue of his being or having been provost or chief magistrate of a burgh or convener of a county, the Lord High Chancellor shall have the same power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(4.) Where a person who is an advocate or enrolled law agent, or who belongs to any profession the admission to which is regulated by law, is found by an election court to have been guilty of any corrupt practice in reference to an election, whether such person has obtained a certificate of indemnity or not, it shall be the duty of Her Majesty's advocate to bring the matter before the tribunal having power to take cognisance of any misconduct of such person in his profession, and such tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(5.) With respect to a person holding a license or certificate under the Licensing Acts (in this section referred to as a licensed person) the following provisions shall have effect:—

(*a.*) If it appears to the election court by which any licensed person is convicted of the offence of bribery or treating that such offence was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licenses.

(*b.*) If it appears to an election court that a licensed person has knowingly suffered any bribery or treating in reference to any election to take place upon his licensed premises, such court (subject to the provisions of this Act as to a person having an opportunity of being heard by himself and producing evidence in his defence) shall find the same; and, whether such person has obtained a certificate of indemnity or not, it shall be the duty of Her Majesty's advocate to bring such finding before the licensing justices from whom or on whose certificate the licensed person obtained his license, and such licensing justices shall cause such finding to be entered in the proper register of licenses.

(*c.*) Where an entry is made in the registry of licenses of any such conviction of or finding respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such person the renewal of his license or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

XXIX. *Omission from the list of voters of persons incapacitated from voting by corrupt or illegal practices.*—(1.) Every assessor or other person charged with the duty of making up the register of voters or list of persons entitled to vote at an election under this Act shall omit therefrom the name of every person who, though otherwise qualified to be placed thereon, has under this Act, or under the Corrupt and Illegal Practices Prevention Act, 1883, or under any other Act for the time being in force relating to a parliamentary election or an election to any corporate office, become after the commencement of this Act, by reason of conviction of a corrupt or illegal practice, or of being found guilty thereof by an election court or election commissioners, for the time being incapable of voting at an election.

(2.) For the purpose of making such omissions every such assessor or other person shall procure from the sheriff clerk of the county in which such assessor or other officer acts a list of those persons who have been convicted or found guilty of a corrupt or illegal practice at any election within the jurisdiction of the election court of such county whether a parliamentary election or an election to any corporate office as defined by this Act.

(3.) Any person so omitted from the register may claim to have his name inserted therein, and any person entitled to object to any entry in such register may object to the omission of the name of any person from such register. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objections

shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of voters.

(4.) The revising authority shall determine such claims and objections, and shall revise such register in like manner, as nearly as circumstances admit, as in the case of other claims and objections.

(5.) Where it appears to the revising authority that a person named in the register has been convicted of a corrupt and illegal practice, or has been found incapable of voting at an election, he shall (whether an objection to the insertion of such name in the list has or has not been made), but after giving such person an opportunity of making a statement to show cause to the contrary, expunge his name from the register.

(6.) A revising authority in acting under this section shall determine only whether a person is incapacitated by conviction or by the finding of any election court, and shall not determine whether a person has or has not been guilty of any corrupt or illegal practice.

(7.) Any assessor or other officer who fails to comply with the provisions of this section shall for every such offence be liable to a fine not exceeding one hundred pounds, recoverable by action.

(8.) An action under this section shall not lie after three months from the date of the offence. A moiety of every fine recovered therein shall, after payment of the expenses of action, be paid to the pursuer.

*Election Petitions.*

XXX. *Power to question election by petition.*—(1.) An election may be questioned by an election petition on the ground—

(*a.*) That the election was wholly avoided by general bribery, treating, undue influence, or personation; or,

(*b.*) That the election was avoided by corrupt or illegal practices; or

(*c.*) That the person whose election is questioned was at the time of the election disqualified; or,

(*d.*) That he was not duly elected by a majority of lawful votes.

(2.) An election shall not be questioned on any of those grounds by way of reduction or suspension, or by any form of proceeding except by an election petition.

XXXI. *Presentation of petition.*—(1.) An election petition may be presented either by four or more persons who voted or had a right to vote at the election, or by a person alleging himself to have been a candidate at the election.

(2.) Any person whose election is questioned by the petition, and any returning officer of whose conduct a petition complains, may be made a respondent to the petition.

(3.) The petition shall be in the prescribed form and shall be signed by the petitioner or petitioners, and shall be presented in the prescribed manner to the sheriff of the county in which the election has taken place.

(4.) Where an electoral area is situate in more than one county, the election shall be held to have taken place in the county to which the larger part of such electoral area belongs.

XXXII. *Time for presentation of petition.*—(1.) An election petition shall be presented within twenty-one days after the day on which the election was held, except that—

(*a.*) If it complains of the election on the ground of a corrupt practice, and specifically alleges that a payment of money or other reward has been made or promised since the election by a person elected at the election, or on his account, or with his privity, in pursuance or furtherance of such corrupt practice, it may be presented at any time within twenty-eight days after the date of the alleged payment or promise, whether or not any other petition against that person has been previously presented or tried;

(*b.*) If it complains of the election on the ground of an illegal practice, it may be presented at any time before the expiration of fourteen days after the day on which the prescribed officer receives the return and declaration respecting election expenses by the candidate to whose election the petition relates, or where there is an authorised excuse for failing to make the return and declaration, then within the like time after the date of the allowance of the excuse;

(*c.*) If it complains of the election on the ground of an illegal practice, and specifically alleges a payment of money or other act made or done since the election by the candidate elected at such election, or by an agent of the candidate, or with the privity of the candidate, in pursuance or in furtherance of such illegal practice, it may be presented at any time within twenty-eight days after the date of such payment or act, whether or not any other petition against that person has been previously presented or tried.

(2.) Any election petition presented within the time first limited by this section may, for the purpose of complaining of the election upon an allegation of an illegal practice, be amended with the leave of the election court within the time within which a petition complaining of the election on the ground of that illegal practice can, under this section be presented.

(3.) The provisions of this section respecting the time for presenting or amending an election petition on the ground of an illegal practice shall apply notwithstanding that the illegal practice is also a corrupt practice.

XXXIII. *Security for costs*—(1.) At the time of presenting an election petition, or within three days afterwards, the petitioner shall give security for all charges and expenses which may become payable by him to any witness summoned on his behalf, or to any respondent.

(2.) The security shall be to such amount, not exceeding five hundred pounds, as the election court directs, and shall be given in the prescribed manner, either by a deposit of money, or by finding caution, or partly in one way and partly in the other.

(3.) Within five days after the presentation of the petition the petitioner shall, in the prescribed manner, serve on the respondent a notice of the presentation of the petition, and of the nature of the proposed security, and a copy of the petition.

(4.) Within five days after the service of the notice the respondent may object in writing to any bond of caution on the ground that any cautioner is insufficient or is dead or cannot be found or ascertained for want of a sufficient description in the bond, or that the bond has not been duly executed by any cautioner.

(5.) An objection to a bond shall be decided in the prescribed manner.

(6.) If the objection is allowed, the petitioner may, within a further prescribed time, not exceeding five days, remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognisance of the matter, make the security sufficient.

(7.) If no security is given, as prescribed, or any objection is allowed, and is not removed as aforesaid, no further proceedings shall be had on the petition.

XXXIV. *Procedure where several respondents or petitions.*—(1.) Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time, but for the purposes of this Act the petition shall be deemed to be a separate petition against each respondent.

(2.) Where more petitions than one are presented relating to the same election they shall be tried together.

XXXV. *Constitution of election court.*—(1.) An election petition and all proceedings incidental to and consequent thereon, except as herein-after provided, shall be tried by the sheriff (excluding sheriff substitute) of the county within which the challenged election took place.

(2.) The election court shall, for the purposes of the trial have the same powers and privileges as a judge on the trial of a parliamentary election petition, except that any fine or order of committal by the court may, on summary application by the person aggrieved, be discharged or varied by either of the divisions of the Court of Session, or in vacation by the Lord Ordinary on the bills, on such terms, if any, as the Court of Session or Lord Ordinary on the bills may think fit.

(3.) Any proceeding incidental to or consequent upon an election or election petition, under sections twenty-five, thirty-two, thirty-three, thirty-nine, and forty of this Act may be heard and disposed of by the sheriff substitute.

XXXVI. *Trial of election petition.*—(1.) An election petition shall be tried in open court, and notice of the time and place of trial shall be given in the prescribed manner not less than seven days before the day of trial.

(2.) The place of trial shall be within the sheriff court, except that the election court may, on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place within the sheriffdom for trial.

(3.) The trial of every election petition shall, so far as is practicable consistently with the interests of justice in respect of such trial, be continued *de die in diem* on every lawful day until its conclusion.

(4.) Subject as aforesaid, the election court may, in its discretion adjourn the trial from time to time and from any one place to any other place within the sheriffdom.

(5.) At the conclusion of the trial the election court shall determine whether the person whose election is complained of, or any and what other person was duly elected, or whether the election was void; and the determination shall be final to all intents as to the matters at issue on the petition.

(6.) Where a charge is made in a petition of any corrupt or illegal practice having been committed at the election, the court shall determine as follows:

(*a.*) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, and the nature of the corrupt practice;

(*b.*) Whether any of the candidates at the election has been guilty by his agents of any corrupt practice in reference to such election;

(*c.*) The names of all persons, if any, proved at the trial to have been guilty of any corrupt practice;

(*d.*) Whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election;

(*e.*) Whether any of the candidates at the election has been guilty, by himself or his agents, of an illegal practice in reference to such election;

(*f.*) Whether illegal practices or the offences of illegal payment, employment, or hiring, committed in reference to the election for the purpose of promoting the election of a candidate at such election, have, or have not, so extensively prevailed that they may be

reasonably supposed to have affected the result of such election.

(7.) If, on the application of any party to a petition made in the prescribed manner, it appears to the election court that the case raised by the petition can be conveniently stated as a special case, the said court may direct the same to be stated accordingly, and any such special case shall be heard before the Court of Session, and the decision of the Court of Session shall be final.

(8.) If it appears to the election court on the trial of a petition that any question of law requires consideration by the Court of Session, the election court may reserve any such question, and submit the same to the Court of Session, who may make such order for the discussion of the question as they think expedient and thereafter decide the same.

(9.) On the trial of a petition, unless the election court otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation thereto received before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice or offence.

(10.) On the trial of a petition complaining of an undue election and claiming the office for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.

(11.) The trial of a petition shall be proceeded with notwithstanding that the respondent has ceased to hold the office his election to which is questioned by the petition.

(12.) A shorthand writer shall attend at the trial of an election petition, and shall be sworn by the election court faithfully and truly to take down the evidence given at the trial. He shall take down the evidence at length.

XXXVII. *Witnesses.*—(1.) On the trial of an election petition the election court may, by order in writing, require any person who appears to the court to have been concerned in the election to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of court.

(2.) The court may examine any person so required to attend, or being in court, although he is not called and examined by any party to the petition.

(3.) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(4.) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses in a civil cause, may be allowed to him by a certificate of the election court or of the prescribed officer.

XXXVIII. *Withdrawal of petition.*—(1.) A petitioner shall not withdraw an election petition without the leave of the election court on special application, made in the prescribed manner, and at a prescribed time and place.

(2.) The application shall not be made until the prescribed notice of the intention to make it has been given.

(3.) On the hearing of the application any person who might have been a petitioner in respect of the election may apply to the court to be substituted as a petitioner, and the court may, if it thinks fit, substitute him accordingly.

(4.) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their agents, but the court may, on cause shown, dispense with the affidavit of any particular person if it seems to the court on special grounds to be just to do so.

(5.) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(6.) The affidavits of the applicant and his agents shall further state the ground on which the petition is sought to be withdrawn.

(7.) If any person makes any agreement, or terms, or enters into any undertaking in relation to the withdrawal of an election petition, and such agreement, terms, or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a crime and offence, and shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months, and to a fine not exceeding two hundred pounds.

(8.) Copies of the said affidavits shall be delivered to Her Majesty's advocate a reasonable time before the application for the withdrawal is heard, and the court may hear Her Majesty's advocate or one of his deputes or the procurator fiscal in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence Her Majesty's advocate, or his depute, or the procurator fiscal may consider material.

(9.) If in the opinion of the court the proposed withdrawal is induced by any corrupt bargain or consideration, or is the result of any agreement, terms, or undertaking prohibited by this section, the court may order direct that the security given on behalf of the original petitioner shall remain as security for any expenses that may be incurred by the substituted petitioner, and that to the extent of the sum named in the security the original peti-

tioner and his sureties shall be liable to pay the expenses of the substituted petitioner.

(10.) If the court does not so direct, then security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within the prescribed time after the order of substitution.

(11.) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

(12.) If a petition is withdrawn, the petitioner shall be liable to pay the expenses of the respondent.

(13.) Where there are more petitioners than one, an application to withdraw a petition shall not be made except with the consent of all the petitioners.

(14.) Where more than one agent is concerned for the petitioner or respondent, whether as agent for another agent or otherwise, the affidavit shall be made by all such agents.

XXXIX. *Abatement of petition.*—(1.) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2.) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

(3.) On the abatement of a petition the prescribed notice thereof shall be given, and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the election court in the prescribed manner and at the prescribed time and place to be substituted as a petitioner; and the court may, if it thinks fit, substitute him accordingly.

(4.) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

XL. *Withdrawal and substitution of respondents.*—(1.) If before the trial of an election petition a respondent other than a returning officer—

(*a.*) Dies, resigns, or otherwise ceases to hold the office to which the petition relates; or

(*b.*) Gives the prescribed notice that he does not intend to oppose the petition;

the prescribed notice thereof shall be given, and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the election court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly, except that the number of persons so admitted shall not exceed three.

(2.) A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

XLI. *Attendance of advocate depute or procurator fiscal on trial of election petition, and prosecution of offenders.*—(1.) At the trial of every election petition Her Majesty's advocate shall be represented by one of his deputes or by the procurator fiscal of the sheriff court of the district.

(2.) If the election court shall grant a warrant for the apprehension, commitment, or citation of any person suspected of being guilty of a corrupt or illegal practice, the case shall be reported to Her Majesty's advocate in order that such person may be brought to trial as he may direct.

(3.) All offences under this Act shall be prosecuted under the directions of Her Majesty's advocate, and all prosecutions directed to be tried in the sheriff court shall be tried by the sheriff (excluding sheriff substitute).

XLII. *Expenses of election petitions.*—(1.) All charges and expenses of and incidental to the presentation of an election petition, and the proceedings consequent thereon, shall be defrayed by the parties to the petition in such manner and proportion as the election court determines; and in particular any charges or expenses which, in the opinion of the court, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused, whether they are or are not on the whole successful.

(2.) If a petitioner neglects or refuses for three months after demand to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his charges and expenses, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the election court, the prescribed officer shall thereon certify that the conditions contained in the bond of caution have not been fulfilled, and it shall then be competent for the party or parties interested to register the said bond and do diligence upon it.

(3.) Where, upon the trial of an election petition, it appears to the election court that a corrupt practice has not been proved to have been committed in reference to the election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, the court may make one or more orders with respect to the payment either of the whole or such part of the expenses of the petition as the court may think right, as follows:

(*a.*) If it appears to the court that corrupt practices extensively prevailed in re-

ference to the said election, the court may order the whole or part of the expenses to be paid by the county, burgh, school board, or parochial board, as the case may be; and

(*b.*) If it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices, in reference to such election, the court may, after giving such person or persons an opportunity of being heard by counsel or agent, and of examining and cross-examining witnesses, to show cause why the order should not be made, order the whole or part of the expenses to be paid by that person, or those persons, or any of them, and may order that if the expenses cannot be recovered from one or more of such persons they shall be paid by some other of such persons or by either of the parties to the petition.

(4.) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the expenses of or incidental to any proceeding before the court in relation to the said offence or to the said person to be paid by the said person to such person or persons as the court may direct.

(5.) Where any expenses of a petition are, under an order of an election court, to be paid by a county, burgh, school board, or parochial board, such expenses shall be paid out of the general purposes rate, registration of voters assessment, or police assessment, school rate, or poor rate, as the case may be. Provided that where the police assessment which can be levied in any burgh is limited, an addition to that assessment may be levied for the purpose of raising the sum required to pay such expenses.

(6.) Where any expenses or other sums are, under the order of an election court, or otherwise under this Act, to be paid by any person, those expenses shall be a debt due from such person to the person or persons to whom they are to be paid, and may be recovered accordingly.

(7.) The expenses of petitions and other proceedings under this Act shall, subject to any regulations which the Court of Session may make by Act of Sederunt, be taxed as nearly as possible according to the same principles as expenses between agent and client are taxed in a cause in the sheriff court.

XLIII. *Payment of travelling expenses, &c., of sheriff.*—The travelling and other expenses of the sheriff incurred by him in the execution of his duties under this Act shall be paid by the county, burgh, school board, or parochial board, as the case may be, out of the same rate or assessment as is specified in sub-section five of section forty-two hereof; provided always that the election court may order repayment of such expenses to the county, burgh, school board, or parochial board, by the parties to the petition, or any of them, in such proportion as shall to the court seem proper, and upon such order being pronounced the sums due shall form a debt due from such parties respectively and may be recovered accordingly.

XLIV. *Acts done pending a petition not invalidated.*—Where a candidate who has been elected to a corporate office, or who may hold any office in consequence of being elected to a corporate office is, by a decision of the Court of Session or an election court, declared not to have been duly elected, acts done by him in execution of such office, and acts done by any council or board to which he may have been elected, before the time when the decision is pronounced, shall not be invalidated by reason of that declaration.

XLV. *Provisions as to elections in the room of persons unseated on petition.* — Where on an election petition the election of any person to a corporate office has been declared void, and no other person has been declared elected in his room, a new election shall be held to supply the vacancy in the same manner as on a casual vacancy; and for the purposes of the election any duties to be performed by such person shall, if he has been declared not elected, be performed by a deputy, or other person who might have acted for him if he had been incapacitated by illness.

XLVI. *Prohibition of disclosure of vote.*—A person who has voted at an election by ballot shall not in any proceeding to question the election be required to state for whom he has voted.

*Miscellaneous.*

XLVII. *Rules of procedure and jurisdiction.*—(1.) The Court of Session may from time to time by Act of Sederunt make, revoke, and alter general rules for the effectual execution of this Act, and of the intention and object thereof, and the regulation of the practice, procedure, and expenses of election petitions, and the trial thereof.

(2.) Subject to the provisions of this Act, and of the rules made under it, the principles, practice, and rules for the time being observed in the case of parliamentary election petitions, and in particular the principles and rules with regard to agency and evidence, and to a scrutiny, and to the declaring any person elected in the room of any other person declared to have been not duly elected, shall be observed, as far as may be, in the case of election petitions under this Act.

XLVIII. *Person incapacitated by conviction to vacate seat or office.*—If any person, in consequence of conviction under this Act, becomes not capable of being elected to or sitting in the House of Commons, or of being elected to or

holding any public or judicial office, and such person, at the date of the said conviction has been so elected or holds any such office, then his seat or office, as the case may be, shall be vacated as from that date.

XLIX. *General provisions as to prosecution of offences under this Act.*—Subject to the other provisions of this Act, the procedure for the prosecution of a corrupt or illegal practice or any illegal payment, employment, or hiring committed in reference to an election, and the removal of any incapacity incurred by reason of a conviction for any such offence, and the duties of Her Majesty's advocate in relation to any such offence, and all other proceedings in relation thereto (including the grant to a witness of a certificate of indemnity), shall be the same as if such offence had been committed in reference to a parliamentary election: Provided that the giving or refusal to give a certificate of indemnity to a witness by an election court shall be final and conclusive.

L. *Service of notices.*—Where any summons, notice, or document, is required to be served on any person with reference to any proceeding respecting an election, whether for the purpose of causing him to appear before the election court, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or being heard by himself, before any such court, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered lettter to, his last known place of abode, or, if the proceeding is before any other court, in such other manner as the court may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

LI. *Number of electors, how to be ascertained.*—For the purposes of this Act the number of electors shall be taken according to the enumeration of the electors in the register.

*Application of Act to other Elections.*

LII. *Application of this Act to other elections.*—(1.) When the poll at any election under this Act is taken by means of voting papers, such of the said provisions as relate to personation, polling agents, disclosure of votes, and conveyance of voters, shall not apply, but every person who at any such election—

Fabricates, in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper; or

Personates any person entitled to vote at any such election; or

Falsely assumes to act in the name or on the behalf of any person so entitled to vote; or

Interferes with the delivery or collection of any voting papers; or

Delivers any voting paper under a false pretence of being lawfully authorised to do so,

shall be liable on summary conviction to a penalty not exceeding twenty pounds, or, in the discretion of the court, to imprisonment with or without hard labour for any period not exceeding three months, and shall be deemed to have committed an illegal practice within the meaning of the said provisions.

(2.) The sheriff shall have the same power as heretofore under section twenty-seven of the Poor Law Amendment Act, 1845, to determine any dispute which may arise as to the validity of the election of a person as a member of a parochial board, except that the sheriff shall not have power—

(A.) To determine until after the expiration of twenty-one days after the election of a person as a member of a parochial board, any question which can be determined upon an election petition under this section; nor

(B.) To determine any question which is raised by an election petition under this section, and is either awaiting decision or has been decided by an election court; nor

(C.) To determine any question of general corruption, or of any corrupt or illegal practice, except so far as appears to him necessary for determining the validity of any vote.

*Repeal.*

LIII. *Repeal.*—The Act of the session of the sixteenth and seventeenth years of the reign of Queen Victoria, chapter twenty-six, and the fourteenth section of the Education (Scotland) Act, 1872, are hereby repealed.

*Commencement and extent of Act.*

LIV. *Commencement of Act.*—This Act shall come into operation on the first day of October, one thousand eight hundred and ninety, which day is in this Act referred to as the commencement of this Act.

LV. *Extent of Act.*—This Act shall apply to Scotland only.

# SCHEDULES.

## FIRST SCHEDULE.

*Enactments defining Corrupt Practices. Enactments defining the Offence of Bribery.*

The Corrupt Practices Prevention Act, 1854, 17 & 18 Vict., c. 102, sections 2 and 3.

Section II.—The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

(1.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any election:

(2.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any election:

(3.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election:

(4.) Every person who shall upon, or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election:

(5.) Every person who shall advance or pay or cause to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for on account of any legal expenses *bonâ fide* incurred at or concerning any election.

Section III. The following persons shall also be deemed guilty of bribery, and it shall be punishable accordingly:—

(1.) Every voter who shall before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself, or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election:

(2.) Every person who shall, after any election, directly or indirectly, by himself, or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

The Representation of the People (Scotland) Act, 1868, 31 & 32 Vict., c. 4, section 49.

Section XLIX. Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery and punishable accordingly.

*Enactment defining the Offence of Personation.*

The Ballot Act, 1872, 35 & 36 Vict., c. 33, section 24.

Section XXIV. A person shall for all pur-

poses of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name.

*Enactments defining the Offences of Treating and Undue Influence.*

The Corrupt and Illegal Practices Prevention Act, 1883, 46 & [47 Vict., c. 51, sections 1 and 2.

Section I.—(1.) Any person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating.

(2.) And every elector who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.

Section II. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

## SECOND SCHEDULE.

FORM OF DECLARATION BY CANDIDATE AS TO EXPENSES.

I , having been a candidate at the election of for the of , on the day of do hereby solemnly and sincerely declare that I [and my agents] have paid for my expenses at the said election, and that except as aforesaid, I have not, and to the best of my knowledge and belief, no person, nor any club, society, or association has, on my behalf, made any payment or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that, except as aforesaid, no money, security, or equivalent for money has, to my knowledge or belief, been paid, advanced, given, or deposited by anyone to or in the hands of myself or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not at any future time make or be a party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the day of , before me.

(Signed) *E.F.*
Justice of the Peace for

# ELECTIONS (SCOTLAND) CORRUPT AND ILLEGAL PRACTICES.

## ACT OF SEDERUNT *under* 53 *and* 54 *Vict., Cap.* 55.

EDINBURGH, *8th November* 1890.

The Lords of Council and Session, considering that by the Act 53 & 54 Vict., cap. 55, they are empowered from time to time, by Act of Sederunt, to make, revoke, and alter General Rules for the effectual execution of the Act and of the intention and object thereof, and the regulation of the practice, procedure, and expenses of Election Petitions and the trial thereof, DO HEREBY MAKE and ENACT the GENERAL RULES appended hereto, and ORDAIN the same to be observed and to be in force until revoked or altered.

And the Lords APPOINT this Act, and the General Rules appended hereto, to be engrossed in the Books of Sederunt, and to be printed and published in common form.

JOHN INGLIS, *I.P.D.*

## GENERAL RULES FRAMED BY COURT OF SESSION.

**1.** An Election Petition shall be in the form of a petition in the ordinary Sheriff Court with condescendence and note of pleas annexed. It shall be lodged with the Sheriff Clerk, who shall without delay transmit it to the Sheriff, and the Sheriff shall forthwith pronounce a deliverence fixing the amount of the security to be given by the petitioner, and, if he thinks it right, appointing answers within a specified time after service. The date of the said deliverance shall be held to be the date of the presentation of the petition for the purposes of section 33 of the Act. Service shall be made upon the respondent either personally or by a registered letter sent to his known address and posted in time to admit of its being delivered in ordinary course of post within five days after the presentation of the petition.

**2.** If the security proposed be in whole or in part by bond of caution, it shall be given by lodging with the Sheriff Clerk a bond for the amount specified in the Sheriff's deliverance, which bond shall recite the nature of the petition, and shall bind and oblige the cautioner or cautioners and the petitioner conjunctly and severally, and their respective heirs, executors, and successors whomsoever, that the petitioner shall make payment of all costs, charges, and expenses that may be payable by him to any person or persons by virtue of any order or decree pronounced in the petition. The sufficiency of the cautioner or cautioners must be attested to the satisfaction of the Sheriff Clerk, as in the case of judicial bonds of caution.

Objections to a bond of caution shall be lodged with, and heard and disposed of by, the Sheriff Clerk, and, if any objection is allowed, it may be removed by a deposit of such sum of money as the Sheriff Clerk shall determine, made in manner after mentioned and within five days after the date of the Sheriff Clerk's deliverance allowing the objection.

If security be tendered in whole or in part by way of deposit of money, the deposit shall be made in such bank as the Sheriff Clerk may select, and the deposit receipt, which shall be taken in the joint names of the petitioner and the Sheriff Clerk, shall be handed to the Sheriff Clerk, and shall be held by him subject to the orders of the court in the petition.

**3.** The Sheriff shall have power at any stage to allow the petition to be amended upon such conditions as to expenses or otherwise as he shall think just, provided always that no amendment altering the ground upon which the election was questioned in the petition as presented shall be competent, except to the extent sanctioned by sub-section 2 of section 32 of the Act.

**4.** A notice of the time and place fixed by the Sheriff for the trial shall, as soon as the interlocutor of the Sheriff fixing these is received, be affixed by the Sheriff Clerk to the notice board at his principal office, and the Sheriff Clerk shall, not less than seven days before the day appointed for the trial, send by post one copy of such notice to the petitioner another to the respondent, another to He

Majesty's Advocate, and another to the returning officer, and the returning officer shall forthwith publish the same in the area for which the election questioned was held. The affixing of the notice of trial to the notice board at the Sheriff Clerk's office shall be deemed and taken to be notice in the prescribed manner within the meaning of the Act, and such notice shall not be vitiated by any miscarriage of or relating to all or any of the copies thereof herein directed to be sent by post, provided always that at any time before the trial it shall be competent to any party interested to bring the matter before the Sheriff, who shall deal therewith as he may consider just.

**5.** The Sheriff Clerk shall attend and act as clerk of court at the trial of the petition. The shorthand writer's charges, as fixed by the Sheriff, shall be defrayed in the first instance by the petitioner.

**6.** The application to state a special case referred to in sub-section 7 of section 36 of the Act shall be made by minute in the petition proceedings.

**7.** When a petitioner claims the seat for an unsuccessful candidate, alleging that such candidate had a majority of lawful votes, he and the respondent shall, five days before the day fixed for the trial, respectively deliver to the Sheriff Clerk and send through the post to the other party a list of the votes intended to be objected to, and of the objections to each such vote, and the Sheriff Clerk shall allow inspection of such list to all parties concerned; and no evidence shall be allowed to be given against any vote or in support of any objection not specified in the list, except by leave of the Sheriff granted upon such terms as to the amendment of the list, postponement of the trial, and payment of costs as to him may seem just.

**8.** When on the trial of a petition complaining of an undue return and claiming the office for some person the respondent intends to give evidence to prove that that person was not duly elected, such respondent shall, five days before the day appointed for the trial, deliver to the Sheriff Clerk, and send through the post to the petitioner, a list of the objections to the election upon which he intends to rely; and no evidence shall be allowed to be given by a respondent in support of any objection to the election not specified in the said list, except by leave of the Sheriff granted upon such terms as to the amendment of the list, postponement of the trial, and payment of costs as to him may seem just.

**9.** The sum to be paid to a witness for attendance at the trial shall be certified by the Sheriff Clerk, and shall, in the first instance, be paid by the party adducing the witness. The Sheriff Clerk shall also be the proper officer to grant the certificate referred to in sub-section 2 of section 42 of the Act.

**10.** Application for leave to withdraw a petition shall be made by minute addressed to the court and as nearly as may be in the form of Schedule A hereto annexed, and shall be preceded by written notice of the intention to make it sent through the post to the respondent, to Her Majesty's advocate, and to the returning officer; and the returning officer shall publish the fact of his having received such a notice in the area for which the election questioned was held. The Sheriff, upon the application being laid before him, shall, by interlocutor, fix the time—not being earlier than eight days after the date of the interlocutor—and place for hearing it, and the petitioner shall, at least six days before the day fixed for the hearing, publish in a newspaper circulating in the district named in the interlocutor a notice as nearly as may be in the form of Schedule B hereto annexed.

**11.** In the event of the death of the sole petitioner, or of the survivor of several petitioners, the Sheriff Clerk shall, upon the fact being brought to his knowledge, insert in a newspaper circulating in the district a notice as nearly as may be in the form of Schedule C hereto annexed, and the time within which any person who might have been a petitioner in respect of the election may apply to the court to be substituted as a petitioner shall be twenty-one days from the publication of such notice.

**12.** The manner and time of a respondent's giving notice that he does not intend to oppose a petition shall be by leaving a written notice to that effect at the office of the Sheriff Clerk at least six days (exclusive of the day of leaving such notice) before the day fixed for the trial; and upon such notice being left with the Sheriff Clerk, or upon its being brought to his knowledge that a respondent other than a returning officer has died, resigned, or otherwise ceased to hold the office to which the petition relates, he shall forthwith advertise the fact once in a newspaper circulating in the district, and shall also send intimation thereof by post to the petitioner, to Her Majesty's Advocate, and to the returning officer, who shall publish the fact in the district. The advertisement to be made by the Sheriff Clerk shall state the last day on which, under these rules, application to be admitted as a respondent to oppose the petition can be made.

**13.** Application to be admitted as a respondent to oppose a petition on the occurrence of any of the events mentioned in section 40 of the Act must be made within ten days after the publication of the advertisement mentioned in the preceding rule, unless the Sheriff on cause shown sees fit to extend the time.

**14.** If notice of the petitioner's intention to apply for leave to withdraw, or of the respondent's intention not to oppose, or of the abatement of the petition by death, or of the occurrence of any of the events mentioned in section 40 of the Act, be received after the notice of trial has been published, the Sheriff Clerk shall give public notice that the trial will not proceed on the day fixed, and that by advertisement inserted once in a newspaper circulating in the district.

**15.** When a petitioner or a respondent has left with the Sheriff Clerk a writing signed by him giving the name and address of some

person entitled to practise as an agent before the court, whom he authorises to act as his agent in connection with the petition, a notice sent to such person at the address given shall be held to be notice to the petitioner or respondent as the case may be.

**16.** The cost of publishing any matter required by these rules to be published by the returning officer or by the Sheriff Clerk shall be paid in the first instance by the person moving in the matter, and shall form part of the general costs of the petition. The Sheriff Clerk shall be allowed, as part of the general costs of the petition, a fee of two shillings for each copy of a notice or intimation sent, and for drawing each newspaper advertisement published, by him under the authority of these rules.

**17.** The expenses of petitions and other proceedings under the Act shall be taxed by the auditor of the sheriff court, and the taxation shall, unless the Sheriff otherwise directs, proceed upon the second or higher scale in the table of fees sanctioned by the Act of Sederunt of 4th December 1878.

**18.** The returns and declarations mentioned in section 25 of the Act shall be sent in the case of county council elections to the county clerk, in the case of municipal elections to the clerk of the burgh concerned, in the case of parochial board elections to the inspector of poor, and in the case of school board elections to the clerk of the school board.

**19.** In these rules the term "Sheriff Clerk" means the Sheriff Clerk of the county within which the election questioned has taken place, and includes Sheriff Clerk Depute.

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SCHEDULE A.

*Elections (Scotland) Corrupt and Illegal Practices Act*, 1890.

In the petition questioning the election for the of , in which is petitioner and is respondent.

The petitioner desires to withdraw his petition on the following grounds [*state grounds*], and humbly craves that a diet may be appointed for hearing his application. He has, in compliance with the general rules made by the Court of Session, given written notice of his intention to present this application to the respondent, to Her Majesty's Advocate, and to the returning officer.

[*To be signed by the petitioner or his agent.*]

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SCHEDULE B.

*Elections (Scotland) Corrupt and Illegal Practices) Act*, 1890.

In the petition questioning the election for the of , in which is petitioner and is respondent.

Notice is hereby given that the above petitioner has applied for leave to withdraw his petition, and that the Sheriff has, by interlocutor dated the day of , assigned the day of at o'clock noon within the as a diet for hearing the application.

Notice is further given that under the Act any person who might have been a petitioner in respect of the said election may at the above diet apply to the Sheriff to be substituted as a petitioner.

[*To be signed by the petitioner or his agent.*]

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SCHEDULE C.

*Elections (Scotland) (Corrupt and Illegal Practices) Act*, 1890.

In the petition questioning the election for the of , in which was the petitioner [*or* last surviving petitioner] and is the respondent.

Notice is hereby given that the above petition stands abated by the death of the petitioner [*or* last surviving petitioner], and that any person who might have been a petitioner in respect of the said election and who desires to be substituted as a petitioner must, within twenty-one days from this date, lodge with the undersigned, Sheriff Clerk of [*name county*], a minute craving to be so substituted.

Dated the day of 18 .

[*To be signed by the Sheriff Clerk.*]

# ROADS AND BRIDGES ACTS.

# ACT OF PARLIAMENT

TO

*Alter and amend the Law in regard to the Maintenance and Management of Roads and Bridges in Scotland.*—[41 & 42 *Vict., cap.* 51.—*8th August* 1878.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows:—

1. *Short title and commencement of Act.*—This Act may be cited for all purposes as the Roads and Bridges (Scotland) Act, 1878, [and, except in so far as otherwise expressly provided, it shall commence and take effect in each county (including the burghs wholly or partly within the same) from the date of its adoption therein, as hereinafter provided for.]*

2. *Extent of Act.*—This Act shall apply to Scotland only, except in so far as otherwise expressly provided.

3. *Interpretation.*—In this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"The Secretary of State" shall mean one of Her Majesty's principal Secretaries of State:†

"Sheriff" shall include sheriff-substitute:

"The trustees" shall mean the county road trustees [appointed and acting under this Act:]

"The board" shall mean the county road board [appointed and acting under this Act:]

"The district committee" shall mean the district road committee [appointed and acting in any district under this Act:]

"Clerk, "treasurer," "collector," and "surveyor," shall respectively mean the county road clerk, the county road treasurer, the county road collector, and the county road surveyor, [appointed and acting for the time being under this Act:]

"County" shall mean (except where otherwise expressly provided) the county exclusive of any burgh wholly or partly situate therein, and shall not include a county of a city:

"Burgh" shall mean and include royal burgh, parliamentary burgh, or any populous place the boundaries whereof have been fixed and ascertained under the provisions of the General Police and Improvement (Scotland) Act, 1862, or of the Act first therein recited, or have been determined by or under any

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* §§ 1 and 3. The words in brackets repealed 1894.

† The powers conferred on "the Secretary of State" under this Act are now transferred to the Secretary for Scotland (48 and 49 Vict., c. 51).

local Act, provided that the population of such populous place, as the same may be ascertained as nearly as possible in the manner described in the seventh clause of the General Police and Improvement (Scotland) Act, 1862, within three months after this Act commencing to have effect therein, exceeds five thousand:

"Police burgh" shall mean every such populous place, the population of which shall not have been ascertained in manner aforesaid to exceed five thousand:

"Burgh local authority" or "local authority of any burgh" shall mean the town council, commissioners of police, or other local authority having the management and control of the streets, and the power to levy assessments in respect thereof, in any burgh, under or in virtue of any general or local Act or of this Act:

"Parish" shall include united parish, but it shall be exclusive of any burgh or police burgh wholly or partly situated within a parish:

"Turnpike road" shall include all roads and bridges forming part of any turnpike road trust and all bridges under the management of any separate bridge trust:

"Statute labour" shall include moneys raised as the conversion of statute labour, or in lieu thereof, and bridge money:

"Statute labour road" shall include all roads and bridges maintained by statute labour:

"Highway" shall mean and include all existing turnpike roads, all existing statute labour roads, all roads maintained under the provisions of the Highland Roads and Bridges Act, 1862, and all bridges forming part of any highway, and all other roads when declared to be highways under the provisions of this Act, all public streets and roads within any burgh or police burgh not at the commencement of this Act vested in the local authority thereof, but shall not include any street or road so vested, or any street or road or bridge which any person is at the commencement of this Act bound to maintain at his own expense:

"Bridge" shall include the accesses thereof, but shall not include any bridge which any person is, at the commencement of this Act, bound to maintain at his own expense:

"Tolls" shall include pontages; and also any sum payable in respect of any exemption from or relinquishment of tolls:

"Causeway-mail" shall include through customs and all exactions of whatever kind, and also any sum or duty payable or leviable in lieu or satisfaction thereof or in respect of any exemption therefrom, other than tolls or assessments, made or which may be made in respect of the use of or passage over the streets or roads within any burgh, but shall not include petty customs or any sum or duty as aforesaid except in so far as they are exacted payable or leviable in respect of goods, articles, things, or animals passing or carried through such burgh:

"Proprietor" and "lands and heritages" shall have the same meanings as are attached thereto respectively in the Act passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act for the valuation of lands and heritages in Scotland;" and the expression "the valuation roll" shall mean the valuation roll in force for the time in any county or burgh, as the case may be, made up under the authority of the said Act, or any other Act relating to the valuation of lands and heritages in Scotland:

"Person" shall include corporation, incorporated company, commissioners, or trustees (not being county road trustees):

"Ratepayer" shall mean any person (not being a commissioner of supply) being of full age and not subject to any legal incapacity, whose name appears as proprietor, tenant, or occupier of lands and heritages entered on the valuation

roll for the county as of the annual value of four pounds and upwards, or as joint proprietor, tenant, or occupier of lands and heritages entered on such roll of an annual value which, when divided by the number of such joint proprietors, tenants, or occupiers, yields a quotient of four pounds and upwards:

"Debt Commissioner" shall mean a Debt Commissioner appointed for the purposes of this Act:

"Local newspaper" shall mean any newspaper circulating in the county or burgh as the case may be:

Where in this Act notice is required to be given by "special advertisement," such notice shall be published once in at least two local newspapers.

### Continuance of existing Local Acts.

Repealed 1894.

4. *Existing local Acts to continue to 1st June* 1883.—All local Acts now in force for regulating, managing, making, maintaining, or repairing any turnpike road or statute labour road, or other highway situated or partly situated in any county (including the burghs wholly or partly within the same) in which tolls and statute labour, or either thereof, have not been abolished, shall continue in force until the first day of June one thousand eight hundred and eighty-three, and no longer, unless in the meantime this Act shall be adopted, or tolls and statute labour shall be legally abolished, in such county.

From and after the time at which any such Act or Acts shall cease to be in force in any county (including as aforesaid), this Act shall, unless Parliament otherwise provides, commence to have effect therein.

Where any Act relates to a turnpike road which is situated in more than one county, notwithstanding that such Act has ceased, in terms of this Act, to be in force in one county in which such road is situated, it may nevertheless continue to be in force in the other county or counties in which such road is situated.

For the purposes of this Act the Highland Roads and Bridges Act, 1862, shall be deemed and taken to be a local Act, except in so far as it relates to piers and quays.

Provided always, that nothing contained in this Act shall have the effect of continuing in force the provisions of the Act passed in the ninth and tenth years of the reign of Her present Majesty, intituled "An Act for repairing certain roads in the counties of Banff, Aberdeen, and Elgin," after the end of the next session of Parliament.

5. *Certain local Acts continued till adoption of Act.*—Where any local Act in force in a county in which tolls and statute labour have been abolished or are not exigible is limited as to its endurance, such Act shall continue in force until this Act shall be adopted in such county.

### Adoption of the Act.

6. *How Act may be adopted in counties.*—The following provisions shall have effect with regard to the adoption of this Act:

(1.) *Case of counties which have obtained private Acts.*—In those counties in which tolls and statute labour have been abolished, or are not exigible, or power has been obtained to abolish them, or to arrange for their abolition, this Act may be adopted in place of the Local Act or Acts relating to roads, highways, and bridges therein in force in such county, on a resolution to that effect agreed to by not less than two-thirds of the trustees under such Act or Acts present and voting at a meeting of the whole trustees of the county called by special advertisement on not less than thirty days' notice, for the purpose of considering as to the adoption hereof; and the convener of any

such county as aforesaid, on a requisition to that effect, signed by any six of the said trustees, being presented to him, shall call a meeting of the said trustees, with a view to consider a resolution in favour of the adoption of this Act, and in the event of such resolution not being carried by the requisite majority as aforesaid, it shall not be lawful to call another meeting with a view to the adoption of this Act for one year thereafter.

Upon the adoption of this Act in any such county any local Act or Acts in force therein as aforesaid shall stand repealed.

(2.) *Case of counties which have not obtained private Acts.*—In any other county this Act may be adopted on a resolution to that effect agreed to by a majority of the commissioners of supply of such county present and voting at a meeting called by special advertisement for the purpose on not less than thirty days' notice ; and the convener of any such county as aforesaid, on a requisition to that effect, signed by any six of the commissioners of supply of such county, being presented to him, shall call a meeting of the commissioners of supply, with a view to consider a resolution in favour of the adoption of this Act ; and in the event of such resolution not being carried by a majority at such meeting as aforesaid, it shall not be lawful to call another meeting with a view to the adoption of this Act for one year thereafter :

Upon the adoption of this Act in any such county any local Act or Acts in force therein relating to roads, highways, and bridges, shall stand repealed.

7. *Provision for case of one county adopting and another county not adopting Act.*—Where it shall happen that this Act has been adopted or is in force in any county, but has not been adopted or is not in force in the county or counties adjoining thereto, any obligation, right, privilege, or duty, in regard to the management and maintenance of and the debt affecting turnpike roads partly situated in two or more counties (including the burghs wholly or partly within the same), which, had this Act been adopted in the latter county or counties, would have fallen upon or belonged to the county road trustees or burgh local authority or authorities thereof, shall fall upon or belong to the commissioners of supply thereof, and in so far as consisting of or resulting in payments of money, such payments shall be a good charge upon and be defrayed out of, or may be borrowed upon the credit of the county general assessment of such county or counties: Provided always, that as soon as this Act shall have been adopted or be in force in such county or counties, the obligation, right, privilege, or duty before mentioned in so far as not already fulfilled, exercised, or discharged, and especially any obligation to repay any sums which may have been borrowed as aforesaid, and interest thereon, so far as unpaid, shall be transferred from the said commissioners of supply to the county road trustees of the said county or counties, and local authority or authorities of the said burgh or burghs, as the case may be: Provided that, where necessary for giving effect to the provisions contained in this section, "county road trustees" or "trustees" or "board" shall be held to mean and include commissioners of supply ; and "county road clerk" shall be held to mean and include clerk of supply.

Wherever in terms of this section any obligation falls upon the commissioners of supply of a county, the trustees of such road shall, after providing for the expense of managing and maintaining the same, pay over to such commissioners of supply the surplus of income accruing to them from the tolls which, subject to the provisions of this Act, may be exacted on such road ; and the said trustees shall not be entitled to reduce the tolls exacted thereon without the consent of such commissioners of supply.

Repealed 1894.

8. *Act may be adopted subject to provisional agreement between county and burgh. —Confirmation by Secretary of State.*—It shall be lawful for the commissioners of supply of any county which has not abolished tolls, on a resolution to that effect

agreed to by a majority of those present and voting at a meeting called by special advertisement on not less than thirty days' notice, to resolve to adopt this Act subject to the stipulations contained in a provisional agreement entered into between them and the local authority of any burgh or burghs situated wholly or partly within such county, and signed by the convener and clerk of supply of such county, and by the provost or chief magistrate and town clerk or clerk of such burgh or burghs, as duly authorised in that behalf, in regard to the debts affecting and the cost and manner of managing and maintaining any highway or highways in the neighbourhood of such burgh or burghs; but in the event of a resolution being passed, subject to such stipulations, such resolution and agreement shall not take effect until the same shall have been approved of by the Secretary of State, after such inquiry as to him shall seem proper. Such approval may be signified under the hand and seal of office of such Secretary of State, and the writing signifying the same shall set forth a date, not being earlier than the first day of June then next ensuing, from and after which such approval shall take effect. From and after the date set forth in such writing, the provisional agreement shall become a final agreement, and after being recorded in the books of council and session shall have the same effect as if it were herein contained, and the provisions of this Act shall be read and construed subject to the stipulations of such agreement.

Repealed 1894.

9. *Power to apply to Secretary of State for provisional order to be confirmed by Parliament.*—At any time after the passing of this Act, if the Act shall not have been adopted in any county, it shall be lawful for the commissioners of supply thereof to apply to the Secretary of State to make a provisional order that the Act shall, from a date to be therein named, not being earlier than the first day of June then next ensuing, come into force in such county, subject to conditions contained in such order in regard to the debts affecting and the cost and manner of managing and maintaining any highway or highways in the neighbourhood of any burgh or burghs within or partly within such county.

Upon the receipt of any such application, such Secretary of State shall cause notice thereof to be given to the clerk of any burgh and to any other person, body, or corporation who shall appear to be affected thereby, and shall direct a local inquiry to be held in respect of the matters mentioned in the petition, after giving fourteen days' notice of the time, place, and subject of the inquiry.

After receiving the report made upon such inquiry, such Secretary of State may issue a provisional order under his hand and seal of office in relation to the matters mentioned in the application, either in accordance with the prayer thereof or with such modifications or alterations as may appear to him to be requisite.

A provisional order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament; and it shall be lawful for such Secretary of State as soon as conveniently may be to obtain such confirmation; and the Act confirming such provisional order shall be deemed to be a Public General Act of Parliament, and is hereafter referred to as the confirming Act. From and after the passing of such confirming Act, this Act shall commence to have effect in such county as if it had been adopted therein as herein-before provided, but subject to the provisions of the confirming Act, which shall have effect as if they were herein contained.

It shall be lawful for such Secretary of State to make such order as he thinks fit in reference to the reasonable costs, charges, and expenses properly incurred in opposing such provisional order.

All costs, charges, and expenses incurred by such Secretary of State in relation to any provisional order under this Act, to such amount as such Secretary of State thinks proper to direct, and all costs, charges, and expenses of promoting or opposing such provisional order, but not including the costs incurred in promoting or opposing any bill confirming such order before a committee of either House of

Parliament as after mentioned, to such amount as may be allowed by such Secretary of State, shall be a charge against the county road trustees if a confirming Act is obtained as aforesaid, and shall be a charge against the county general assessment if such Act is not obtained, or against the police assessment levied within any burgh as the case may be, and shall be paid accordingly to such Secretary of State and to such opponents respectively, in such manner and at such times, and either in one sum or by instalments, as such Secretary of State may order, with power to such Secretary of State to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as such Secretary of State may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

The Court of Session may, on the application of the Lord Advocate on behalf of such Secretary of State, or on the application of any person interested, interpone their authority to any order made by such Secretary of State under this section, and grant decree conform thereto, upon which execution and diligence may proceed in common form.

Repealed 1894.

10. *Costs to be awarded in certain cases.*—When any bill for confirming a provisional order under the preceding section is referred to a committee of either House of Parliament upon the petition of any person opposing such bill, the committee shall take into consideration the circumstances under which such opposition was made to the bill, and whether such opposition was or was not justified by such circumstances, and may award costs accordingly, to be paid by the promoters or the opponents to the bill, as the committee may think just; and the committee shall find and determine against what funds or persons such costs shall be chargeable.

Any costs under this section may be taxed and recovered under the Act passed in the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

### Road Authorities in Counties and Burghs.

11. *Management and maintenance of highways in counties to be in county road trustees, and in burghs in burgh local authority.*—[From and after the commencement of this Act] in each county the management and maintenance of the highways and bridges within the county shall, [as hereinafter particularly provided] be vested in and incumbent on the county road trustees [hereinafter mentioned] and the management and maintenance of the highways and bridges within each burgh situated in or partly situated in such county shall be vested in and incumbent on the burgh local authority [as hereinbefore defined.]*

### Appointment of County Road Trustees, Board, and Committees.

12. *Appointment of county road trustees.*—From and after the commencement of this Act the following persons shall be the "County Road Trustees;" viz.,

(1.) All persons being commissioners of supply of the county, whose names appear as such on the list of commissioners of supply of the county for the time being in force made up under the Act passed in the nineteenth and twentieth years of the reign of Her present Majesty, chapter ninety-three, and the Act passed in the twentieth year of said reign, chapter eleven (a certified copy of which list the clerk of supply shall deliver free of charge to the county road clerk, as soon as the latter is appointed, and thereafter in the month of January in each year) but subject to the provision that no commissioner of supply, whose qualification as such arises from property situated or office held in any burgh, shall be a county road trustee (save as

Repealed 1894.

* § 11. The words in brackets repealed 1894.

herein-after provided), and that no factor deriving his qualification from the said Act, passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, whose name appears on such list shall be entitled to act or vote, except in the absence of the proprietor:

(2.) One person appointed at pleasure by any writing under the seal, or under the hand of the secretary or other officer, of any corporation or incorporated company assessed as owners for the purposes of this Act upon an annual valuation of eight hundred pounds or upwards, as appearing from the valuation roll of the county:

(3.) The following persons (herein-after called elected trustees), to be elected once in every three years, as herein-after provided, by the ratepayers under this Act from among their own number, in each parish wholly or partly situated in the county; (that is to say,)

(*a.*) Where the number of ratepayers does not exceed five hundred, two persons;

(*b.*) Where the number of ratepayers exceeds five hundred but does not exceed one thousand, three persons;

(*c.*) Where the number of ratepayers exceeds one thousand, four persons:

(4.) Two persons (who shall be deemed to be elected trustees) appointed from time to time from among their own number by the commissioners of police of any police burgh as herein-before defined, within or partly within the county:

Provided, that where the management and maintenance of the highways within any burgh shall have been, as herein-after provided, transferred to the county road trustees, the provost or chief magistrate and one member of the town council of any such burgh being a royal or parliamentary burgh, and the senior or chief magistrate and one of the commissioners of police of any other burgh, shall be county road trustees under this Act, and shall be deemed to be elected trustees.*

Repealed 1894.

13. *Mode of election by ratepayers.*—Within six weeks after the commencement of this Act, the ratepayers of each parish within the county entitled to elect trustees for the purposes of this Act shall meet, and elect by open vote two or more persons of their own number, as the case may be, to be such trustees, who shall continue in office for the three years succeeding such election or until their successors shall be appointed, and the convener of the county shall call the meeting for such election, in such convenient place in each parish as he may appoint, on not less than ten days' notice given by special advertisement; and once in every three years thereafter the said ratepayers shall meet for the same purpose, and shall on the like notice be called and convened by the county road clerk; and at every such subsequent meeting two or more persons as aforesaid shall be elected as trustees for the purposes of this Act for the three years succeeding their election, or until their successors shall be appointed: Provided that the chairman of any such meeting shall immediately transmit to the convener of the county in the case of the first election under this Act, and at subsequent elections to the county road clerk a certificate under his hand, setting forth the name and designation of the persons elected, and such certificate shall be sufficient evidence of their election.

The ratepayer present having the largest valuation in the parish, as appearing from the valuation roll, shall be entitled to take the chair at any meeting for the election of trustees; and the valuation roll, which the inspector of poor of the parish shall be bound to produce at any such meeting, shall be evidence of the right of any ratepayer whose name appears therein to vote at such meeting: Provided that no commissioner of supply shall be entitled to vote at such meeting,

* §§ 12, 13, and 15 are superseded by the Local Government Act of 1889, § 16 whereof provides for the appointment of district road committees of the county council.

and that no person shall be entitled to vote thereat in respect of any lands and heritages within a burgh or police burgh wholly or partly situated in such parish.

If there shall be an equality of votes for two or more persons, the candidate or candidates being the largest ratepayer or ratepayers shall be deemed to be elected.

Any question as to the number of trustees falling to be elected for any parish, or as to the election of any person as a trustee, may be disposed of summarily by the sheriff, whose decision shall be final.

Should the ratepayers fail to elect trustees at the first meeting called by the convener, or at any subsequent meeting called by the county road clerk, the convener or county road clerk, as the case may be, shall convene another meeting within six weeks for the purpose of electing trustees as herein provided.*

Repealed 1894.

14. *Trustees designated and incorporated.*—The trustees shall be a body corporate, under the name of the County Road Trustees of the county, as the case may be, and under that name they may sue and be sued, purchase, take, hold, and dispose of lands and other property for the purposes and subject to the provisions of this Act.

15. *Appointment of county road board.*—[The trustees shall at their first general meeting hereinafter mentioned, and thereafter at each annual general meeting, appoint] the "county road board," [consisting of not more than thirty of the trustees, and not less than one-third and not more than one-half of the board shall be elected trustees, and the chairman of the trustees shall be over and above *ex officio* a member of the board and chairman thereof; and the board] shall have and may exercise all the powers, rights, and privileges conferred on the trustees by this Act, except the power of making an assessment, or in so far as the trustees shall otherwise expressly provide, but shall be subject in all respects to any requisitions, orders, regulations, or instructions which may from time to time be issued by the trustees.*

16. *County to be divided into districts, and district committees appointed.*—The trustees shall divide the county into districts for the purpose of managing the highways under their control, and for any other purposes under this Act, and shall define the limits and boundaries of such districts, and may from time to time alter such limits and boundaries, and they shall annually appoint for each district such of the trustees as they think fit, but being as far as may be persons deriving their qualifications as trustees from lands within such district, to be a district committee (of whom one, being, except as herein-after otherwise expressly provided, a member of the county road board, shall be declared to be chairman); and not less than one-third and not more than one-half of the district committee so appointed shall consist of elected trustees representing parishes or burghs or police burghs within the district, as herein-before provided. The enactments contained in this section shall not be imperative in the case of a county containing fewer than six parishes, or in the case of a county in which at the commencement of this Act tolls and statute labour have been abolished or are not exigible, but no provision has been made that such county shall be divided into districts for the purposes of the local Act or Acts in force therein.†

17. *Appeal to Secretary of State as to formation of districts.*—Any commissioner or commissioners of supply, qualified as such in respect of lands and heritages of an annual value (as appearing in the valuation roll) not less than one-fourth of the total annual value (so appearing) of the lands and heritages in any such district, may appeal against any such division, definition, or alteration to the

Repealed.

* See note, preceding page. The words in brackets repealed 1894.

† Repealed by the Local Government Act, 1894.

Repealed 1889.

Secretary of State, who shall have power, by a writing under his hand and seal of office, which shall be published in the *Edinburgh Gazette*, and recorded in the Sheriff Court books of the county, after such inquiry as to him shall seem proper, to alter and define the limits and boundaries of the districts into which the county shall be divided, as he may consider expedient; and any such alteration and definition or determination by the Secretary of State shall remain in force for ten years, and thereafter until the same shall be altered by the Secretary of State upon the application of the trustees, or some commissioner or commissioners of supply, qualified as such in respect of lands and heritages of an annual value (appearing as aforesaid) not less than one-fourth of the total annual value (so appearing) of the lands and heritages in any existing district, which alteration the Secretary of State shall have power to make in manner aforesaid.*

18. *Islands to be districts.*—Provided always, that in every case where at the passing of this Act any island or group of islands or part of an island forms or is treated as a separate district as respects the management of highways, such district shall [in all time after the commencement of this Act in the county of which such district forms part] continue to form a separate district (hereinafter called an insular district) for the purposes of this Act; and the highways in such district shall, [after such commencement,] be maintained and managed by a district committee, to be appointed by the county road board [of such county, and consisting as far as may be of persons deriving their qualification as trustees from lands situated within such district, and such board shall nominate one of the members of such district committee, although not a member of the board, to be chairman of the district committee;] and all assessments levied under the powers of this Act within such district for the management, maintenance, and repair of highways shall be expended in carrying into effect those purposes of this Act within such district, and in payment of a reasonable share of the necessary general expenditure incurred in such county in the execution of this Act and not otherwise, and no part of such assessment levied within the remaining parts of such county shall be expended for the management, maintenance, and repair of highways within such district.†

Repealed 1894.

19. *Occasional vacancies to be supplied.*—If any elected trustee for any parish shall resign (which he may do by any writing under his hand, addressed to the chairman of the trustees), or shall refuse to act, or shall die, or become disqualified, the board, if they think fit, may appoint a person, being a ratepayer of the same parish, to supply his place. If any member of the board or of a district committee, or the chairman of a district committee, shall resign (which he may do by any writing under his hand, addressed to the chairman of the trustees) or shall refuse to act, or shall die, or become disqualified, the board, if they think fit, may appoint a person, being a commissioner of supply or an elected trustee, as the case may be, and subject to the provisions herein-before contained as to the constitution of the board and the district committees respectively, to supply his place, and the person so appointed shall remain in office only so long as the person in whose room he was appointed might have held office.

20. *Failure to elect not to invalidate acts of trustees.*—If the town council of any Royal or Parliamentary burgh, or the commissioners of police of any other burgh or of any police burgh, or the ratepayers of any parish, or any corporation or incorporated company as herein-before mentioned, shall fail to elect or appoint trustees for the purposes of this Act, or if any person elected by such town council or commissioners of police or ratepayers, or appointed by such corporation or

* Repealed by the Local Government Act, 1889.
† Amended by the Local Government Act, 1889, § 16. The words in brackets repealed 1894.

incorporated company, to be a trustee, or any other trustee, shall refuse to act, or shall resign, die, or become disqualified, the acts and proceedings of the remaining trustees, whether acting as trustees or as members of the board or of a district committee, as herein-after provided, shall nevertheless be deemed to be the acts and proceedings of the trustees, board, or district committee, as the case may be, and shall be as valid and effectual as they would have been if such failure, refusal, resignation, death, or disqualification had not occurred.

MEETINGS OF TRUSTEES, BOARD, AND COMMITTEE.

21. *Time and place of general meetings of the trustees.*—The first general meeting of the trustees shall be called by the convener of the county by special advertisement, and shall be held not later than three months after the commencement of this Act, at such time and place as the said convener shall appoint, and another general meeting of the said trustees shall be held on the thirtieth day of April immediately following or on such other day as may be resolved on at the first general meeting of the trustees, and at such place as the said trustees may appoint ; and thereafter an annual general meeting of the trustees shall be held on the twenty-ninth day of September in each year, or on such other day as may be resolved on at any general meeting of the trustees, and at such place as the trustees may from time to time appoint, and at the said first general meeting, and at every annual general meeting, the trustees present shall elect one of their own number to be chairman of the trustees, and in the event of an equal number of votes being given for two or more candidates, the candidate having or representing the largest valuation in the county, as appearing on the valuation roll, shall be held to be elected ; and such chairman shall hold office until the annual general meeting succeeding his appointment, or until his successor is appointed, and may be re-elected on the expiration of his first or other period of office ; and the chairman shall, when present, preside at all meetings of the trustees.

Repealed 1894.

22. *Meetings of board and district committees.*—The time and place of the first meeting of the board shall be fixed by the trustees, and the time and place of any subsequent meeting may be fixed by the board itself ; and the time and place of the first meeting of each district committee shall be fixed by the board, and the time and place of the subsequent meetings may be fixed by such district committee, without prejudice to the right of adjournment or of holding special meetings hereinafter provided.

23. *Quorum at meetings of trustees, board, and committee.*—The trustees shall at their first meeting determine what number of trustees shall be requisite to constitute a quorum at meetings of the trustees and of the board, and of the several district committees, respectively ; and it shall be in the power of the trustees to alter such quorum from time to time as they may think fit ; but no such alteration shall take effect until after the expiration of three months from the date of its being made and, in the case of a district committee, of its being communicated in writing by the county road clerk to the chairman thereof.

GENERAL REGULATIONS FOR CONDUCTING THE BUSINESS OF MEETINGS.

24. *Regulations as to meetings and proceedings of trustees, board, and district committees.*—The following provisions shall be applicable to the meetings and proceedings of the trustees, the board, and the district committees respectively :

(1.) Special meetings of the trustees or of the board may be called by the chairman, or in the event of his illness, death, resignation, or absence from the county, by the clerk, at any time he may think fit, by special advertisement or by circular sent through the post to each trustee or member of the board, stating the object of such meeting ; and on a requisition stating the object of

Repealed 1894.

such special meeting, and signed by five trustees in the case of a special meeting of the trustees, and by three members of the board in the case of a special meeting of the board, being presented to the chairman, or in the event of his illness, death, or resignation, or absence from the county, to the clerk, the chairman or clerk, as the case may be, shall call a meeting of the trustees or of the board, as the case may be, by special advertisement or by circular sent through the post to each trustee or member of the board, stating the object of such meeting, and the place and date of such meeting: Provided, that no special meeting of the trustees or board shall be called on less than ten days' notice:

(2.) Special meetings of any district committee may be called at any time by the district clerk, on the orders of the chairman or any two members of the committee, by circular stating the object of such meeting, and the place and date of such meeting, addressed to each member of the committee, and forwarded by post not less than six days before such meeting:

(3.) Any meeting, general or special, of the trustees, or of the board or district committee, may be adjourned to a time and place to be specified in the minutes of such meeting; and in the event of a quorum not being present at any general or special or adjourned meeting the clerk of the meeting shall, in the case of meetings of the trustees or of the board, by special advertisement or circular, and in the case of district committees by circular, as herein-before provided, call another meeting, to be held at the hour and place and on any day, not being less than ten or six days after the date of the special advertisement or circular, as the case may be, within three weeks after the day originally fixed for such meeting:

(4.) Any business appointed by this Act to be transacted, and any assessment by this Act authorised to be imposed at any general or special meeting of the trustees or the board or any district committee, may be transacted or imposed at any adjourned meeting thereof; provided, that no business shall be brought before or transacted at such adjourned meeting which was not brought or appointed to be brought before the original meeting which was so adjourned:

(5.) No motion in regard to any matter or business not mentioned in the advertisement or special advertisement or circular calling any meeting shall be competent, unless notice of the same had been given at the immediately preceding meeting (not being a special or adjourned meeting) or by circular sent through the post not less than eight days before the meeting and addressed to every person entitled to be present and vote thereat:

(6.) Where the business before any meeting relates to the valuation, or allocation, or payment of debts, or the interest thereof, or the mode of providing therefor, or the construction of new roads or bridges, the assessments to provide for the payment or cost of which are by this Act laid on proprietors only, no elected trustee shall be entitled to vote in regard thereto, or in regard to such assessments:

(7.) No person shall have more than one vote at any meeting under this Act, although he may have more than one qualification for voting, except as herein-after provided in the case of the chairman or preses of any meeting:

(8.) The board or any district committee may appoint a committee or committees of their own number for the better execution of the powers hereby granted to them, and such committee shall report their proceedings to the board or district committee appointing them, and every act, order, or thing which shall be done, ordered, or performed by such committees, on being approved of by the board or district committee, shall be equally valid and sufficient as if ordered, done, or performed by the board or district committee.*

* Section 24 amended by the Local Government Act, 1889, § 16.

25. *Chairman to be elected in absence of ordinary chairman.*—In the absence of the chairman at any meeting of the trustees or of the board or of any district committee, any person elected by the majority of the trustees or members present at such meeting, shall preside thereat; and in case of an equality of votes the trustee or member present and proposed as chairman having or representing the largest valuation in the county or district, as the case may be, and as shown by the valuation roll, shall preside at such meeting, and in all other cases of equality of votes the chairman shall have a casting as well as a deliberative vote.

26. *District committees and board to make reports.*—Each district committee shall annually make a report of their proceedings to the board, with detailed accounts of their receipts and expenditure, and shall make reports on such other matters at such times and in such manner as may be prescribed by the trustees or the board; and the board shall before each annual general meeting of the trustees make a report of their proceedings to the trustees, with detailed accounts of their receipts and expenditure (if any), and shall make reports at such other times on such matters as may be prescribed by the trustees; and along with such annual report the board shall lay before the trustees the reports and accounts of the district committees respectively.

Repealed 1894.

27.—*Appeal from decision of district committee.*—Any person who shall object to or think himself aggrieved by the decision or resolution of any district committee may appeal, at any time within one month after such decision or resolution, to the board, whose determination therein shall be final; provided, that such appeal shall not prevent the execution of any of the powers of this Act in any matter affecting any other person not being a party in such appeal.

## Appointment of Officers.

28. *Appointment of county officers.*—The trustees shall appoint a clerk, who shall also be clerk to the board, and shall be called the "county road clerk," a treasurer, who shall be called the "county road treasurer," and a collector, who shall be called the "county road collector," and, if they shall think fit, a surveyor, who shall be called the "county road surveyor," and, if it shall be found expedient, may appoint more persons than one to execute any of the above-named offices, or may appoint one person to execute two or more of them, and may also appoint such other officers and servants as they may think necessary for carrying this Act into execution; and such officers and servants shall perform the duties from time to time prescribed by the trustees or the board, and shall be subject to removal at any time by the trustees or the board, unless in so far as the power of removal may be modified by special written agreement, which shall not endure for a longer period than five years, and shall find such security as the trustees or the board shall require.

Repealed 1894.

29. *Appointment of district officers.*—Each district committee may from time to time appoint a district clerk and a district treasurer, and, with the consent of the trustees, a district collector (it being competent to appoint one person to hold more than one of such offices) and a district road surveyor, and prescribe their or his duties; and, subject to the approval of the trustees, the district committee may fix the salaries to be paid to and the security to be taken from such district clerk, district treasurer, district collector, and district road surveyor, for the discharge of their or his duties, where such security is required to be taken; and every such officer shall be subject to removal at any time by the district committee: Provided that it shall be competent for any district committee to appoint to any one or more of such offices any of the officers appointed by the trustees or the board or by another district committee. Every district road surveyor shall

be subject to the reasonable orders of the county road surveyor, if one shall be appointed.

30. *Salaries of county road officials. Allocation of general expenditure.*—Subject to the approval of the trustees the board shall fix the salaries and allowances to be paid to the several officers and servants appointed and employed by the trustees and the board; and such salaries and allowances, and all other necessary general expenditure in the execution of this Act, shall be paid out of the several funds and revenues at the disposal of the trustees, in such manner, at such times, and in such proportions as the trustees shall from time to time fix and determine.

Repealed 1894.

31. *Former officers to continue till removed.*—The clerks, treasurers, surveyors, collectors, and all other officers who have been appointed under and employed in the execution of any local Act in force at the commencement of this Act, relating to the roads, highways, and bridges within the county (including the burghs wholly or partly situated therein) shall respectively continue to hold and exercise their offices thereafter until they shall respectively be removed by the trustees or board or burgh local authority, as the case may be, or shall resign or be incapable of executing their offices, and shall be subject to the like rules, regulations, and penalties in all respects as if they had been appointed under the authority of this Act; and it is hereby provided that the trustees under such local Acts, or the trustees and burgh local authority respectively, shall have a discretionary power to grant to any of the officers before-mentioned, or to any of the officers appointed under this Act, such superannuation allowance, or other compensation, in the event of and to take effect on their immediate or subsequent retirement or removal from their respective offices, as they shall deem fit: Provided always, that any such grant made by the trustees under any such local Act may be reduced or rescinded by the county road board of the county, out of the assessments leviable within which such allowance or compensation is payable, if such board shall consider the same excessive or improper, and that if any officer to whom any such allowance or compensation shall have been so granted shall hold office under the trustees, board, or any district committee of such county, the amount of such allowance or compensation shall be deducted from the salary payable to him by such trustees, board, or district committee, so long as he shall continue to hold such office.

### General Management in Counties and Burghs.

32.—*Consolidation of trusts.*—[From and after the commencement of this Act,] the whole turnpike roads, statue labour roads, highways, and bridges within each county respectively shall form one general trust, with such separate district management as shall be prescribed by the trustees as herein-before provided; and all the roads, bridges, lands, buildings, works, rights, interests, moneys, property, and effects, rights of action, claims and demands, powers, immunities, and privileges whatever, except as hereinafter provided, vested in or belonging to the trustees of any such turnpike roads, statute labour roads, highways, and bridges within the county, shall be by virtue of this Act transferred to and vested in the county road trustees appointed under this Act, who, subject to the qualifications herein-after expressed, shall be liable in all the debts, liabilities, claims, and demands in which the trustees of such turnpike roads, statute labour roads, highways, and bridges are or were liable under any general or local Act then in force, except in so far as such debts, liabilities, claims, and demands may under the provisions of this Act be discharged, reduced, or extinguished.*

33. *Abolition of tolls, statute labour, causeway mail, &c.*—[From and after the fifteenth day of May, or from and after the twenty-sixth day of May when the

* The words in brackets repealed 1894.

leases of the tolls in any county run from that date, immediately following the commencement of this Act in any county in Scotland, where such commencement shall happen before the year one thousand eight hundred and eighty-three, and otherwise from and after the first day of June one thousand eight hundred and eighty-three, all tolls within such county, and within any burgh wholly or partly situated therein, shall be abolished, and the exaction of statute labour, and any payments of money by way of conversion or in lieu thereof, and all bridge money and assessments heretofore leviable for the maintenance of highways within such county or burgh, shall cease and determine, any Act or Acts to the contrary notwithstanding; and all turnpike roads within the same shall thereafter be and become highways, and all highways shall be open to the public free of tolls and other exactions, except as herein-after provided, within the meaning of and for the purposes of this Act :] Provided always that all the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to turnpike roads shall continue applicable to all highways which are turnpike roads at the passing of this Act.

[All causeway mail shall be abolished within any burgh from and after the fifteenth day of May first occurring not less than four years after the commencement of this Act in the county within which such burgh is situated or partly situated.

Notwithstanding that the other provisions of this Act shall not be in force in any county (including the burghs wholly or partly situated therein), all causeway mail within such burghs shall be abolished from and after the fifteenth day of May one thousand eight hundred and eighty-seven].*

34. *Rate may be levied within burghs in lieu of causeway mail abolished.*—It shall be lawful for the magistrates and council of any burgh in which causeway mail by this Act provided to be abolished is payable or leviable, to levy [from and after such abolition] from the occupiers of lands and heritages within such burgh, in lieu of such causeway mail payable or leviable as aforesaid, a rate or rates by way of assessment calculated to yield in the whole in the year an amount equal to the net yearly amount of such causeway mail payable or leviable as aforesaid, and no more, but not exceeding in the whole for any one year the amount of threepence in the pound sterling, on the valuation of the assessable property within the boundaries of such burgh, and such rate may be levied either as a separate rate or as part of and in addition to, but always under the same conditions, and subject to the same restrictions and exemptions as any police or burgh rate levied or leviable within such burgh: Provided that the rate or rates to be levied in lieu of such causeway mail payable or leviable as aforesaid, shall, *ipso facto*, come in place of any security held by any creditor or creditors of such burgh over such causeway mail:

Provided also, that the said magistrates and council shall not be bound under this section to impose any rate other than a rate of one farthing or an entire number of farthings in the pound.*

35. *Application of tolls and statute labour money at present leviable.*—Until the said fifteenth day of May, or twenty-sixth day of May, or first day of June, as the case may be, the tolls and revenues of each of the roads now maintained as turnpike roads, and all assessments now leviable for the maintenance of highways within a county, shall respectively be received and applied by the trustees to the several purposes to which they are respectively applicable under the existing Acts relating thereto.

36. *Trustees to purchase pontages, &c.*—The trustees of any county or counties, and the local authority of any burgh or burghs, shall, as soon as may be after

Repealed 1894.

* §§ 33 and 34. The words in brackets repealed 1894.

Repealed 1894.

the commencement of this Act in such county or in any of such counties, adjust and settle with the persons or trustees having the management of any bridge or bridges, forming part of or connecting any highways, whether situated wholly in one county or burgh or not, at which pontages are legally leviable by any persons or trustees, or the magistrates and town council of any burgh, what compensation shall be paid to him or them in respect of his or their patrimonial interest in such pontages abolished by this Act; and if they and such person or trustees, or magistrates and town council, cannot agree as to the compensation to be made for the said pontages, then the same shall be fixed and determined, as nearly as may be, in the same manner as is hereinafter provided in relation to the valuation of road debts, and shall be paid and provided for in the same manner as road debts: Provided that where such bridge or bridges is or are not situated wholly within one county or burgh, the sums payable under this section shall be allocated in the same manner as is hereinafter provided in relation to the allocation of road debts; and such bridge or bridges shall, after the compensation aforesaid has been fixed and determined, be highways free of pontages, and be vested, managed, and maintained as such, and where not situated wholly in one county or burgh, shall be subject to the provisions herein contained with regard to bridges similarly situated belonging to turnpike trusts at the commencement of this Act. For the purposes of this section "trustees" shall include the commissioners of supply of a county in which this Act has not been adopted or is not in force.

37. *Roads formerly turnpike not wholly situated in one county or burgh.*—Where any trust existing at the commencement of this Act embraces a [turnpike] road which is not situated wholly within one county or burgh, the following provisions shall have effect; [(that is to say,)

(1.) Where this Act shall have been adopted or shall be in force in each of the counties in which such road is situated:]*

(*a.*) The portion of such road within each such county or any burgh therein shall be vested in and managed and maintained by the trustees, board, and district committees of the county, or the local authority of the burgh, as the case may be, in which such portion is situated:

Rep. 1894.

(*b.*) The whole assets of the trust shall, except as herein otherwise provided, be valued and allocated among the trustees of the counties and local authorities of the burghs respectively in the proportion and in the manner in which the debt affecting such turnpike trust shall be valued and allocated among the trustees of such counties and the local authorities of such burghs respectively under the provisions of this Act:

(*c.*) All lands, heritages, works, and buildings belonging to any such trust locally situated within any county or burgh shall be and are hereby transferred to the trustees of such county or local authority of such burgh, as the case may be, within which the same are so situated, and shall be applied and used or may be sold and disposed of under the powers and for the purposes of this Act:

(*d.*) Where a bridge is not situated wholly within one county or burgh, the expense of maintaining, and if need be of rebuilding, the same shall, failing agreement, be a charge equally against the trustees of the county or counties and local authority or authorities of the burgh or burghs within which it is partly situated. The management of the bridge shall, failing agreement, be vested in a committee (hereinafter called a joint bridge committee) to be appointed by the trustees or local authorities chargeable with the cost of maintenance and rebuilding:

Rep. 1894.

(2.) Where this Act shall have been adopted or shall be in force in one or more of the counties or burghs in which such road is situated, but shall not have been adopted or shall not be in force in all of such counties or burghs:

(*e.*) The portion of such road within any county or burgh in which this Act

* § 37. The words in brackets repealed 1894.

has been adopted or is in force shall be vested in and managed and maintained by the trustees, board, and district committees of the county or the local authority of the burgh, as the case may be, in which such portion is situated :

(*f.*) The portion of such road within any county or burgh in which this Act has not been adopted or is not in force shall continue to be vested in and managed and maintained by the trustees having the management thereof at the commencement of this Act :

(*g.*) The whole assets of the trust shall, except as herein otherwise provided, be valued and allocated among the trustees of the respective counties and local authorities of the burghs situated therein and the trustees having the management of such road, as nearly as may be, in the proportion and in the manner in which debts affecting turnpike trusts shall be valued and allocated among the trustees of counties and local authorities of burghs respectively under the provisions of this Act :

(*h.*) All lands, heritages, works, and buildings belonging to the trust locally situated within any county or burgh shall be and are hereby transferred to the trustees of such county or local authority of such burgh within which the same are so situated or the trustees having the management of such road, as the case may be, and shall be applied and used or may be sold and disposed of under the powers and for the purposes of this Act or of the Act under which the trustees having the management of such road were constituted, as the case may be :

(*i.*) Where a bridge is not situated wholly within one county or burgh, the expense of maintaining, and if need be of rebuilding, the same shall, failing agreement, be a charge equally against the trustees of the county or local authority of the burgh within which it is partly situated and the trustees having the management of such road, as the case may be. The management of the bridge shall, failing agreement, be vested in a joint bridge committee to be appointed by the trustees (whether appointed and acting under this Act or not), or local authorities chargeable with the cost of maintenance and rebuilding.

Repealed 1894.

38. *Bridge (not formerly turnpike) not wholly situated in one county or burgh.*—Where a bridge, not at the commencement of this Act included in a turnpike road trust, is not situated wholly within one county or burgh, the expense of maintaining, and if need be of rebuilding, the same shall, failing agreement, be deemed to rest equally upon the trustees (whether acting under this Act or not) and local authority or authorities of the counties, or county and burgh, or burghs within which such bridge is partly situated, as the case may be.

The management of such bridge shall, failing agreement, be vested in a joint bridge committee appointed by the trustees or local authorities chargeable with the cost of maintenance and rebuilding, unless, on an application of either party to the sheriff, he shall otherwise determine.

Repealed 1894.

39. *Appointment and powers of joint bridge committee.*—The following provisions shall have effect as to the appointment, powers, and duties of a joint bridge committee :

(1.) A joint bridge committee shall be appointed annually at such date as may be agreed on between the road authorities appointing representatives thereon, and each road authority may appoint not more than five persons to be members of such committee ;

(2.) A joint bridge committee shall have power to appoint a chairman, and to appoint and remunerate such officers as shall be necessary for the management of the bridge, such officers, as far as possible, being already officers of the road authorities by whom the committee is appointed ;

(3.) In the event of difference of opinion, the representatives of each road authority shall jointly have one vote, and if there is an equality of votes, the question shall be referred to a standing arbitrator to be named annually by the committee, or, failing such nomination, by the sheriff of any adjoining county.

40. *Detached parts of counties to form part of the county by which they are surrounded.*—Any detached part of a county shall, for the purposes of this Act, except in so far as otherwise expressly provided, be considered as forming part of that county by which it is surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which it has the longest common boundary: Provided that such detached parts of counties, if consisting only of parts of parishes, shall respectively be considered for all the purposes of this Act to be parts of the parishes by which they are surrounded, or if partly surrounded by two or more parishes, then as forming part of that parish with which they have the longest common boundary.

This section shall not have the effect of subjecting the proprietor of any lands and heritages within such detached part to assessment for road debts affecting the county or counties by which such detached part is surrounded; but such proprietor shall be and remain liable for any assessments for road debts affecting the county of which such detached part was originally a portion.

Repealed 1894.

A commissioner of supply, the subject of whose qualification is situated within any such detached part of a county, shall be entitled to act as a trustee under this Act for the county of which such detached part is in terms of this section considered to form a part; but shall not be entitled to act as a trustee for such first-mentioned county unless he possesses a qualification beyond the boundaries of such detached part thereof sufficient to entitle him to be enrolled as a commissioner of supply for such county. The clerk of supply of any county from which a part or parts are detached shall, in each month of January after the passing of this Act, transmit, free of charge, to the clerk of supply of each county in which any such detached part is so included, a certified copy of the valuation roll in so far as applicable to such detached part or parts and a list of the persons qualified as commissioners of supply in respect of property therein.

A ratepayer, the subject of whose qualification is situated within any such detached part of a county, shall be deemed to be a ratepayer within the county of which such detached part is in terms of this section considered to form a part; but shall not be deemed to be, in respect thereof, a ratepayer of such first-mentioned county.

41. *List of highways to be made up. Alteration of list.*—The board shall, [at their first meeting, or at an adjournment thereof,] make up a list of the roads, highways, and bridges under their management and control; [but no road, highway, or bridge shall be then put on such list unless it had before the commencement of this Act been in use to be maintained out of public funds derived from tolls or assessments or other sources of revenue.] The roads, highways, and bridges on such list, and no other, shall be maintained and repaired out of the assessments levied under this Act; and no alteration on or addition to such list shall be made except as hereinafter provided.*

42. *Highways may cease to be such, and other roads may become highways.*—The trustees may, on a written report from the board recommending the same, declare, at any annual general meeting, that any highway shall cease to be a highway within the meaning and for the purposes of this Act, and that whether another highway shall have been substituted therefor or not; or that any road or bridge [which at the commencement of this Act was not maintained out of public funds derived as aforesaid, shall,] with the consent of the proprietor, which consent he

* §§ 41 and 42. The words in brackets repealed 1894.

may effectually give although not an absolute owner, be a highway within the meaning and for the purposes of this Act and as such be added to the list mentioned in the preceding section; but such declaration shall not be competent unless the county road clerk shall have given notice of the same by special advertisement, and by printed notices affixed to the principal door of each church in every parish in which any part of such road, highway, or bridge is situated, and also affixed in some conspicuous place at both ends of such road, highway, or bridge, for at least one month before the date of the meeting at which such declaration is made.

43. *A highway ceasing to be a highway may be shut up.*—After a road has, as herein-before provided, ceased to be a highway, the trustees may resolve that it shall be shut up, but such resolution shall not take effect until the expiration of six months from the date thereof: Provided always, that thirty days' notice of the intention to propose a resolution to that effect shall be given by advertisement in any newspaper usually circulating in the county in which such road proposed to be shut up is situated, and that, upon such resolution being carried, the county road clerk shall give notice of the same by special advertisement, and by printed notices affixed to the principal door of each church in every parish in which any part of such road is situated, and also by printed notices affixed during the said six months in some conspicuous place at both ends of such road.

The determination of the trustees under the preceding section shall be final and not subject to review in any court or in any process or proceeding whatsoever, unless any three ratepayers who shall be dissatisfied with such determination shall, within fourteen days after the date thereof, appeal to the sheriff, and the resolution of the trustees under this section shall in like manner be final and not subject to review, unless any three inhabitants who shall be dissatisfied therewith shall, within six months after the date thereof, appeal to the sheriff, who shall hear and determine the appeal in a summary way, and the decision of the sheriff shall be final and not subject to review, and the expenses of such appeal shall be in the discretion of the sheriff.

The ground occupied by any road which has been shut up in terms of this section shall fall and belong to the person or persons whose lands immediately adjoin thereto, and from whom or his or their predecessor or predecessors the ground so occupied was acquired without payment; and if any question shall arise as to the person or persons to whom such ground should fall and belong, the same shall be disposed of by the sheriff, whose decision shall be final: Provided, that if a price was originally paid for such ground the trustees shall dispose of the same as nearly as may be in the manner herein provided in regard to toll-houses.

44. *Toll-houses to be first offered to adjoining proprietors.*—The trustees before selling any toll-house or other building belonging to them shall first offer the same, together with the site thereof, to the person or persons whose lands immediately adjoin thereto, at a price to be fixed by a valuator, to be named by the sheriff, and the price obtained for such toll-house or other buildings shall be applied in the first place to the payment of road debts, if any, and the balance, if any, to the general purposes of this Act: Provided always, that in fixing such price the valuator shall take into consideration the terms and conditions upon which such site was originally acquired.

45. *Provision for footpaths.*—It shall be lawful for a district committee, or for the board where the county is not divided into districts, subject to the approval of the trustees, to make and, if made, to maintain footpaths on the side or sides of any highway.

46. *Boundaries of burghs.*—The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, } Rep.

Rep. 1894.

fixed, or determined for police purposes under the provisions contained in any general or local Act of Parliament, or, when no police assessment is levied, as the same are or may be ascertained, fixed or determined, for municipal purposes.

47. *Local authority to have management of roads within burghs.*—[From and after the commencement of this Act,] the highways and bridges situated within any burgh shall be by virtue of this Act transferred to and vested in the local authority of such burgh, and such local authority shall have the entire management and control of the same, and shall possess the same rights, powers, and privileges, and be subject to the same liabilities in reference to such highways and bridges (including the construction of new roads and bridges) as the trustees under this Act possess and are liable to in reference to roads, highways, and bridges (including as aforesaid) in the landward part of the county, including the right to any assets belonging thereto, and shall also have and may exercise with reference to the construction, maintenance, and repair of the roads, highways, and bridges within their respective boundaries, such and the like powers and authorities as they possess with reference to any streets within their respective boundaries: Provided that the local authority of any burgh not containing more than ten thousand inhabitants according to the census last taken may, by a resolution passed at a meeting summoned for the purpose, on not less than one month's notice, by special advertisement, devolve the management and maintenance of the highways and bridges within the boundaries or forming the boundary thereof upon the trustees of the county within which such burgh or any portion thereof is situated, on payment to such trustees of such an annual sum or upon such terms as may be agreed upon; and in default of such agreement, on payment of such sum or upon such terms as shall from time to time be settled on the summary application of either party by the sheriff, who shall take into consideration the proportion of traffic from the county passing through the burgh, and all the other circumstances of the case, and whose decision shall be final: Provided also, that any such resolution of the local authority of a burgh may be rescinded, with the consent of and on such terms as may be agreed upon with the county road trustees, and thereupon the original rights, powers, privileges, and liabilities of the said local authority shall revive in full force and effect.*

Repealed 1894.

48. *Burgh within county where Act not in force may, by agreement or otherwise, assume management, &c., of highways within it.*—In any county in which tolls and statute labour have been abolished or are not exigible, and in which this Act is not in force, it shall be lawful at any time after the passing of this Act, for the local authority of any burgh situated therein, being a burgh within the meaning of this Act, at a meeting summoned for the purpose on not less than one month's notice, by special advertisement, to resolve to undertake the management and maintenance of the highways within the burgh; and it shall thereupon be lawful for such local authority to agree with the county road trustees or other authority having the charge of the highways within the county as to the terms upon which the highways within the burgh, together with a proportionate part of the debt, if any, affecting the highways within the county, shall be transferred to such local authority, and, failing agreement, the said terms shall be settled on summary application by the sheriff, who shall take into consideration all the circumstances of the case, and whose decision shall be final, and upon the parties agreeing as aforesaid, or upon the terms of transference being settled as aforesaid, the highways within the burgh shall be transferred to and vested in the local authority thereof,

* By 54 and 55 Vict., c. 32, commissioners of police burghs may assume the management of highways within such burghs, and the county councils are empowered to require the commissioners to do so. The Burgh Police Act of 1892 provides that all streets, pavements, and footpaths shall be under the sole control of the police commissioners.

§ 47. The words in brackets repealed 1894.

who shall have the entire management and control of the same, and shall possess the same rights of assessment, and other rights, powers, and privileges (including the appointment of a clerk or clerks, surveyor or surveyors, and other necessary officers), and be subject to the same liabilities in reference to the highways (including the construction of new roads and bridges) therein, and debt, if any, affecting the same, as the burgh local authority of any burgh under this Act possess and are liable to in reference to the highways (including as aforesaid), and also in reference to the streets within such burgh: Provided always, that any such resolution of the local authority of a burgh may be rescinded, with the consent of and on such terms as may be agreed upon with the county road trustees or other authority as aforesaid, and thereupon the original rights, powers, privileges, and liabilities of the said county road trustees or other authority in regard to the highways within such burgh, and the debt, if any, affecting the same, shall revive in full force and effect.

MAINTENANCE AND REPAIR OF HIGHWAYS AND ASSESSMENTS THEREFOR.

49. *Report on condition of highways, and estimate cost of maintenance.*—Every district surveyor shall, on or before the thirtieth day of March in each year, make up and deliver to the clerk of the board, and to the clerk of the district committee of his district respectively—

(1.) A report of the condition of the highways within his district:

(2.) A specification of works and repairs proposed to be executed thereon; and

(3.) An estimate of the sums required for the purposes of the highways within the district for the year from the fifteenth day of May immediately following to the fifteenth day of May in the year succeeding; and each district committee shall, on or before the fifteenth day of April in each year, consider such reports and estimates, and shall immediately transmit the same, together with their recommendations, if any, to the clerk of the board, to be by him laid before the annual meeting of the board.

Where a county is not divided into districts the duty in this section imposed on the district surveyor with respect to his district shall be, as nearly as may be, discharged by the surveyor with respect to the whole county.

50. *Board to meet and consider reports.*—The board shall hold an annual meeting on such day between the fifteenth day of April and the fifteenth day of May in each year, as they may fix, for the purpose of considering the reports, specifications, and estimates before-mentioned, and relative deliverances of the respective district committees, if any, and shall consider and review the same, and give such orders as may seem necessary thereanent, and their decision shall be final.

51. *Roads or highways may be shut up for repairs.*—The board or any district committee on a written report from the surveyor or district surveyor that it is necessary to shut up for a limited period any highway, for the purpose of repairing the same, may from time to time authorise the shutting up of such highway for such period as they may deem necessary; provided, that notice of the intention so to shut up a highway shall be given by advertisement in a newspaper circulating in the county or district within which such highway is situated at least fourteen days before such highway shall be so shut up: Provided always, that upon a written report by the surveyor or district surveyor that any highway has become or is about to become dangerous, it may be shut up by the written order of any two members of the board or district committee without any previous notice; but notice shall be immediately given, by advertisement as aforesaid, that it has been shut up.

52. *Assessments in counties for management, maintenance, and repair.*—The amount required for the management, maintenance, and repair of highways

within each district respectively, or, in the option of the trustees, within the several parishes constituting such district, along with a proportion of the general expenses of executing this Act, [as allocated by the trustees in manner hereinbefore mentioned,] shall be levied by the trustees by an assessment to be imposed at a uniform rate on all lands and heritages within such district, or, in the option of the trustees, within each of the parishes constituting such district as aforesaid ; and such assessment shall be paid, one half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which the same is imposed, except in the case of lands and heritages entered in the valuation roll as of the annual value of four pounds or under, in which case the whole of the assessment imposed on such lands and heritages may, in the option of the trustees, be levied from and paid by the proprietor, who shall be entitled to recover the half thereof from the tenant or occupier ; provided, that outgoing tenants or occupiers, removing from lands and heritages during the currency of the year for which such assessments have been imposed, shall have a right of relief against the incoming tenants or occupiers for the proportion of the assessment applicable to the period of the year remaining unexpired at their removal.

Repealed 1894.

Where a county is not divided into districts the assessments by this section authorised shall be imposed upon the whole lands and heritages within the county in the same manner and subject to the same conditions in and under which they are hereby authorised to be imposed upon the lands and heritages within a district.

53. *Maintenance of bridges in two districts.*—Where any bridge is partly situated in one district and partly in another district, the burden of maintaining and repairing such bridge shall be deemed to rest equally on such districts, and the management thereof shall be vested in such manner as the trustees shall determine.

54. *Assessment in burghs for maintenance and repair.*—The amount required for carrying out the provisions of this Act within any burgh or by the local authority thereof where there is no rate or assessment now levied wholly or partly for the maintenance and repair of streets or roads within the same, shall be levied by the burgh local authority, at such rates as may be necessary for the purpose, by an assessment to be imposed and levied on all lands and heritages within the burgh ; and such assessment shall be paid, except as otherwise expressly provided, one half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which such assessments are imposed, unless where the name of the tenant or occupier is not set forth in the valuation roll, in which case the whole of the assessment imposed on such lands and heritages may be levied from and paid by the proprietor, who shall be entitled to recover the half thereof from the tenant or occupier.

55. *Former modes of assessment may be retained in certain burghs.*—Where in any burgh [at the time of the commencement of this Act] the management and control of the streets and roads within the same, and the power to levy any rates or assessments wholly or partly in respect thereof, is vested in the burgh local authority, in virtue of any general or local Act of Parliament, it shall be lawful to continue to impose and levy such rates or assessments, and the amount required for carrying out the provisions of this Act within such burgh or by the local authority thereof shall be included in the sums for payment of which such rates or assessments may be imposed and levied: Provided that such rates and assessments if limited to a maximum may be raised above such maximum, but only to an extent sufficient to produce the amount required for executing this Act as aforesaid : Provided also, that such burgh local authority may, at any meeting called for the purpose, on not less than one month's notice, by special advertisement,

* §§ 52 and 55. The words in brackets repealed 1894.

pass a resolution that such rates and assessments shall, from and after a date to be fixed in the resolution, thenceforth cease to be levied in respect of such streets and roads; and in the event of such resolution being carried by a majority of votes, the maintenance and repair of the streets and roads, and all expenses connected therewith and with the carrying out the provisions of this Act, shall, from and after such date, be provided for by an assessment within the burgh to be imposed and levied and to be payable as provided in the immediately preceding section, except as otherwise herein-after provided.

### Contracts by Road Authorities.

56. *Power for road authorities to make contracts in respect of repair of roads, highways, or bridges.*—Contracts in relation to roads, highways, and bridges may be entered into as follows:

(1.) By the trustees of any county with the trustees of any other county, or the local authority of any burgh, or by the local authority of any burgh, with the local authority of any other burgh, or the trustees of any county, for the maintenance and repair of any road, highway, or bridge, which, or any continuation or part of which, lies within the jurisdiction of the parties to such contract; and

(2.) By the trustees of any county or the local authority of any burgh with any contractor or other person or persons for the repair of any roads, highways, or bridges, which such trustees or local authority are liable to repair, or for the repair of any portion thereof.

And moneys duly payable in pursuance of any contract under this section in respect of the maintenance and repair of roads, highways, or bridges to any authority, person or persons, who have so repaired the same, shall be deemed to be expenses duly incurred by the authority paying such moneys in the performance of their duties as the road authority of the road, highway, or bridge in respect of which such moneys are paid.

The duration of a contract under this section shall not exceed three years.

The board or a district committee, with the consent of the trustees of any county, may exercise the powers conferred by this section on such trustees.

### Extraordinary Traffic.

57. *Power of road authority to recover expenses of extraordinary traffic.*—Where by the certificate of their surveyor or district surveyor it appears to the authority which is liable to repair any highway that, having regard to the average expense of repairing highways in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such highway by reason of the damage caused by excessive weight passing along the same or by extraordinary traffic thereon, such authority may recover in a summary manner before the sheriff (whose decision shall be final), from any person by whose order the excessive weight has been passed, or the extraordinary traffic has been conducted, the amount of such extraordinary expenses as may be proved to the satisfaction of the sheriff to have been incurred by such authority by reason of the damage arising from such excessive weight or traffic as aforesaid.

Provided that any person against whom expenses in respect of the passing of excessive weight or of extraordinary traffic are or may be recoverable under this section, may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such passing of such excessive weight, or of such extraordinary traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section. This section shall have effect in every county in Scotland, notwithstanding that the other provisions of this Act have not been adopted or are not in force therein

### Construction of new Roads and Bridges.

58. *New roads and bridges may be constructed by the board, and assessed for upon proprietors.*—The board, subject to the approval of the trustees, to be given at their annual general meeting, may from time to time, at a meeting to be called for the purpose by special advertisement, or by special circular sent through the post to every member of the board, stating the object of the meeting, resolve to construct any new road or bridge that they may think requisite, or may enter into an agreement with any person or corporation (including the trustees of any adjoining county or the local authority of any burgh) for the construction of any new road or bridge, and may require such person or corporation to provide the whole or any part of the expense of such new road or bridge as a condition of the construction of the same, and all new roads and bridges so constructed shall be highways ; and the expense of such construction, so far as payable by the board, shall be raised by an assessment to be imposed and levied as the trustees may determine either on the county (except as herein-after otherwise provided), or on the district or districts within which such new road or bridge is situated, or partly situated, in the same manner and with the same powers, including the power of borrowing money, as is herein-after provided in the case of assessments for payment of debt in so far as the same are applicable thereto ; and such assessment shall not extend over a longer period than fifty years, [and shall be levied from and paid by the proprietors of lands and heritages within such county or district or districts :] provided, that where any such new bridge is not situate wholly within one county or burgh, the agreement for the construction thereof shall provide for the proportions in which the expense of the future maintenance of such bridge shall be divided between the county or counties and burgh or burghs in which the same is partly situated respectively ; and failing such agreement such expense shall be deemed to rest equally upon the counties or county and burgh or burghs within which such bridge is partly situated, as the case may be : Provided always, that no such resolution for the construction of any new road or bridge in any insular district shall be carried into effect without the consent of the district committee of such district, and that no assessment shall be levied on any other part of the county for the expense of such construction, nor shall any assessment be levied on such district for the expense of construction of any new road or bridge in any other part of the county.

The burgh local authority shall have the same powers in regard to the construction of new streets or roads or bridges to be wholly or partly situate within the burgh, which the county road trustees have in regard to the construction of new roads or bridges wholly or partly situated within the county ; but the assessments for paying or providing for the expense of such construction shall be levied in the same manner as the assessments for maintaining and repairing the streets within the burgh.

The provisions of this section shall apply to the rebuilding of bridges.*

### Valuation and Allocation of Debt.

Repealed 1894.

59. *Appointment of Debt Commissioners.*—With respect to the valuation and allocation of road debts in counties in which such debts have not been previously valued and allocated, the following provisions shall have effect :

For the purpose of valuing and allocating road debts as hereinafter provided, where the parties fail to agree, the Secretary of State may, by any writing under his hand, appoint two or more persons skilled in law and accounts, who shall be

* § 58 amended by the Local Government Act, 1889, § 16 (2) (c), and also by §§ 1 and 3 of the Roads and Bridges Act, 1892.

The words in brackets repealed 1894.

called "debt commissioners." The appointment of a debt commissioner shall be published in the *Edinburgh Gazette*, and may be re-called by the Secretary of State at any time, by a writing under his hand, which shall be published in the same manner. A debt commissioner shall have power to call for production of all books, accounts, securities, vouchers, and other documents relating to such debts, and to examine witnesses on oath in regard thereto.

The Secretary of State may, if he shall think fit, in order to secure the speedy and uniform valuation and allocation of such debts, from time to time assign, by any writing under his hand, districts to the debt commissioners, and a debt commissioner shall be deemed to be appointed for and shall have power to act only within the district so assigned to him. Any such writing under the hand of the Secretary of State shall be published in the *Edinburgh Gazette*.

60. *Clerks of trusts to make out list of debts.*—The clerks of the turnpike and statute labour and bridge trusts in each county (including the burghs situated wholly or partly therein) shall, whether the roads, highways, and bridges subject to such trusts are wholly situated within such county or not, within two months after the date of the commencement of this Act, make out a list of the whole debts of each such trust, distinguishing as far as possible their order of preference, and also showing what proportions thereof consist of principal, and of arrears of interest, and also the amount of interest chargeable and paid upon such principal, if any, and the names of the creditors in such debts, so far as known to them; and such lists shall be deposited in the offices of such clerks for the inspection of all persons interested or claiming to be interested in such debts.

61. *Intimation to creditors.*—The clerks of the several trusts respectively shall, by special advertisement, and also by notice inserted once in the *Edinburyh Gazette*, within eight days after the aforesaid lists have been deposited, give intimation that such lists have been so deposited, and require all persons claiming to be entitled to payment of any debt affecting the roads, highways, and bridges embraced in such trusts, or the tolls or revenues thereof, to lodge their claims and the vouchers thereof with them on or before a day to be specified in such notice, which day shall be at an interval of not less than six weeks and not more than two months from the first publication of such advertisement: Provided that no claim or voucher shall be required to be lodged in respect of any debt due to the Public Works Loan Commissioners or to their Secretary on their behalf.

62. *Revised list of debts to be made up.*—Within twenty-one days after the day specified in the said notice, the clerks of the aforesaid trusts respectively shall, from the lists made up by them, and the claims and vouchers which may be lodged with them, make up a full and complete revised list of all the debts affecting or alleged to affect the roads, highways, and bridges embraced in such trusts, and the tolls or revenues thereof, and the interest due thereon, and the names and designations of the creditors entitled or claiming to be entitled thereto, with such notes or observations on such claims and vouchers as they may think necessary.

63. *Revised list to be open to inspection.*—The list of debts revised as aforesaid shall, immediately on the expiry of the last-mentioned period, be docquetted and signed by the clerk of the trust, and thereafter deposited in the office of the county road clerk; and where in any trust there is a road, highway, or bridge situated in more than one county, a copy of such list of debts, docquetted and signed as aforesaid, shall be deposited in the office of the county road clerk of each such county in which this Act has been adopted or is in force, and in the office of the clerk of supply of any such county in which this Act has not been adopted or is not in force; and intimation that the same has been so deposited shall be forthwith made by special advertisement, and the said list shall for one

Repealed 1894.

month after the first publication of such notice be open for inspection, free of charge, to all persons interested or claiming to be interested therein, and any person claiming to be a creditor of the trust may, during that period require such clerk to insert his name in the said list.

64. *Debts affecting counties and burghs may be compromised.*—The board or boards of the several counties and local authority or authorities of the several burghs respectively within which the roads, highways, and bridges are situated or partly situated upon which or the tolls or revenues whereof respectively the debts of each trust were charges before the commencement of this Act in any county or burgh within which any such road, highway, or bridge is so situated, or partly situated, may adjust, compromise, and determine, in conjunction with the creditor or creditors, the value of any such debt due or claimed to be due by or from any such trust respectively: Provided that no such adjustment, compromise, or determination shall be effectual unless made or approved of at a special meeting of the board, or at an ordinary or special meeting of the burgh local authority, as the case may be.

65. *Valuation of debts.*—In the event of any such debt not being adjusted, compromised, and determined as herein-before provided, the trustees of any such county or counties, and the local authority or authorities of any such burgh or burghs, as the case may be, may tender to the creditor therein a written statement of the value at which such debt is estimated by them; and such statement, if accepted by such creditor, or not objected to by him within the period of one calendar month from the date of such tender, shall be held to ascertain and determine the value thereof: and it shall be lawful to such creditor, if dissatisfied with such statement, within one calendar month from the date of such tender, or, when no such tender shall have been made, within six months after the commencement of this Act in any county or burgh within which any such road, highway, or bridge is so situated, or partly situated, at the expiration of such six months, to apply to any debt commissioner appointed in terms of this Act, to proceed to ascertain and value such debt; and any one having interest shall be entitled to appear and be heard, and the said debt commissioner shall ascertain whether any and what debt is due, with the interest thereon, and shall estimate and determine the value of the same, without regard to any personal or other collateral obligation undertaken by trustees or others, and in making such valuation shall take into account the interest paid on such debt out of the trust funds, the state of repair of the roads or bridges to which the debt is applicable, and shall take into consideration every circumstance which might in his opinion reduce, enhance, or in any way affect the value thereof; and the decision of the said debt commissioner, who shall also dispose of all questions of expenses, shall be final, save only that if the trustees of such county or counties, or such burgh, local authority or authorities, as the case may be, or the creditor in the debt shall be dissatisfied with such decision in point of law, they or any of them may require the debt commissioner to state the facts of the case and such question of law, and his decision thereon in a special case; and the debt commissioner shall prepare and sign such case, and deliver the same to the person or persons requiring the same, who may within ten days of the date of such case lay a certified copy thereof before one of the divisions of the Court of Session for their decision thereon; and the said division shall, with all convenient speed, hear parties, and give their decision thereon, and shall dispose of all questions of expenses; and, in the event of reversal, the debt commissioner shall alter his decision in conformity with the decision of the said division, which shall be final and not subject to review.

Where any creditor shall be found liable in the whole or any part of the expenses of the valuation, as determined by the debt commissioner (including a

Repealed 1894.

reasonable fee to the debt commissioner), the same may be deducted from the sum or sums found due to him before payment thereof, or may be recovered in any other way.

Every determination of the value of a debt in terms of this or the preceding section shall set forth the date at which such debt is so valued, and where made by a debt commissioner shall be delivered by him to the creditor in the debt.

66. *Allocation of debts on roads in two or more counties.*—Where any trust existing at the commencement of this Act comprises any road, highway, or bridge partly situated in or made a burden on two or more counties in Scotland, whether all of such counties shall have adopted this Act or not, the trustees of such counties respectively may adjust, compromise, and determine in what proportions the debts valued as aforesaid affecting such trust shall be allocated and made chargeable upon such counties respectively, and, if they shall fail to do so before the expiration of one month after the date of such valuation, any debt commissioner appointed in terms of this Act, on the application of the clerk of any of the said trustees, or of any of the creditors in such debts, shall forthwith proceed to ascertain and determine the proportions in which, according to equity, and taking into consideration all the circumstances of the case, the debts aforesaid ought to be, and shall be, allocated upon, and be a charge against, the several counties respectively, and the decision of such debt commissioner shall be final: Provided that the expenses of such allocation (including a reasonable fee to the said debt commissioner) shall be payable by the said trustees rateably according to the sums of debt allocated to their respective counties.

67. *Allocation of debts between landward parts of counties and burghs.*—Where any trust existing at the commencement of this Act comprises any road, highway, or bridge situated partly within or made a burden on any burgh or burghs, and any county or counties, or partly within or made a burden on any two burghs, the trustees of such county or counties, whether all of such counties shall have adopted this Act or not, and the local authority or authorities of such burgh or burghs respectively, may adjust, compromise, and determine in what proportions the debts valued as aforesaid affecting such trust shall be allocated and made chargeable upon such county or counties, and burgh or burghs, respectively; and, on their failing to do so before the expiration of one month after the date of such valuation, any debt commissioner appointed in terms of this Act, on the application of the clerk of the said trustees, or of the said local authorities, or any of them, or of any of the creditors in such debts, shall proceed forthwith to ascertain and determine the proportions in which, according to equity, and taking into consideration all the circumstances of the case, the debts aforesaid ought to be and shall be allocated upon and be a charge against such trustees and such local authority or authorities respectively, and the decision of such debt commissioner shall be final: Provided that the expenses of such allocation (including a reasonable fee to such debt commissioner) shall be payable by the said trustees or local authority or authorities, rateably according to the sums of debt allocated to their county or counties, burgh or burghs respectively.

Repealed 1894.

68. *Debts to be charged against counties and burghs, and to bear interest. Certificates of debt to be granted.*—The debts of each trust when valued and allocated as herein-before provided shall be charges against the trustees of the several counties and local authorities of the several burghs respectively and the assessments to be imposed as herein-after provided for the payment thereof and interest thereon as after-mentioned; and the trustees and burgh local authorities shall respectively deliver to each creditor a certificate or certificates in the form or as nearly as may be in the form of Schedule (A.) No. 1. hereunto annexed, signed by the chairman of such trustees or by the provost or chief magistrate of such burgh, as the case may be, and each certificate shall be entered in a register to be kept

Repealed 1894.

by the county road clerk or by the clerk of the burgh local authority respectively, and shall be conclusive evidence of the right of such creditor to the said debt, and to interest thereon at the rate of four per centum per annum from the date of the valuation of such debt. Such certificate may be transferred by such creditor, or any other person having right thereto for the time being, by an indorsation in the form or as nearly as may be in the form of Schedule (A.) No. 2. hereto annexed, which transfer shall be entered in the said register; and the person in whose favour such transfer is made and registered shall acquire thereby the whole rights in regard to such debt and interest thereon of the creditor in whose favour such certificate was originally granted.

69. *Extinction of debts not charged in terms of Act.*—No debts except those valued and allocated [as hereinbefore provided] shall be a charge upon the trustees of any county or the local authority of any burgh, and all road debts, except as aforesaid, shall be extinguished, but without prejudice to any claim otherwise competent to the creditors therein against any individual or individuals who may have given any personal or collateral obligation in regard to such debts.*

70. *Certain road debts may be charged on entailed estates by bond and disposition in security.*—Whereas by section sixty-eight of the Act passed in the first and second years of the reign of His Majesty King William the Fourth, chapter forty-three, it is enacted "that it shall and may be lawful for any proprietor or heir of entail in possession of any entailed estate, or the tutor or curator of such proprietor or heir of entail who may be desirous of advancing or lending any sum or sums of money for the purpose of making or maintaining any turnpike road or building any bridge on the same to be made or built subsequent to the passing of this Act either to bind himself personally as a trustee of such turnpike road, and also to bind the succeeding heirs of entail for the repayment of any such sum or sums of money to any person or persons who may advance the same to the trustees of such turnpike road, or to advance such sum or sums, and to render the same a burden upon the said entailed estate and the succeeding heirs of entail, or having advanced such sum or sums, to borrow the like sum or sums, and to bind himself and the said estate and the heirs of entail succeeding thereto for the same; and all bonds and obligations for money so to be advanced or borrowed and applied shall be held to bind such proprietors in cases where they have personally bound themselves and also the heirs of entail in such estates for the repayment of such money, and such bonds and obligations shall be valid and effectual against the granter of the same and also against the heirs of entail succeeding to them in such entailed estates, and such sums shall be and continue to be a real burden on such estates till repaid out of the tolls and duties levied on such turnpike road: Provided also, that the share or proportion of such sum or sums of money so to be advanced or borrowed affecting such succeeding heirs of entail shall not exceed one year's free rent of the entailed lands of such proprietor situated in each parish respectively through which any such turnpike road or any part thereof shall run, or on which such bridge or any part thereof shall be built, and that the heir of entail in possession of such entailed estate shall be obliged to keep down the interest of such sum or sums of money so advanced or borrowed: Provided also, that it shall not be lawful to the creditor or creditors in right of any such debt to adjudge or otherwise evict the entailed estate for payment thereof, or any part thereof, but it shall and may be competent to such creditor or creditors to prosecute such remedy or remedies against the rents thereof as are given and allowed by the law of Scotland to heritable creditors:"

And whereas the obligations for such debts were incurred in reliance upon the continuance of a right to levy tolls, which right will be abolished after the commencement of this Act: and whereas it may happen that under the provisions of this Act the full amount of such debts for which such heirs of entail became

* § 69. The words in brackets repealed 1894.

liable may not be found included in the amount for which certificate of debt is herein-before directed to be granted to the creditor or creditors therein: Be it enacted, That the heirs of entail personally liable for payment of such debts, or for the portion thereof not included in such certificate, shall have all the like powers of charging the fee and rents of the entailed estate, or any portion thereof other than the mansion-house, offices, and policies thereof, with the full amount of such debts not included in such certificate, and of granting with the authority of the Court of Session bonds and dispositions in security for the full amount of such debts as aforesaid, as by the Act passed in the thirty-first and thirty-second years of the reign of Her present Majesty, chapter eighty-four, section eleven, are conferred with reference to entailers' debts; and such bonds and dispositions in security may be granted in favour of any parties in the right of such debts at the date when such bonds and dispositions in security are executed.*

### Provisions for Payment of Debt.

71. *Payment of interest under the provisions of this Act.*—Until all the debts for which certificates of debt have been granted as herein-before provided shall have been paid as herein-after provided, the trustees shall annually investigate and determine what sum of money is requisite to pay the interest of such debts remaining unpaid chargeable against the county for the current year, and shall impose and cause to be levied an assessment on all lands and heritages within the county at such a rate as shall be necessary to provide the aforesaid sum; and in like manner the local authority of a burgh shall impose and levy annually such an assessment as may be necessary to pay the interest of such debts remaining unpaid as are under the provisions of this Act charges against the burgh.

72. *Trustees and burgh local authority to resolve to pay off debt.*—The trustees of each county shall, at the first general meeting after such allocation, resolve that the debts affecting the highways within such county, if any, valued and allocated as herein-before provided, shall be paid and provided for, and shall give to the creditors therein notice of their intention to pay the same at the ensuing term of Whitsunday or Martinmas, as the case may be, occurring not less than three months after such notice; and the local authority of each burgh shall, at a special meeting held for the purpose, not later than one month after such allocation, resolve that the debts affecting the highways within such burgh, if any, valued and allocated as herein-before provided, shall be paid and provided for, and shall give to the creditors therein notice of their intention to pay the same at the ensuing term of Whitsunday or Martinmas, as the case may be, occurring not less than three months after such notice.

Repealed 1894.

73. *Payment and discharge of debts.*—At the term of Whitsunday or Martinmas, mentioned in the notice to the creditor in any debt, the trustees or local authority, as the case may be, shall make payment to such creditor of the sum specified in the certificate of debt held by him, along with the interest thereon from the date of valuation until the date of payment, except in so far as already paid, and the creditor shall be bound to deliver up such certificate, with a discharge thereon as nearly as may be in the form of Schedule (A.) No. 3, hereunto annexed, and such discharge shall be entered in the register herein-before mentioned.

74. *Assessment for payment of debt.*—[After such resolution to pay the debts has been adopted by] the trustees of any county, [such trustees] shall impose and levy

* The powers under this section are enlarged by 43 Vict., c. 70, and affected by § 24 of the Agricultural Holdings Act, 1883.

*Note.*—§ 74. The words in brackets repealed 1894.

annually an assessment on the whole lands and heritages within the county as appearing on the valuation roll; and [after such resolution has been adopted by] the local authority of any burgh, [the said local authority] shall impose and levy annually an assessment upon the whole lands and heritages within the burgh appearing on the valuation roll; and such assessment shall be imposed and levied in the county or burgh respectively at such rates as shall be sufficient to provide a sum equal to not less than one fiftieth part of the total debt valued and allocated on such county or burgh respectively, and also the yearly interest on such debt, or the balance thereof from time to time remaining due, at a rate not exceeding five pounds per centum per annum.

All assessments for payment of debt, and for payment of interest on any debt, shall be paid by proprietors only.

75. *Trustees and burgh local authority may borrow on security of assessments.*—It shall be lawful for the trustees of any county, or the local authority of any burgh, respectively, to borrow on the security of the assessments for the payment of debts to be levied under this Act within their respective boundaries, all or any moneys required in such county or burgh for the purpose of paying off such debts, and such moneys may be borrowed at any rate of interest not exceeding five pounds per centum per annum; and such moneys may be borrowed under an assignation in security in the form contained in the Schedule (B.) No. 1, to this Act annexed, or to the like effect, which shall be duly executed, if signed, in the case of moneys borrowed by the trustees, in the manner and by the person or persons herein-after appointed for the purpose, and in the case of money borrowed by the local authority of any burgh, by the provost or chief magistrate and clerk of the local authority of such burgh; and every such assignation in security shall be effectual for securing to the person advancing the sum of money in such deed expressed to be advanced, and to his heirs, executors, and assignees, the repayment thereof, with interest for the same, after such rate and at such time and in such manner as in such assignation in security provided; and the said assignations in security shall be numbered in the order of succession in which they are granted, and shall be entered by the county road clerk or clerk of the burgh local authority, as the case may be, in a book to be called the register of "road debt securities," to be kept by them for that purpose; and every such assignation in security shall be validly transferred by an indorsation on such assignation in security, by the person entitled thereto for the time being, of a transfer in the form or as nearly as may be in the form of the Schedule (B.) No. 2, hereunto annexed; and the persons in right of such assignations in security shall be creditors upon the assessments thereby expressed to be assigned in security in an equal degree one with another, and shall not have any preference or priority other than is provided in such assignations in security under the powers of this Act.

76. *Loans to be repaid out of assessments imposed under authority of Act.*—The trustees of any county, and the local authority of any burgh, by whom any such assignations in security as aforesaid shall have been granted, shall annually make payment to the creditors therein, out of the assessments coming into their hands for that purpose, of interest at a rate not exceeding five pounds per centum per annum on the sums contained in any such assignations in security, and also of such farther sums to account of the principal sums contained in such assignations in security as will extinguish the same within the currency of the assessments for extinction of debt to be levied under the powers of this Act; and the said trustees and local authority of any burgh shall, by agreement with the persons advancing any money as aforesaid, determine the order of priority in which the several sums advanced shall be respectively discharged; and the trustees of each county, and local authority of each burgh so borrowing any moneys, are hereby required to keep an exact and regular account of all receipts and payments in respect of

*Note.*—§ 74. The words in brackets repealed 1894.

principal moneys borrowed as aforesaid, and the interest thereof, in a book or books separate and apart from all other accounts.

77. *Provision for protection of lenders on security of assessments.*—No person lending any moneys as aforesaid, and taking an assignation in security for repayment thereof, executed in manner directed or allowed by this Act, and purporting to be made under the authority of this Act, shall be bound to require proof that the several provisions of this Act have been duly complied with; and it shall not be competent to any ratepayer or other person to question the validity of any such assignation in security on the ground that such provisions have not been complied with.

78. *Trustees and burgh local authority may pay off loans, and borrow money for that purpose.*—Where any moneys shall have been borrowed under the powers of this Act, it shall be lawful for the trustees, or local authority by whom such moneys shall have been borrowed, to pay off the moneys so borrowed, and again to borrow the moneys necessary for that purpose, and also to repay the said last-mentioned moneys, and the interest thereof, under the powers of this Act, but so nevertheless that all moneys borrowed shall be repaid within a period not exceeding fifty years from the time when the assessment for the extinction of debt was first imposed by them under the provisions of this Act.

79. *Unclaimed instalments to be consigned.*—In case any debt or interest due thereon shall remain in the hands of the trustees of any county, or local authority of any burgh, unclaimed by the persons entitled thereto for the period of three months after the term of Whitsunday or Martinmas at which the same respectively became payable, the trustees and local authority shall respectively be exonered and discharged in so far as respects such debt or interest by consignation thereof in the name of the several persons entitled thereto, so far as known to them, in any chartered or incorporated bank in Scotland.

80. *Sums payable to persons under disability may be consigned.*—Any sums payable under this Act to persons under disability may be consigned in bank in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, in the case of moneys payable to persons under disability.

81. *Saving as to loan to Mull district of Argyllshire.*—The provisions of this Act shall not apply to the principal money or interest of the debt due to the Public Works Loan Commissioners or their secretary on their behalf from the Mull district of roads trustees, nor to any debt due by the district road trustees of any of the several districts into which the county of Argyll is divided, for the purposes and under the powers and provisions of the Argyllshire Roads Act, 1864; but notwithstanding any of the provisions of this Act, the whole of such principal money and interest shall remain secured and payable and recoverable in terms of the securities given for the same.

Repealed 1894.

GENERAL PROVISIONS AS TO ASSESSMENTS.

82. *Terms at which assessments shall be payable.*—All assessments imposed under the authority of this Act shall be deemed and taken to be for the year from the fifteenth day of May preceding the date of imposing the same, and shall, subject to the provisions herein-after contained, be imposed according to the valuation of the lands and heritages in the valuation roll in force for the year in which such assessment is imposed, and the same shall be made payable on or before a day to be fixed at the time of imposing the same, not earlier than the

first day of November and not later than the first day of February then next ensuing.

Repealed 1894.

83. *Collection of assessments.*—All assessments imposed by the trustees under the provisions of this Act may be levied and collected by the county road collector, or such other person or persons as the trustees may from time to time appoint; provided that it shall be lawful for the trustees, if they shall see fit, to require the commissioners of supply of the county to collect the assessments upon lands and heritages imposed by the trustees under the provisions of this Act, and the commissioners of supply of the county shall cause all such assessments to be levied and collected, when required to do so by the trustees, who shall be liable for and pay the whole necessary expenses attending such collection.

84. *Board to hear appeals.*—All appeals by persons complaining that they have been improperly assessed in respect of any assessment imposed by the trustees under the provisions of this Act shall be heard and determined by the board, or in the case of any insular district by the district committee of such district; and the trustees when imposing any assessment shall fix a day, not being less than fourteen days preceding the day on which such assessment under this Act is made payable, on or before which appeals by any persons complaining that they have been improperly assessed shall be lodged with the county road clerk, or in the case of insular districts with the district clerk, as the case may be, and another day, not less than fourteen days thereafter, on which such appeals shall be heard: Provided that notice of both such days shall be given upon or along with the notice of assessment: Provided also, that it shall be lawful for the board to relieve from assessment any occupiers of lands and heritages under the annual value of four pounds, as appearing on the valuation roll, on the ground of poverty.

85. *Power to recover assessments imposed by trustees.*—The whole powers and rights of issuing summary warrants and proceedings, and all remedies and provisions enacted for the recovery of the land and assessed taxes, or either of them, and other public taxes shall be applicable to the assessments by this Act authorised to be imposed and levied by the trustees of any county, and sheriffs, magistrates, justices of the peace, and other judges may, on the application of the clerk or collector, grant warrant for the recovery of such assessments, in the like form and under the like penalties as is provided in regard to such land and assessed taxes and other public taxes: Provided, nevertheless, that it shall be competent to the trustees to prosecute for and recover such assessments by action in the sheriff small debt court, or in any other court, as the case may be, and that in any summons, complaint, or action for the recovery of such assessments more than six defenders may be cited and called, any law or practice to the contrary notwithstanding; and all assessments imposed in virtue of this Act shall, in the case of bankruptcy or insolvency, be preferable to all debts of a private nature due by the parties assessed.

86. *Assessments in burghs, how to be levied and recovered.*—The local authority of any burgh shall, in the imposing, levying, and recovering of assessments authorised by this Act, possess the whole powers, rights, and remedies in force for the time being within such burgh, with reference to the imposing, levying, and recovering of the police assessment, or if there be no police assessment, any other assessment or rate levied by the local authority within such burgh; and the assessments authorised by this Act shall be subject to like exemptions and restrictions as are applicable to the said police assessment or other assessment or rate, and may be collected either separately or along therewith. The whole amount of the assessments authorised by this Act may be levied on and recovered from the tenant or occupier, who, on payment and on production of a receipt

therefor by the collector, shall be entitled to deduct one half of the amount, or in the case of assessments for payment of debt and interest thereon the whole amount thereof, from the rent payable to the proprietor; and all such assessments shall, in the case of bankruptcy or insolvency, be preferable to all debts of a private nature due by the persons assessed; provided that it shall be lawful for the local authority to relieve from assessment the occupiers of lands or heritages under the annual value of four pounds as appearing on the valuation roll, on the ground of poverty.

87. *Burgh may apply certain funds to maintenance of roads in lieu of assessments.*—When in any burgh there shall be funds available, and which may be lawfully applied, for the maintenance and repair of highways therein, under the control of the local authority of any burgh, or for the payment of debt affecting any such highways, such local authority may apply such funds for such purposes in aid of the assessment authorised to be imposed by this Act; or otherwise, if such funds shall be sufficient for such purposes, the whole or such part thereof as may be necessary may be so applied, in place of making an assessment under the provisions of this Act.

### Special Provisions as to Certain Bridges.

88. *As to cost of maintaining, &c., certain bridges.*—Whereas there are or may be bridges in Scotland which accommodate or may accommodate the traffic not only of the county or counties or burgh or burghs, as the case may be, within which they are locally situated, but also of the adjoining county or of other counties and burgh or burghs, or one or more of them, [and it is not reasonable that the whole burden of managing, maintaining, repairing, and if need be, rebuilding such bridges and of paying the debt affecting or which may affect the same, should be imposed upon the county or burgh within which they are so situated :] Be it enacted, that in respect of such bridges the following provisions shall have effect :

(1.) The trustees of counties and burgh authorities may agree that any such bridge accommodates other traffic than that of the county or burgh in which it is situate, and may agree as to the proportions in which the debt (if any), and the cost of maintenance and, if need be, of rebuilding such bridge shall be borne and defrayed by the county or counties and burgh or burghs to which it is common; and such agreement, when confirmed by a resolution of the trustees in general meeting and of the burgh authorities, shall have the same force and effect as an order by the Secretary of State, as provided hereinafter :

(2.) It shall be lawful for the county road clerk [or clerk of supply of any county,] or for the town clerk or clerk of any burgh to apply to the Secretary of State to determine that any bridge locally situated within a county or burgh in respect of its accommodating other traffic than that of such county or burgh only, shall be deemed to belong in common to the county or counties, and burgh or burghs, to be named in his determination :

(3.) Upon such application being presented to the Secretary of State, he may, if he shall think fit, by any writing under his hand appoint any two persons as commissioners to institute a local inquiry as to the circumstances of the case, and after hearing all parties interested, to report thereon to the Secretary of State, and for the purposes of such inquiry the commissioners shall have power, after such public notice as they may think sufficient, to examine witnesses on oath, and to call for such documents as they may consider necessary, and to do all such matters and things as may seem expedient to them for the purposes of the inquiry :

*Note.*—§ 88. The words in brackets repealed 1894.

(4.) If the commissioners are of opinion that the Secretary of State should determine that the burden of managing, maintaining, repairing and, if need be, rebuilding the bridge mentioned in the application and of paying the debt affecting or which may affect the same should not be borne wholly by the county or burgh within which the same is locally situated, they shall prepare and transmit along with their report the draft of the determination which they recommend that the Secretary of State should make, setting forth therein the proportions in which such burden should be borne by the county or counties, or part or parts, or district or districts of such county or counties, and by the burgh or burghs named in the determination:

(5.) The Secretary of State after such further inquiry, if any, as he shall deem necessary, may approve of the draft submitted with or without alterations, and any determination made by him under his hand and seal, shall have the same effect as if it were contained in this Act: Provided always, that such determination shall be laid before both Houses of Parliament, and if either House of Parliament, within forty days after the same has been so laid before it, resolve that such determination ought not to take effect, the same shall be of no effect (without prejudice to the making of any new determination), but otherwise shall come into operation at the expiration of the said forty days, or any later date mentioned in the determination:

(6.) The Secretary of State may make orders as to the costs incurred in relation to any inquiry under this section, including the reasonable remuneration of the said commissioners, and as to the parties by whom such costs shall be paid, and the funds or assessments against which they shall be charged; and the Court of Session may interpone their authority to any order made by the Secretary of State as to such costs, and may grant decree conform thereto, upon which execution and diligence may proceed in common form.

### Special Provisions for Highways in Counties of Lanark and Renfrew.

89. *Special provisions for highways in counties of Lanark and Renfrew.*—[Whereas it is expedient to make special provision in this Act in regard to the highways within the counties of Lanark and Renfrew: Be it enacted as follows:]

This Act shall [commence to] have effect within the counties of Lanark and Renfrew (including the burghs situated or partly situated therein) [on the first day of June, one thousand eight hundred and eighty-two,] but subject to the provisions following; (that is to say),

Repealed 1894.

(1.) The debts affecting the turnpike and statute labour roads within the counties of Lanark and Renfrew, including the burghs therein situated, after having been valued as hereinbefore provided, shall be charged, and are hereby allocated upon the said counties and the burghs therein situated, in the proportion of their respective valuations at the commencement of this Act, as appearing from the valuation rolls then in force. The debts so allocated shall in all respects be deemed to be debts allocated in terms of this Act, and all the provisions of this Act with respect to debts which have been valued and allocated shall have effect with reference thereto:

(2.) The city of Glasgow, and the burghs of Rutherglen, Govan, Partick, Maryhill, Hillhead, Crosshill, Kinningpark, Pollokshields, and Govanhill shall jointly contribute the sum of twelve thousand five hundred pounds annually towards the cost of maintaining the roads, highways, and bridges within the counties of Lanark and Renfrew. The said sum shall be a charge upon and be paid by the said city and the said burghs, in the proportion of their respective valuations at the commencement of this Act [appearing as aforesaid,] and shall be divisible between and be paid to the said counties, or any districts into which the same may be divided, in terms of this Act, in

*Note.*—§ 89. The words in brackets repealed 1894.

the manner and in the proportions which shall be determined by a commissioner appointed for the purpose by the Secretary of State, and shall be applied towards the maintenance of the roads, highways, and bridges within such counties or districts respectively, and in diminution, *pro tanto*, of the assessments for such maintenance leviable therein in terms of this Act. The amount falling to be paid by each such city and burgh to each such county or district respectively shall be payable at the expiration of one year from the date at which tolls shall cease to be exigible within such county or district, and at the expiration of each successive year thereafter; and if not paid when due, may be recovered with expenses in the Court of Session, at the instance of the county road clerk of the county. [The Secretary of State may make orders as to the remuneration and travelling or other expenses of the said commissioner, and as to the parties by whom such costs shall be paid, and the funds or assessments against which they shall be charged; and the Court of Session may interpone their authority to any order made by the Secretary of State as to such costs, and may grant decree conform thereto, upon which execution and diligence may proceed in common form:]

Provided always, that if at any time after the expiration of five years from and after the commencement of this Act, within the counties of Lanark and Renfrew, it shall appear to the trustees of the said counties, or either of them, or to the burgh local authority of the city of Glasgow, or of any one of the said burghs, that, having regard to the cost of maintaining the roads, highways, and bridges within the said counties, or either of them, the payment of the said sum of twelve thousand five hundred pounds sterling should be altered, the trustees of the said counties, or either of them, or the said burgh local authority, may from time to time apply to the Secretary of State to make a provisional order altering the said payment, and the Secretary of State may issue a provisional order under his hand and seal of office, in relation to the matters mentioned in the application, either in accordance with the prayer thereof or with such modifications or alterations as may appear to him to be requisite, and the whole procedure prescribed by section nine of this Act with reference to the provisional orders thereby authorised, and the confirmation thereof, shall be and are hereby made applicable to the provisional orders authorised by this section; or the trustees of the said counties, or either of them, or the burgh local authority may, instead of applying to the Secretary of State to make a provisional order, apply to Parliament by private bill to effect the said objects, provided that such private bill shall not contain any provisions except such as may be necessary to effect such alteration:

(3.) If it shall appear to the local authority of Glasgow, or of any of the burghs mentioned in this section, that any road, highway, or bridge within two miles of their respective boundaries is not, in whole or in part, maintained in a sufficient state of repair, having regard to the traffic passing over the same, it shall be lawful for the clerk of such local authority to apply, in a summary way, to the Lord Ordinary on the Bills in the Court of Session, and the Lord Ordinary, after inquiry, may make such order as to him shall seem proper to remedy the evil complained of, and may ordain the said order to be carried into effect by, and at the sight of, such persons as he may think fit, and at the expense of the county, or district, as the case may be, and such order, which may also dispose of the expenses of the application, shall be final and not subject to review. The sums expended in terms of this section shall be deemed to be sums expended in the execution of this Act:

(4.) From and after the date at which the annual contribution mentioned in this section shall commence to be payable, the sum of eight hundred and sixty pounds now payable by the lord provost, magistrates, and council of Glasgow as coming in place of the board of police of Glasgow to the statute } Repealed.

Rep. labour road trustees of the barony parish of Glasgow, and the sum of sixty pounds now payable by them to the statute labour road trustees of the parish of Govan respectively, shall cease to be so payable:

(5.) The populous places of Govan, Partick, Maryhill, Hillhead, Crosshill, Kinningpark, Pollokshields, and Govanhill shall, irrespective of their population, be deemed to be burghs within the meaning and for the purposes of this Act.*

### Special Provisions as to Highways partly in England.

**90.** *As to cost of maintaining, &c., highways partly in England.*—Where any trust existing at the commencement of this Act comprises a road, highway, or bridge which is situated partly in Scotland and partly in England, the following provisions shall have effect; (that is to say),

(1.) It shall be lawful for the county road clerk or clerk of supply of any county in Scotland in which such road, highway, or bridge is partly situated, or for any other person interested, to apply to the Secretary of State to determine the manner in which such road, highway, or bridge shall be managed, maintained, repaired, and (in the case of a bridge) if need be, rebuilt, and also the manner in which the debts affecting such trust and the property and assets belonging thereto shall be valued and allocated upon or among, as the case may be, the county or counties and burgh or burghs in Scotland, and the road authority in England to be named in his determination:

(2.) Upon such application being presented to the Secretary of State, he may, if he shall think fit, by any writing under his hand appoint any two persons as commissioners to institute a local inquiry as to the circumstances of the case, and after hearing all parties interested, to report thereon to the Secretary of State, and for the purposes of such inquiry the commissioners shall have power, after such public notice as they may think sufficient, to examine witnesses on oath, and to call for such documents as they may consider necessary, and to do all such matters and things as may seem expedient to them for the purposes of the inquiry:

(3.) The commissioners shall prepare and transmit along with their report the draft of the determination which, having regard to the general provisions of this Act, they recommend that the Secretary of State should make in the premises:

(4.) The Secretary of State after such further inquiry, if any, as he shall deem necessary, may approve of the draft submitted with or without alterations, and any determination, which, if he shall think proper, may include a provision that the aforesaid trust shall be continued in the manner and for the period therein mentioned for the purpose of levying tolls on the portion of such road or highway in England, made by him under his hand and seal, shall have the same effect as if it were contained in this Act: Provided always, that such determination shall be laid before both Houses of Parliament, and if either House of Parliament, within forty days after the same has been so laid before it, resolve that such determination ought not to take effect, the same shall be of no effect (without prejudice to the making of any new determination), but otherwise shall come into operation at the expiration of the said forty days, or any later date mentioned in the determination:

(5.) The Secretary of State may make orders as to the costs incurred in relation to any inquiry under this section, including the reasonable remuneration of the said commissioners, and as to the parties by whom such costs shall be paid, and the funds or assessments against which they shall be charged; and

* See § 37 (5) of the Local Government Act, 1889, as to the application of this subsection.

*Note.*—§ 90, subsection (1.). The words "or clerk of supply" repealed 1894.

any such order may be made a rule of Her Majesty's High Court of Justice, and may be enforced accordingly; and the Court of Session may interpone their authority to any order made by the Secretary of State as to such costs, and may grant decree conform thereto, upon which execution and diligence may proceed in common form.

MISCELLANEOUS SPECIAL PROVISIONS.

91. *Certain existing districts to be deemed counties.*—In every case where, at the passing of this Act, in any county tolls and statute labour have been abolished or are not exigible, and where such county has been divided under any local Act or Acts into two or more separate districts as respects the maintenance and management of roads, highways, and bridges, and the road trustees qualified within each of such several districts have the management of the roads, highways, and bridges therein, together with the power of imposing, levying, and collecting the assessments requisite for making, repairing, and managing the same, each of such several districts in all time after the passing of this Act shall form and shall be regarded as a separate county for the purposes of this Act, and all the provisions of this Act relating to counties shall apply to each of such several districts, and the whole powers and obligations conferred by this Act on county road trustees shall be vested in and may be exercised by the road trustees acting within each of such districts in terms of this Act: Provided that where necessary for giving effect to the provisions contained in this section "convener of county" shall be held to mean and include district chairman and convener, and "clerk of supply" shall be held to mean and include district road clerk appointed and acting under the local Act.* Repealed 1894.

92. *County of Lanark to be deemed and taken to be three counties in the sense of this Act.*—For all the purposes of this Act in connection with which the county of Lanark is not specially named, the lower ward, middle ward, and upper ward of the county of Lanark shall each be deemed and taken to be a county in the sense of this Act, under the designations of the "county of the lower ward of Lanark," the "county of the middle ward of Lanark," and the "county of the upper ward of Lanark," respectively, and the convener of the county of Lanark shall for the purposes of this Act be the convener of each of such three counties, and it shall not be obligatory upon, but only permissive to, the trustees of such counties to divide them into districts for the purpose of managing the highways under their control, or for any other purposes under this Act. A certified copy of the list of commissioners of supply of the county of Lanark, made up as before mentioned, shall be delivered as above provided to the county road clerk of each of such three counties, and each commissioner of supply whose name appears upon such list shall be a county road trustee in such of these three counties in which he may have the qualification of a commissioner of supply, but subject to the provision that no factor whose name appears on such list shall be entitled to act or vote except in the absence of the proprietor.† Repealed 1894.

93. *As to certain bridges and ferries in Dumbartonshire.*—[Upon the expiration of six months after the commencement of this Act] in the county of Dumbarton, the bridges and rights of ferry over the River Leven, at the ferries of Balloch and Bonhill respectively, and the pontages or duties leviable thereat, shall vest in the county road trustees of that county, and those bridges shall be maintained and managed by them, [and the right of the proprietors of the said bridges and ferries

* Repealed by the Local Government Act, 1889.
† Repealed and new provisions substituted by § 37 of the Local Government Act, 1889.
*Note.*—§ 93. The words in brackets repealed 1894.

to levy such pontages or duties shall thereafter cease ;] and the said county road trustees shall, [at the said date of vesting,] pay to such proprietors respectively the values of the said bridges, rights of ferry, pontages, and duties [as at the date of the commencement of this Act in the said county, with interest at the rate of five per centum per annum from and after the said date of commencement until payment, under deduction of the net proceeds of such pontages or duties during the said period of six months, of which the said proprietors shall keep an account; and such values shall, failing agreement, be determined in the option of the said proprietors respectively by arbitration, or by jury trial, conducted in either case in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, and that Act, so far as the same regulates procedure with respect to arbitrations or jury trials, is incorporated with this Act for the purposes of this section, and in construing the clauses of that Act so incorporated, with reference to this Act, the expression "the Special Act" means this Act; the expression "the promoters of the undertaking" means the said county road trustees; the word "lands" means the said bridges, rights of ferry, pontages, and duties; and the word "compensation" means the values of such bridges, rights of ferry, pontages, and duties respectively as at the date of the commencement of this Act in the said county, but shall not include any allowances in respect of compulsory purchase or sale.] The values [so ascertained and determined] shall be provided for by the said county road trustees as follows; that is to say,—One half thereof in the same manner as is by this Act provided with respect to road debts; and the other half by means of the pontages or duties levied at the said bridges as specified in the existing tables of charges, but subject to the modifications thereof allowed prior to the commencement of this Act in the said county, and those pontages and duties shall be levied by the said trustees until the moneys which they shall have borrowed in terms of the provision herein-after contained so far as required for the purpose of paying such last-mentioned half to the said proprietors with interest thereon, together with one-half of the expense of maintaining the said bridges, and the whole expense of collecting the said pontages and duties shall have been paid and discharged out of such pontages or duties, whereupon the said bridges shall become highways, and be free of toll. The said county road trustees may borrow the whole or any part of the money required for paying the said values and interest to the said proprietors on the security of the said pontages or duties, and of the assessments by this Act authorised, or any of them.*

Repealed 1883.

94. *Transfer of undertaking of city of Edinburgh road trust to corporation of the city. Property vested, deeds, &c., to be valid. Officers.*—From and after the second Monday of December one thousand eight hundred and seventy-eight, the sections of the Edinburgh Roads and Streets Act, 1862, from four to twenty-two, both inclusive, and from seventy-nine to eighty-six, both inclusive, shall be and the same are hereby repealed, and the body of trustees thereby constituted under the name and description of the city of Edinburgh road trust shall thereon cease to exist; and from and after the said date] the whole powers and authorities of every kind vested in the trustees under the said Act, or conferred on them by or under authority of any other Act of Parliament, shall be and the same are hereby transferred to and vested in the town council of the city of Edinburgh, who shall thenceforward, as part of the ordinary business of the town council, and according to the rules by which the conduct of such business is regulated, including the mode of estimating expenditure, and of keeping, making up, auditing, certifying, and publishing of accounts, exercise the whole powers and authorities of the said road trust, and perform the whole duties and obligations, and fulfil all contracts incumbent on the said trust; and in construing the said Act, and any other Act in which the said road trustees are named, the expression "the trustees," or any other expression referring to the said road trustees, shall be read as if the "town council of Edinburgh" had been inserted instead thereof. And the whole lands,

*Note.*—§ 93. The words in brackets repealed 1894.

houses, assessments, duties, claims, demands, rights, properties, and effects of every kind, heritable or moveable, belonging to or vested in or leviable or exigible by the said road trust, or any person on their behalf, under and in virtue of the said Roads and Streets Act (but subject to any liabilities to which the same are legally liable), shall from and after the aforesaid date become vested in and belong to and be leviable and exigible by the town council of Edinburgh for the purposes of the said Act, as fully and effectually to all intents and purposes as if the same had been formally and particularly conveyed to and vested in them, with full power, right, and authority to the town council of Edinburgh to levy, adjudge, sue for, and recover the same. And all bonds, obligations, assignments, leases, grants, conveyances, or other deeds or securities legally made or granted to or by the said road trust or any person under authority of the said Act shall be good, valid, and effectual to all intents and purposes; and all debts contracted, and all lawful contracts entered into by the said road trust or any person on their behalf by virtue of the said Roads and Streets Act, or any other Act, shall remain valid and binding upon the town council of Edinburgh under authority of this Act. And it shall be lawful for the town council of Edinburgh to continue any of the officers employed by the said road trust or to make such provision for their retirement or otherwise out of the rates under the said Edinburgh Roads and Streets Act, 1862, or this Act, as may be by them considered just and expedient: Provided always, that, [notwithstanding the adoption of this Act or its becoming operative within the county of Edinburgh,] the provisions of the said Edinburgh Roads and Streets Act, 1862, [not hereby specially repealed,] shall, in addition to the provisions of this Act and in so far as not inconsistent with this Act, apply and continue to be applicable to the burgh of Edinburgh as if the said burgh were the district defined in the said Edinburgh Roads and Streets Act, 1862.

95. *As to a bridge in Elginshire.*—The county road trustees of the county of Elgin may, at any annual general meeting called in terms of the Elgin and Nairn Roads and Bridges Act, 1863, resolve forthwith to pay off the balance remaining due of the sum of money borrowed for the purposes of the bridge over the River Findhorn, near Dalvey, and if they shall so resolve, they shall add the sum required to pay off such balance to the amount required to be raised in the ensuing year for the maintenance, repair, and management of roads, highways, and bridges within the said county, and shall assess therefor accordingly; and as soon as the said balance has been paid, it shall be deemed that the whole sums of money borrowed for the purposes of the said bridge, and the interest thereon, have been fully paid and extinguished within the meaning of the thirty-seventh section of the Elgin and Nairn Roads and Bridges Act, 1863. Repealed 1894.

96. *Provision as to adoption of Act in the county of Haddington.*—[In the event of] this Act [being adopted] in the county of Haddington, [or otherwise coming to have effect therein, the same] shall be subject to the following provisions:

(1.) On the application of the local authority of any burgh within the said county, the road trustees of the said county and such local authority may, [at the time this Act is adopted or comes to have effect therein as aforesaid, or at any time thereafter,] fix and determine that the area of such burgh for the purposes of this Act shall not be the area thereof for police purposes, but shall be such lesser area as they may fix and determine; and in case of difference between the trustees and such local authority, the sheriff of the said county, on application made to him by either of the parties, and after giving such notices as to him may appear proper, shall adjudicate on the matter, having regard to the area of such burgh as fixed and defined by the Haddingtonshire Roads Act, 1863, and to all the circumstances of the case, and the decision of the sheriff shall be final:

(2.) At any time, but not earlier than ten years after the date when the area of

*Note.*—§§ 94 and 96. The words in brackets repealed 1894.

any burgh for the purposes of this Act has been fixed and determined as aforesaid, the trustees and the local authority of any such burgh may revise the boundaries of such area, and may agree that the area for police purposes of such burgh, or such other lesser area as they may fix and determine, shall be the area of such burgh for the purposes of this Act, and in case of difference the sheriff, on the application of either party, shall adjudicate on the matter in manner before provided, and his decision shall be final.

(3.) Until the area of any burgh within the said county for the purposes of this Act is fixed and determined under the provisions of this section, the boundaries of such burgh for the purposes of this Act shall be those for police purposes.

Repealed 1894.

97. *Ayr Bridge Act*, 1877, *reserved.*—Notwithstanding anything in this Act contained, the Ayr Bridge Act, 1877, and the powers of taking tolls thereby conferred, shall continue in force until the first day of November one thousand eight hundred and ninety-seven, or until such earlier time as the bridge by that Act authorised to be constructed shall, in manner therein directed, be declared free from toll, and no longer; and from and after the time at which this Act is adopted, or commences to have effect, in the county of Ayr, the persons who then are the trustees for carrying the Ayr Bridge Act, 1877, into execution shall continue to act as such trustees so long as the last-mentioned Act shall continue in force, and, after that Act shall cease to be in force, the said bridge shall, subject to the provisions of this Act, be vested in and maintained and managed by the local authority of the burgh of Ayr.

98. *Provisions for debts contracted under the Forfarshire Roads Act*, 1874.—The sums of money borrowed under the Forfarshire Roads Act, 1874, before the commencement of this Act, in the county of Forfar, shall not be included in the list of debts made up under the provisions of this Act, but every sum so borrowed shall (so far as unpaid) be held to be a debt of the particular district or burgh by which the money was borrowed, and shall be a first charge on the assessment levied under this Act, or any other Act or Provisional Order confirmed by Parliament, for the maintenance and repair of the roads, highways, or bridges, within such district or burgh, and the creditors in such debts shall have over such assessment the same rights which creditors under this Act have over the assessment for the payment of debt, and the bonds, mortgages, or other securities in evidence of such debts shall be held to be of the same nature and be dealt with in the same way as the bonds, mortgages, or other securities, as the case may be, granted under this Act; and considering that by the Forfarshire Roads Act, 1874, Kirriemuir is, for the management, maintenance, and repair of the roads within it, separated from the county of Forfar, Kirriemuir shall for all the purposes of this Act be held to be a burgh.

99. *Saving of Acts transferring roads to the local authority of the burgh of Dundee.*—Nothing in this Act contained shall prejudice or affect any Act by or under which the turnpike roads and statute labour roads within the burgh of Dundee have been transferred to the local authority of such burgh.

100. *Saving annuity by North British Railway Company to burgh of Burntisland.*—Nothing in this Act contained shall affect or prejudice the right of the magistrates and town council of the burgh of Burntisland to the annuity of two hundred pounds secured to them by the North British Railway Company under an agreement between the said magistrates and town council and railway company, dated the sixteenth and eighteenth days of September one thousand eight hundred and seventy-two, and confirmed by the North British Railway Act, 1873.

**101.** *Saving as to Leith harbour.*—Nothing in this Act contained shall be construed to relieve the Commissioners for the Harbour and Docks of Leith of any statutory obligation incumbent on them in regard to the making, maintenance, or repair of roads, streets, quays, or bridges within the burgh of Leith, and the exemption to which such commissioners are entitled under the Acts of the eleventh and twelfth Victoria, chapter one hundred and twenty-three, and of the twenty-sixth and twenty-seventh Victoria, chapter sixty, shall remain in force and shall extend and apply to all assessments under this Act.

**102.** *Continuing in force provisions of local Acts with respect to buildings, &c., on sides of roads.*—Notwithstanding the herein-before contained enactments that the local Acts now in force relating to turnpike roads and statute labour roads shall cease to be in force at the respective times herein-before provided, all the provisions of such Acts which provide that houses, walls, or other buildings shall not be erected, or that new enclosures or plantations shall not be made within certain distances therein specified from the centre of such respective roads which are greater than the distance prescribed by section ninety-one of the Act first and second King William the Fourth, chapter forty-three, applied by this Act to those roads, are hereby continued in force; and the trustees, boards, district committees, and burgh local authorities having the management of such respective roads, and their officers, may enforce such provisions in the same manner as the trustees having the management of such respective roads under such local Acts and their officers might now enforce the same.

**103.** *Powers to trustees to increase assessments.*—In counties having local Acts under which tolls and statute labour have been abolished or are not exigible, and the assessments for the maintenance and repair of the roads and bridges therein are payable one-half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which the same are imposed, but the rates at which such assessments may be imposed are limited to a maximum, it shall be lawful for the trustees of such counties, notwithstanding anything in such local Acts contained, to increase the rates beyond those specified in such local Acts, if it shall be found necessary or expedient so to do, for the purpose of effectually carrying out the provisions of the said local Acts. Repealed 1894.

BYELAWS.

**104.** *Byelaws.*—The trustees may from time to time make, with respect to all or any highways within their jurisdiction, and when made, may alter or repeal byelaws for all or any of the purposes following; (that is to say),

(1.) For the general regulation of traffic on highways; and

(2.) For prohibiting the use of any waggon, cart, or carriage, drawn by animal power, and having wheels of which the fellies or tires are not of such width in proportion to the weight carried by, or to the size of, or to the number of wheels of such waggon, cart, or carriage, as may be specified in such byelaws; and

(3.) For prohibiting the use of any waggon, cart, or other carriage, drawn by animal power, not having the nails on its wheels countersunk in such manner as may be specified in such byelaws, or having on its wheels bars or other projections forbidden by such byelaws; and

(4.) For prohibiting the locking of the wheel of any waggon, cart, or carriage, drawn by animal power, when descending a hill, unless it is locked in such manner as to prevent the road from being destroyed or injured by the locking of such wheel; and

(5.) For prohibiting the erection of gates across highways except under regulations specified in such byelaws.

Penalties to be recovered summarily may be imposed by any such byelaws on persons breaking any byelaw made under this section: Provided, that no such penalty exceeds for any one offence the sum of two pounds, and that the byelaws are so framed as to allow of the recovery of any sum less than the full amount of the penalty.

No byelaw shall be binding until it has been approved of by the sheriff, after it has been published in some newspaper circulating in the county at least ten days before the sitting of the sheriff for its consideration.

MISCELLANEOUS.

105. *Authentication of documents relating to the execution of Act.*—For the purposes of this Act, the signature of the chairman of the trustees or of the chairman of the board, or of the preses of any meeting of the trustees or of the board, or of the chairman or preses of any district committee to be appointed in terms of this Act, adhibited to any writing or document except as herein-after provided, shall be equivalent to the signatures of the whole trustees or members of the board, or of the whole members of such district committee present at a meeting thereof respectively; and the addition to such signature of the word "chairman" or "preses" shall be good *primâ facie* evidence that such signature is the signature of such chairman or preses, as the case may be, and that such writing or document is genuine and authentic.

106. *Minutes of trustees, &c., to be receivable in evidence.*—Any minute made of proceedings at meetings of the trustees, board, or district committee, if signed either at the meeting of the trustees, board, or district committee at which such proceedings took place, or at the next ensuing meeting of the trustees, board, or district committee by any person purporting for the time being to be the chairman or preses of such meeting, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; and until the contrary is proved every meeting of the trustees, board, or district committee, where minutes have been so made of the proceedings shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

Repealed 1894.

107. *Actions now pending transferred to trustees under Act.*—No action, prosecution, or other proceeding by or against the trustees or other persons acting before the commencement of this Act, under the authority of any general or local Act, in relation to the roads, highways, and bridges vested in the county road trustees or burgh local authority, as the case may be, under this Act, shall cease or be discontinued or be prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the said county road trustees or burgh local authority, as the case may be, under this Act, in the same manner in all respects as the same would have continued and taken effect in relation to the trustees or other persons under any of the said general or local Acts, if this Act had not been passed: Provided, that if any question shall arise as to whether any action, prosecution, or other proceeding should be carried on at the instance of or against the county road trustees or the burgh local authority, the same may be disposed of incidentally, and without any action of transference or other separate proceeding by the court or judge before whom such action, prosecution, or proceeding depends.

108. *Former trustees to account for moneys and deliver up books.*—All persons acting or who have acted under any of the general or local Acts in force at the commencement of this Act as trustees of any of the turnpike roads, statute labour roads, highways, or bridges within the county, or as clerks or officers of such

rustees, who shall, at the commencement of this Act, have in their custody, power, or possession any moneys collected by virtue of such Acts, or any books, eeds, papers, writings, property, or effects belonging to the said turnpike or atute labour trusts respectively, or relating to the execution of such Acts, shall ay and deliver up the same to the county road trustees, or to such person as they all appoint to receive the same, who shall hold them, and be liable to pay them ver or make them forthcoming, subject to the provisions of this Act. Repealed 1894.

109. *Books of former trustees to be evidence.*—All books containing the accounts nd proceedings of the trustees or other persons who have acted under any of uch Acts shall and may be given in evidence in all claims, prosecutions, appeals, ctions, and proceedings whatsoever under this Act, in the same manner as they ight have been used under the said Acts.

110. *Trustees not to incur personal liability.*—A trustee or member of a board, r district committee, by being party to or executing in his capacity as aforesaid ny contract or other instrument, or otherwise executing any of the powers under his Act, shall not be subject individually to any action, prosecution, or other egal proceeding; and the trustees may apply any moneys from time to time oming into their hands for the purpose of paying any expenses of legal pro- eedings, or any damages they may incur in the *bonâ fide* execution of the powers ranted by this Act to them.

111. *Trustees not to hold any office of profit or participate in profits of any ontract.*—[If and while any trustee—

(1.) Holds any office or place of profit under this Act; or

(2.) Participates in the profits of any work done; or

(3.) Is concerned in or participates in the profit of any contract entered into under this Act;

Such person shall be disqualified from acting as a trustee, subject to the exceptions following; that is to say,]

(*a.*) A trustee shall not be disqualified by reason of his being a shareholder in any joint stock or incorporated company entering into any contract with or supplying any article by order of the trustees or any board or any district committee; and

(*b.*) A trustee shall not be disqualified by reason of his being interested in any sale, feu, or lease of any lands, or any sale of materials for making or repairing roads, or any loan of money to the trustees.

Nevertheless a trustee or member of a board or district committee shall not be ntitled to vote in respect of any contract with or any supply of articles by order f the trustees, board, or district committee, where such contract is entered into with or such articles are supplied by any company in which he is a shareholder, r in respect of any question connected therewith, or in respect of any such sale, eu, lease, or loan as herein-before mentioned; and if he does so vote his vote shall ot be counted, and he shall incur for each time when he so voted a penalty not xceeding twenty pounds.

112. *No person holding office to participate in profits of any contract.*—No erson holding any office under this Act shall directly or indirectly participate in he profits of any work done by order of, or be concerned in or participate in the rofit of any contract entered into with, or any supply of articles made to the rustees, board, or any district committee, under the penalty of one hundred pounds; and it shall be in the option of the trustees, board, or district committee, and competent to them, to render any contract null and void, in the profit of which any such person has participated or may participate.

*Note.*—§ 111. The words in brackets repealed 1894.

113. *Trustee may act as sheriff or justice.*—No trustee shall be disqualified from acting as a sheriff or justice of the peace in the execution of this Act, by reason of his being such trustee.

114. *Moneys to be lodged in bank.*—All moneys received by or on behalf of the trustees or the board under the authority of this Act shall, on the receipt thereof, be paid by the person receiving the same into an account to be kept in name of the trustees or of the board with some incorporated or joint stock bank or branch thereof, to be for that purpose appointed by the board.

115. *Cheques on bank account of trustees or board.*—All cheques on the bank accounts kept by the trustees or board shall be signed by one of three members of the board appointed by it for the purpose, and by the treasurer; and no cheques shall be drawn on such accounts for any other purpose than the payments which shall from time to time be authorised by the trustees or the board.

116. *Cheques on bank account of district committee.*—All sums passed by the trustees or the board to the account of any district committee, or collected on behalf of a district committee, shall be respectively paid into an account to be kept in name of the district committee with an incorporated or joint stock bank or branch thereof to be appointed by the board, and all cheques on such account shall be signed by one of three members of the district committee appointed by it for the purpose, and the treasurer of the district committee.

117. *Execution of bonds and other securities.*—[All bonds, mortgages, debentures or other securities for money borrowed by the trustees, and all dispositions and conveyances of property belonging to the trustees, shall be signed by two of the trustees being members of the board and by the clerk except where otherwise expressly provided; and] the clerk shall keep a register of all bonds, mortgages, debentures, or other securities granted by the trustees under this Act, and of the transfers thereof.

118. *Mortgages to be personal estate.*—All certificates, bonds, mortgages, debentures, or other securites granted under the authority of this Act, and all money advanced and lent on the security of any assessment leviable under this Act, shall be moveable or personal estate, and transmissible as such.

119. *Application of moneys not otherwise appropriated.*—All moneys received by the trustees on account of assessments or penalties, or otherwise, for the application of which no special provision is made in this Act, shall be applied as follows:

(1.) In payment of the salaries and allowances of officers and servants, and the general expenses of management of the trust:

(2.) In payment of the expense of maintaining and repairing the several highways:

(3.) In payment of interest on the debts affecting the highways, [valued and allocated as hereinbefore provided,] and thereafter, towards payment of the principal of such debts.

Rep. 1894.

120. *Audit of accounts.*—The accounts of the trustees shall be balanced annually on the fifteenth day of May, and shall be audited by an auditor appointed by the sheriff by any writing under his hand. The accounts as audited shall be laid before the next annual general meeting of the trustees.

121. *Annual reports.*—The [trustees of counties and] local authorities of burgh shall once a year, at such time and in such form as the Secretary of State ma

*Note.*—§§ 117, 119, and 121. The words in brackets repealed 1894.

direct, make a report as to their income and expenditure and such other matters as the Secretary of State may direct, and such report shall be laid before both Houses of Parliament.

122. *Repeal of Acts.*—From and after the commencement of this Act in any county, the Act passed in the eighth and ninth years of the reign of Her present Majesty, chapter forty-one, and the Act passed in the first and second years of the reign of His Majesty King William the Fourth, chapter forty-three, except the sections thereof incorporated herewith as after mentioned, shall cease to have effect therein; provided that nothing herein contained shall affect anything duly done or suffered, or any right or liability acquired, accrued or incurred, or any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment contained in either of the last-mentioned Acts, or in any other Act which, from and after the commencement of this Act in any county, shall cease to have effect therein: Provided also, that until the fifteenth day of May or twenty-sixth day of May, as the case may be, following the commencement of this Act in any county where such commencement shall happen before the year one thousand eight hundred and eighty-three, and otherwise until the first day of June one thousand eight hundred and eighty-three, all provisions for levying, collecting, and recovering toll duties, statute labour conversion money, bridge money, and other moneys of whatever kind, for managing, maintaining, and repairing roads, bridges, and highways situated or partly situated in such county or in any burgh therein, and also all provisions against persons evading or attempting to evade payment of such toll duties and other moneys, shall continue in full force and effect, and may be put in operation by the trustees or burgh local authority under this Act, as the case may be, in the same manner as they might have been put in operation by the trustees under the other Acts mentioned in this section. Repealed 1883.

123. *Incorporation of parts of General Turnpike Act.*—The following sections of the Act passed in the first and second years of the reign of His Majesty King William the Fourth, chapter forty-three, viz., sections eighty, eighty-one, eighty-three, eighty-four, eighty-five, sections eighty-seven to ninety-two, both inclusive, section ninety-four, and sections ninety-six to one hundred and eight, both inclusive (the enactments whereof are contained in Schedule C to this Act annexed), in so far as the same are not inconsistent herewith, shall be and are hereby incorporated with this Act, and, [from and after the commencement of this Act] in any county, shall extend and apply to all the highways made or to be made within such county, and, except in so far as inconsistent with the provisions of any general or local police Act in force therein, within the burgh or burghs situated or partly situated within the same; and in the construction of the aforesaid sections of the said Act, with reference to this Act, the expression "trustees under any Turnpike Act," or words having the like import, and the expression "turnpike roads" shall mean and apply to the trustees of counties aud local authorities of burghs under this Act, and the roads, highways, and bridges placed under their management by this Act, as the case may require, in so far as such application shall not be excluded by the context or any of the provisions of this Act; and where notice is required to be given "on the two nearest toll bars," it shall be sufficient if it is given once in two newspapers circulating in the county or burgh, as the case may be: Provided, that it shall not be lawful for the trustees, or local authority, as the case may be, or any one authorised by them, under the powers conferred by the eightieth section of the recited Act, to carry away any materials to be used by them for any purpose whatsoever from any place beyond the county or burgh, as the case may be, or to a greater distance than three miles from the place where such materials have been obtained, unless

*Note.*—§ 123. The words in brackets repealed 1894.

satisfaction shall be made for the same in the manner provided in said section in the case of stones to be used for building.

124. *Recovery and application of penalties.*—All penalties under this Act or the enactments incorporated herewith or continued in force hereby may be recovered, together with the expenses of process, at the instance of the procurator fiscal, or of the clerk of the trustees, or of the clerk of the burgh local authority, as the case may be, upon the testimony of one or more credible witnesses, before the sheriff or any justice of the peace of the county or magistrate of the burgh, as the case may be, in which the same shall have been incurred, under the provisions of the Summary Procedure Act, 1864; and all the jurisdictions, powers, and authorities necessary for this purpose are hereby conferred on sheriffs and justices of the peace, and magistrates of burghs, and their decision shall be final, save only that the provisions of the Summary Prosecution Appeals (Scotland) Act, 1875, shall apply to the same.

Every prosecution shall be begun within six calendar months after the penalty shall have been incurred and not afterwards: Provided, that this shall not apply to any proceedings for the recovery of assessments levied under this Act.

It shall be lawful for any person acting in the execution of this Act, and such other person as any such person shall call to his assistance, or for any person seeing any offence committed against this Act, without any warrant or authority other than this Act, *brevi manu*, to seize and detain any person whose name and place of abode are unknown, and who shall commit any such offence, and take such person without delay before the sheriff or any neighbouring justice of the peace for the county or magistrate of the burgh, as the case may be, where the offence shall have been committed or where such offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such person till caution *de judicio sisti* be found, as the case may seem to require.

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the trustees or of the burgh local authority, as the sheriff or justice of the peace or magistrate shall direct.

Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff or justice of the peace or magistrate.

Every person found liable in any penalty recoverable summarily under this Act shall, failing payment thereof, and expenses, immediately or within a specified time, as the case may be, be liable to be imprisoned for a term not exceeding sixty days; and the conviction and warrant may be in the form No. 3 of Schedule K of the Summary Procedure Act, 1864.

# SCHEDULES.

## SCHEDULE (A.) No. 1.

I [*A.B., chairman of the county road trustees of the county of , or provost or chief magistrate of the burgh of* , as the case may be], in terms of the Roads and Bridges (Scotland) Act, 1878, certify that [*name and designation of creditor*] is a creditor in turnpike road debt [*or*, statute labour debt, *or, as the case may be*] in respect of moneys lent to or for behoof of [*specify the particular trust in the case of turnpike debt, and the district or parish in the case of statute labour debt*], valued at the sum of , as at the day of , , and which [*or* whereof the sum of , *as the case may be*] has been allocated on the county of [*or* burgh of , *as the case may be*], all in terms of the provisions of the said Act.

Witness my hand, this day of .

(Signed) *A.B.*

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## SCHEDULE (A.) No. 2.

I [*name and designation of cedent*] transfer to [*name and designation of assignee*], his heirs, executors, and assignees my whole right and interest under this certificate.

[*To be signed and dated by the cedent.*]

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## SCHEDULE (A.) No. 3.

I [*name and designation of creditor*] hereby discharge the debt specified in this certificate with all interest thereon.

[*To be signed and dated by the creditor.*]

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## SCHEDULE (B.) No. 1.

By virtue of the Roads and Bridges (Scotland) Act, 1878, we, two of the county road trustees of the county of , and the clerk of the said trustees, acting under the said Act, as representing the said trustees [*or* the provost, *or* chief magistrate, *as the case may be*, and clerk of the local authority of the burgh of , acting under the said Act, as representing the local authority of the said burgh], grant us to have borrowed and received from [*name and designation of lender*] the sum of pounds for the payment of valued road debt allocated on the county of [*or* burgh of *as the case may be*] under the provisions of the said Act. In consideration whereof we assign to the said [*name of lender*], his heirs, executors, and assignees, all the assessments to be raised and paid within the said county [*or* within the said burgh, *as the case may be*] for the payment and extinction of debt under the provisions of the said Act, in security of the repayment of the said sum of pounds, and of the interest thereof after the rate of pounds per centum per annum from the day of until payment, which sum is to be repayable, with the interest at the rate aforesaid, as follows; [*state the terms of repayment according to the arrangement*]. In witness whereof [*insert testing clause in common form*].

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## SCHEDULE (B.) No. 2.

I [*name and designation*], in consideration of the sum of pounds, transfer to [*name and designation*], and his heirs, executors, and assignees, an assignation in security, numbered [*insert the number of the assignation*], and dated [*insert date*], granted by the trustees of the county of acting under the Roads and Bridges (Scotland) Act, 1878, [*or* by the local authority of the burgh of *as the case may be*], for [*insert the stipulated annual payment and duration thereof*], from the day of . In witness whereof [*insert testing clause in common form*].

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## SCHEDULE (C.)

SECTIONS OF 1 & 2 WILL. 4, c. 43, REFERRED TO IN THE FOREGOING ACT.

80. *Power to get materials. Satisfaction. Notice to be given before materials are taken from inclosed lands.*—And be it enacted, that it shall be lawful for the trustees of any turnpike road, or any person authorised by them, to search for, dig, and carry away materials for making or repairing such road and the footpaths thereof, or building, making, or repairing any toll-house, bridge, or any other work connected with such road, from any common land, open uncultivated land, or waste, or to deposit mud or rubbish thereon, without paying any surface damages, or any thing for such materials, except for stone to be used for building, and to carry the same through the ground of any person, such trustees or other persons authorised by them filling up the pits or quarries, levelling the ground wherefrom such materials shall be taken, or fencing off such pits or quarries so that the same shall not be dangerous to any person or cattle, and paying for or tendering the damage done by going through and over any inclosed or arable lands for or with

such materials, mud, or rubbish, such damages to be ascertained as herein-after mentioned; and also that it shall be lawful for such trustees and other persons authorised by them as aforesaid to search for, dig, and carry away any such materials in or out of the inclosed land of any person where the same may be found, and to land or carry the same through or over the ground of any person (such materials not being required for the private use of the owner or occupier of such land, and such land or ground not being an orchard, garden, lawn, policy, nursery for trees, planted walk, or avenue to any house, nor inclosed ground planted as an ornament or shelter to a house, unless where materials have been previously in use to be taken by the said trustees), making or tendering such satisfaction for stones to be used for building, and for the surface damage done to the lands from whence such materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such trustees shall judge reasonable; and in case such trustees and the proprietor or occupier of such lands shall differ as to the amount of such payments and damages as aforesaid, it shall be competent to the sheriff or justices of the peace for the shire wherein the place from whence such materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the application of either party, with an *inducia* of six days, to hear and determine all questions as to the amount of such payments and damages, and the expenses attending the same: Provided always, that before taking such materials from any inclosed land from which the same shall not previously have been in use to be taken, fourteen days previous notice in writing, signed by two trustees, shall be given to or left at the usual residence of the proprietor and occupier of the land or quarry from which it is intended to take the same, or his or her known agent, to appear before the sheriff or any two justices of the peace acting for the shire where the said lands are situate, to show cause why such materials shall not be so taken; and in case such proprietor, occupier, or agent shall attend pursuant to such notice, or shall neglect or refuse to appear (proof on oath in such case being duly made of the service of such notice), such sheriff or justices shall authorise or prohibit the trustees to take such materials, or make such order as they shall think fit.*

**81.** *Penalty on taking away materials provided for repairing turnpike roads.*—And be it enacted, that it shall not be lawful for any person to take away any materials which shall have been procured or provided or used for the repair or use of any turnpike road, or to take any materials out of any quarry which shall have been opened by any turnpike trustees for the purpose of getting materials for any turnpike road, so as to interrupt or interfere with the workings carried on by such trustees; and every person so offending shall for every such offence forfeit and pay any sum not exceeding five pound...

**83.** *Power to use adjoining ground as a temporary road.*—And be it enacted, that it shall be lawful for the trustees of any turnpike road to make a road through the grounds adjoining to any ruinous or narrow part of any turnpike road (not being an orchard, garden, lawn, policy, planted walk, or avenue to any house, or nursery for trees) to be made use of as a public highway whilst the old road is repairing or widening, making recompense to the proprietor and occupier of such grounds for the damages they may thereby sustain; and in case such trustees and such proprietor or occupier shall differ as to the amount of such damages, it shall be competent to the sheriff or justices of the peace for the shire where such damages or any part thereof shall have been incurred, on the application of either party, with an *inducia* of six days, to hear and determine all questions as to the amount of such damages, and the expenses attending the same.

**84.** *Trustees to make side drains.*—And be it enacted, that it shall be lawful for the trustees of every turnpike road to make sufficient side drains on any such road, with power to conduct the water therefrom into any adjoining land, ditch, or watercourse (such land not being the site of any house or garden) in such manner as shall be least injurious to the proprietor or occupier of such land; the said side drains to be maintained at the expense of the trustees.

**85.** *Trustees to make ditches.*—And be it enacted, that it shall be lawful for the trustees of every turnpike road to make sufficient ditches along the side of any such road, provided that if the land is inclosed on the side of such turnpike road, such ditch shall be made on the field side of the fence, and also to make proper ditches and outlets from the said side ditches through any lands adjoining any such turnpike road (not being the site of any house or garden) in such manner as shall be least injurious to the proprietor and occupier of such land; and the occupier of such land (unless such land be uninclosed and waste) shall be obliged in all time thereafter to keep clear such side ditches and other ditches or outlets, as well as all such ditches already made along the sides of any turnpike road, when so required by the said trustees or their surveyor; and in case the proprietor or occupier shall neglect or refuse to cleanse such side ditches or other ditches or outlets, when duly required by such trustees or surveyors, such trustees or surveyors are hereby empowered to cleanse such side ditches or other ditches or outlets, and levy the expense thereof from the occupier of such grounds, in the same manner as other penalties by this Act imposed: Provided always, that nothing herein contained shall prohibit any proprietor or occupier from substituting, to the satisfaction of the trustees, any other equally effectual ditch or outlet in place of that constructed by the trustees.

* By § 5 of 55 and 56 Vict., c. 12, the Secretary for Scotland may prevent entry on lands which is desirable to preserve intact on public grounds.

**87.** *Timber stones, &c., left on roads may be sold.*—And be it enacted, that it shall be lawful for any trustee or surveyor of any turnpike road, or other person authorised by the trustees of any such road, *brevi manu*, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever laid or left upon any such road or footpath or upon any side drain or ditch of such road, and to sell or otherwise dispose of the same as a forfeiture, in such manner as the trustees shall direct, unless such matter or thing shall be previously redeemed by the owner thereof upon payment of the penalty in such case inflicted: Provided always, that the proprietor or occupier of any lands or houses may lay down any materials for building or repairing any house or wall immediately adjoining any turnpike road, such materials occupying one fourth part of such road only, and such proprietor or occupier giving three days' previous notice in writing to the clerk or surveyor of the road, and erecting such fence round such materials, and fixing and lighting lamps therein in such manner as the trustees may require.

**88.** *Owners of adjoining lands to cut the hedges and branches of trees prejudicing the road. If neglected for ten days, surveyor may complain to the justices, who may order them to cut. Penalty for neglect after order of justices.* And be it enacted, that the owners or occupiers of the lands next adjoining to every turnpike road shall prune and trim their hedges, and cut them down to the height of five feet from the surface of the ground, and also cut, prune, or lop the branches of trees, bushes, and shrubs growing in or near such hedges or other fences adjacent thereto (such fences, trees, bushes, or shrubs not being in any garden, orchard, policy, walk, or avenue to a house, nor any tree, bush, or shrub being for ornament or shelter to a house, unless the same shall hang over the road or footpath or any part thereof in such a manner as to impede or annoy any carriage or person travelling thereon), in such manner that the turnpike road shall not be prejudiced by the shade thereof, and that the sun and wind may not be excluded from such turnpike road to the damage thereof; and that if such owner or occupier shall not, within ten days after notice given by the surveyor for that purpose, cut, prune, and trim such hedges, or cut, prune, or trim such branches of trees, bushes, and shrubs, in manner aforesaid, it shall and may be lawful for such surveyor, and he is hereby required to make complaint to the sheriff or justices of the peace, who shall grant warrant to summon the occupier of such lands and the owner thereof, or his agent or factor in his absence, ten days after service, to appear and answer the said complaint; and if it shall appear to such sheriff or justices that such occupier or owner has not complied with the requisites of this Act in that behalf, it shall and may be lawful for such sheriff or justices, upon hearing the surveyor and occupier or owner of such land, or an agent authorised to appear for either of them, or in default of their appearance, upon having due proof of the service of such summons, and considering the circumstances of the case, to order such hedges to be cut, trimmed, and pruned, and such branches of trees, bushes, and shrubs to be cut, pruned, or trimmed, in such manner as may best answer the purposes aforesaid; and if the occupier of such lands shall not obey such order within ten days after it shall have been made, and he shall have had due notice thereof, he shall forfeit the sum of two shillings for every twenty-four feet in length of such hedge which shall be so neglected to be cut, trimmed, and pruned, and the sum of twopence for every tree, bush, or shrub which shall be so directed to be cut, pruned, or trimmed; and the surveyor, in case of such default made by the occupier, shall, and he is hereby required to cut, prune, and trim such hedges, and to cut, prune, or trim such branches of trees, bushes, and shrubs in the manner directed by such order; and such occupier shall be charged with and pay, over and above such penalties, the expenses of such cutting, pruning, and trimming.

**89.** *Time of cutting or pruning hedges.*—And be it enacted, that no person or persons shall be compelled, nor any surveyor permitted, by virtue of this Act, to cut or prune any hedge at any other time than between the last day of September and the last day of March, nor to cut, prune, or lop the branches of any ornamental trees (unless the same shall hang over the road or footpath or any part thereof so as to impede or annoy any carriage or person travelling thereon), if the proprietor or tenant of the lands shall become bound to pay the additional expenses which their remaining uncut or unlopped may occasion the said trustees in keeping any such roads in repair.

**90.** *Penalties on persons making encroachments.*—And be it enacted, that if any person shall fill up or obstruct any ditch at the side of any turnpike road, or any ditch used for conveying water from the said road, or any side drain thereof, or ditch or drain under the same, or shall encroach by making any dwelling-house or other building, or any hedge, ditch, or other fence, or in any other manner whatever, on any turnpike road, or shall make any drain, gutter, sink, or watercourse across, under, or upon, or shall turn or conduct any drain or water across, under, or upon, or in any way break up the surface of any turnpike road, without the consent in writing of the trustees of such road or of their surveyor, such person shall forfeit for every such offence a penalty not exceeding five pounds; and it shall be lawful for the trustees of any such road to cause such dwelling-house or other building, hedge, ditch, or fence, drain, sink, watercourse, gutter, or other encroachment, to be taken down or filled up at the expense of the person so offending.

**91.** *No houses, &c., to be erected on the sides of any turnpike road within the distance of twenty-five feet from the centre thereof, without consent of the trustees.*—And be it enacted, that

no houses, walls, or other buildings above seven feet high shall be erected without the consent of the trustees previously obtained in writing, and no new inclosures or plantations shall be made within the distance of twenty-five feet from the centre of any turnpike road, without prejudice always to any farther powers and authorities vested in any turnpike trustees thereanent by any local Act of Parliament, and no place out of which the trustees of any turnpike road have been in the use of taking materials shall, without the consent of the trustees previously obtained in writing, be in any way shut up or inclosed, under the penalty of five pounds for every such offence, and the expense of demolishing such house, wall, or building, or of removing such inclosure or plantation; and the sheriff of the county and justices of the peace are hereby authorised and empowered, on application by any one of the turnpike trustees or their clerk, to order such house, wall, building, inclosure, or plantation to be pulled down or removed at the expense of the person erecting or making the same, or of the occupier or owner of the ground; nor shall the inclosing of such place out of which materials shall have been taken as aforesaid preclude the trustees of any turnpike road from re-opening and using the same.

**92.** *Power to water roads.*—And be it enacted, that it shall be lawful for the trustees of any turnpike road to cause the whole or any part thereof to be watered, and for that purpose to take water from any pond, stream, or source, with the consent of the owner thereof, or other persons interested therein, and to dig and make ways and passages and erect pumps and engines for such purpose, and to make such compensation as may be agreed upon between the said trustees and such owners or persons as aforesaid.

**94.** *Trustees shall erect parapets, &c., where necessary.*—And be it enacted, that the trustees of every turnpike road shall erect sufficient parapet walls, mounds, or fences, or other adequate means of security, along the sides of all bridges, embankments, or other dangerous parts of the said roads; and if they shall fail therein it shall be lawful for the procurator fiscal or any commissioner of supply for the shire in which the part of such road complained of is situated, such commissioner finding security to pay expenses of process if he shall fail in his action, to prosecute the trustees of any such turnpike road before the sheriff of the shire in which such road is situated, who shall judge and determine therein in a summary manner, and upon finding the complaint well founded, may compel the said trustees to remedy the matter complained of, and allow the prosecutor the expenses of process; but if such prosecution shall be found groundless, the private prosecutor shall be liable in expenses.

**96.** *Penalty on persons committing nuisances.*—And be it enacted, that if any person shall ride upon any footpath or causeway on or by the side of any turnpike road made or set apart for the use or accommodation of foot passengers, or shall lead or drive any horse, ass, mule, swine, or cattle, or carriage of any description, or any wheelbarrow, truck, or sledge, or any single wheel of any waggon, cart, or carriage apart therefrom, upon any such footpath or causeway; or shall wilfully obstruct or do or cause any injury or damage to be done to the same, or to the hedges, posts, rails, or fences thereof; or shall wilfully pull down or damage any bridge, wall, toll bar, or any building, fence, or erection made by the trustees of any turnpike road or repaired or repairable by them; or shall break, injure, remove, or displace any tools, trestles, bars, stones, materials, or other article whatsoever belonging to such trustees, or used on any such road under their authority; or shall haul or draw or cause to be hauled or drawn, upon any part of any turnpike road, any timber, stone, or other thing otherwise than upon a wheeled carriage, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon a wheeled carriage to drag or trail upon such road; or in ploughing or harrowing any adjacent uninclosed land shall turn any horse, plough, or harrow in or upon any such road or the side drains or ditches thereof; or shall, in or upon such road, or by the side or sides thereof, or in any exposed situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any beast, swine, calf, lamb, or other cattle; or if any person driving any carriage, cart, horse, or other beast on the said road, conveying any iron bar or rod, tree, wood, stone, basket, or pannier, or any other matter or thing, except hay and straw, suffer the same to project by more than thirty inches from the side of such horse or other beast, or more than one foot laterally beyond the wheels of such carriage or so as in any manner to obstruct or impede the passage of any person, or any horse, beast or carriage travelling along such turnpike road; or if any person shall carry any timber or other article above twenty-five feet long on any cart or carriage not having more than two wheels; or if any hawker, higgler, gipsy, or other person shall pitch any tent or encamp upon or by the sides of any part of any turnpike road; or any person occupying or using a blacksmith's shop, foundry, smelting house, iron or brass work, boiler-making work, glass work, soda, soap, or chemical work, shall not, by good and close shutters, every evening after it becomes twilight, or otherwise, bar and prevent the light from such shop shining into or upon the said road, and from being dangerous or detrimental to travellers; or if any person shall make or assist in making any fire or fires commonly called bonfires, or shall set fire to or let off or throw any squib, rocket, serpent, or other fire work whatsoever within one hundred feet of the centre of such road, or shall discharge any gun, pistol, or other fire-arms, fly kites, or bait or run for the purpose of baiting any bull, or play at football, tennis, fives, cricket, or any other game or games upon such road or on the side or sides thereof, or in any exposed situation near thereto, to the annoyance of any passenger or passengers; or if any person shall leave any waggon, cart, or other carriage whatever upon such road or on the side or side

thereof, without any proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such waggon or other carriage, during the time of loading or unloading the same, or of taking refreshments as near to one side of the road as conveniently may be, either with or without any horse or beast of draught harnessed or yoked thereto; or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish, or other matter or thing whatsoever upon such road or on the side or sides thereof, or the footpaths or causeways adjoining; or shall hang or lay any linnen clothes or other such article on any hedge or fence of any such road; or shall suffer any water, filth, dirt, or other offensive matter or thing whatsoever to run or flow into or upon such road or footpaths from any house, building, erection, lands, or premises adjacent thereto, or if any person driving any pigs or swine upon such road shall suffer such pigs or swine to root up or damage such road, or the fences, hedges, banks, or copse on either side thereof respectively; or if any person shall after having blocked or stopped any cart, waggon, or other carriage in going up a hill or rising ground, cause or suffer to be or remain on such road the stone or other thing with which such cart or other carriage shall have been blocked or stopped; or if any person shall pull down, damage, injure or destroy any lamp or lamp post put up, erected, or placed in or near the side of any turnpike road, or toll house erected thereon, or shall extinguish the light of any such lamp; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding fifty shillings over and above the damages occasioned thereby.

**97.** *Regulation of drivers.*—And be it enacted, that if the driver of any cart, waggon, or other such carriage on any turnpike road shall ride on the shafts or in or on any other part of such carriage, without having and holding reins attached to each side of the bridle of each beast of draught drawing such cart or carriage, or shall at any time leave the same travelling on any such road without having some person to guide the beast or beasts of draught drawing the same, or shall allow to go at large any dog that may be attending him, or his waggon, cart, or other such carriage, or shall not chain or fasten the same to such waggon, cart, or carriage; or if the driver of any sort of carriage shall not keep to the left or near side of such road on meeting or on being overtaken by any other carriage or any rider, or shall wilfully prevent any other person passing him or his carriage; such driver shall for every such offence forfeit and pay a sum not exceeding five pounds over and above the damages occasioned thereby.

**98.** *One driver may take charge of two carts.*—And be it enacted, that if one person act as the driver of more than two carts, waggons, or other such carriages on any turnpike road, or if the hinder of two carts, waggons, or other such carriages, when under the care of only one person, shall be drawn by more than one horse, or if the horse of such hinder cart, waggon, or carriage shall not be attached by a rein to the back of the cart which shall be foremost, and follow in the same line therewith, the horse drawing such hinder cart not being permitted to be further from the foremost than six feet, the owner or driver of every such waggon, cart, or other carriage shall for each transgression in any of the points aforesaid forfeit and pay a sum not exceeding forty shillings.

**99.** *Children not to drive carts, &c.*—And be it enacted, that no waggon or cart travelling on any turnpike road shall be driven by any person who shall not be of the full age of fourteen years, under a penalty for each such offence not exceeding forty shillings, to be paid by the owner of such waggon or cart.

**100.** *Persons opening up or conveying water across the roads or causeways must repair them.*—And be it enacted, that if the causeways and footpaths of any turnpike road or any part thereof shall be opened up by any person or persons, with leave of the said trustees, or otherwise having authority so to do, for the laying of pipes for water, gas, tunnels, or railroads, or for any other purposes whatever, and the same shall not be immediately thereafter repaired, renewed, and rendered completely sufficient and good by the person or persons opening up the same, to the satisfaction of the said trustees or their surveyor, then the said trustees or their surveyor shall have full power, and they are hereby authorised to execute the necessary repairs on the part or parts of such road or footpath so opened up, and to restore the same completely, and to charge the expense thereof against the person or persons opening up the same, which shall be ascertained by an account under the hands of the said trustees or a quorum of them, or of their clerk or surveyor; and if any damage shall happen to the public from the operations of the persons opening up the road as aforesaid, such persons shall be solely liable for the same, and be obliged to relieve the said trustees thereof and of all expenses attending the same; and in all cases where any injury shall arise to any turnpike road from any drain, conduit, pipe, water, matter, or thing whatsoever being conveyed across, in, under, or upon, or by any thing done upon any part of any such road, by any person having leave or otherwise entitled so to do, and such injury shall not be immediately repaired to the satisfaction of the trustees, they or their surveyor are hereby authorised to repair the same, and charge the expense thereof as aforesaid against the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept.

**101.** *Surveyors, &c., not to leave nuisances on roads.*—And be it enacted, that if the surveyor of any turnpike road, or any contractor or other person employed on such road, shall lay on any part of any such road any heap of stones o

other materials for the repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such materials; or shall lay on any such road any matter or thing, or shall knowingly permit to remain on any part of any such road any matter or thing, which may endanger the safety of any passenger; or shall dig any pit or make any cut on any turnpike road, without sufficiently fencing the same; such person shall for every such offence forfeit and pay a sum not exceeding five pounds over and above the damages occasioned thereby and expenses; and it shall be lawful for any person travelling along any turnpike road to prosecute for such sum, damages, and expenses in manner herein-after provided: Provided always, that it shall be lawful for any such surveyor, contractor, or other person to have on any such road, during daylight, any trestles or bars in any such manner as the trustees of such road may judge necessary to prevent interruption of the work during the repairing of the road, or to prevent carts or carriages from running in tracks injurious to the road: Provided always, that such trestles or bars shall at all times be placed in such manner as not to be more inconvenient to passengers than may be necessary to prevent interruption to the work, or to prevent carts or carriages from running in tracks injurious to the road.

**102.** *Proprietors to fence pits made near the roads.*—And be it enacted, that if the proprietor or occupier of any lands adjacent to any turnpike road shall dig any pit or make any cut upon or within twelve feet of the side of any such road, and shall leave the same unfenced so as to be dangerous to travellers, and shall not fence the same when required so to do by any two of the trustees of such road, or the procurator fiscal of the shire within which the said pit or cut is situated, such proprietor or occupier shall forfeit and pay a sum not exceeding five pounds for every day such pit or cut shall continue to be unfenced beyond three days after notice shall have been given as aforesaid, and it shall be lawful, after such notice, for the said trustees or procurator fiscal to cause the same to be fenced at the expense of such proprietor or occupier.

**103.** *No animal to be pastured on the roads.*—And be it enacted, that if any horse, cattle, ass, sheep, swine, or other beast of any kind shall be pastured, or left or permitted to remain, or found straying on any turnpike road or the sides thereof (except on such parts of any road as pass through or over any common or waste ground, or land not inclosed, or arable on both sides), the person so pasturing or leaving such beast, or permitting the same to remain, or the person having the charge of such beast, or the owner thereof if such person cannot be found, shall forfeit and pay a sum not exceeding five shillings for every such beast; and it shall be lawful for any trustee of such road, or the surveyor of such trustees, or any other person authorised by them, *brevi manu*, to seize and detain the same until such penalty and the expenses of process and proceedings shall be paid; and in case the said penalty and expense shall not be paid within three days after notice of such detention shall be given on the two nearest toll bars on the said road where such animal shall be found, the said surveyor or other person shall sell the same, with the authority of the sheriff or any justice of the peace for the shire, who are hereby empowered to grant such authority; and after deducting the amount of the said penalty and expenses such surveyor or other person shall pay the surplus, if any, to the owner of such animal so detained.

**104.** *Side ridges to be made in uninclosed lands.*—And be it enacted, that every person in ploughing any uninclosed land adjoining any turnpike road shall make side ridges along the sides of such road of the breadth of twelve feet at the least, under a penalty not exceeding five pounds.

**105.** *Gates to open inwards.*—And be it enacted, that no gate of any park, field, or inclosure whatsoever shall be made to open into or towards any part of any turnpike road, or of any footpath belonging thereto, or be suffered so to open except the hanging post thereof shall be fixed or placed so far from the centre of any part of such road as that no part of such gate shall when open project over any part of such road or of any footpath belonging thereto; and the occupier of any park, field, or inclosure, having any gate opening outwards contrary to the meaning of this Act, shall, within six days after notice to him or her given, either personally or in writing, from the trustees of any turnpike road, or their surveyor, cause such gate to be hung so that no part of the gate when open shall project over any part of such road or of any footpath belonging thereto; and if such occupier fail so to do, the surveyor of any such road shall cause the gate to be hung as herein-before directed, and charge the expense of making such alteration and hanging such gate against the said occupier, who shall, over and above such expense, forfeit and pay a further sum not exceeding five pounds for such neglect.

**106.** *Weeds to be cut by trustees.*—And be it enacted, that the trustees of every turnpike road shall cut or cause to be cut all weeds growing on the same or the sides thereof, when inclosed, at a proper season of the year, in order to prevent such weeds coming into seed; and if they fail so to do for eight days after being required by the proprietor or occupier of the adjoining land, by notice in writing given to their clerk or surveyor, such proprietor or occupier may cut the same, and charge the expense thereof against the said trustees.

**107.** *No windmill, &c., to be erected within 100 yards of the turnpike road.*—And be it enacted, that no person shall hereafter erect any windmill, watermill, steam engine, or limekiln within the distance of one hundred yards from any part of any turnpike road under the penalty of five pounds for every day such windmill, watermill, steam engine, or limekiln

shall continue, unless the same shall be so placed or screened as to prevent damage or detriment to any traveller on such turnpike road by frightening horses or otherwise; nor shall any person hereafter place any skinner's washing pond within the distance of one hundred yards from any part of any turnpike road under a penalty not exceeding five pounds for every day any such nuisance shall continue: Provided always, that nothing herein contained shall be construed to render legal the erection, re-erection, or continuance of any windmill, watermill, steam engine, limekiln, or skinner's washing pond in any case where, by the common law, the same shall be a public or private nuisance.

108. *Owners of waggons, carriages, &c., shall cause their names to be painted thereon.*—And be it enacted, that the owner of every waggon or cart, and also of every coach, postchaise, or other carriage, let either in the whole or in part to hire, shall paint in a straight line horizontally upon some conspicuous part on the off or right side of his waggon or cart, and upon the panels of the doors of all such coaches, postchaises, or other carriages before the same shall be used upon any turnpike road, the Christian and surname and place of abode of such person, or the Christian and surname and place of abode of the principal partner or owner thereof, in large legible Roman letters, either of a dark colour upon a light ground or of a light colour on a dark ground, not less than one inch in height, with numbers beginning with number one where more of such carriages respectively than one shall belong to the same owner, and proceeding in regular progression, and shall continue the same thereupon as aforesaid so long as such waggon, cart, or other carriage shall be used upon any turnpike road; and every owner of any such waggon, cart, or other carriage using or allowing the same to be used upon any turnpike road without the names and descriptions painted thereon respectively as aforesaid, and every person driving the same, shall forfeit for every such offence a sum not exceeding forty shillings; and every waggon or cart, and every such coach, postchaise, or other carriage let for hire without the name, surname, and place of abode of the owner painted thereon as hereinbefore directed, or having the same or any part thereof covered or placed so as to be illegible, shall be liable to pay double toll duty; and every person driving any such waggon, cart, or other carriage who shall refuse to stop and permit the name to be read or uncovered by any person requiring him so to do, shall over and above forfeit for every such offence any sum not exceeding forty shillings.

# ACT OF PARLIAMENT

TO

*Amend the Law relating to Roads and Streets in Police Burghs in Scotland.*—
[54 *and* 55 *Vict., cap.* 32.—21*st July* 1891.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

I. *Short title.*—This Act may be cited as the Roads and Streets in Police Burghs (Scotland) Act, 1891.

II. *Police burgh may assume management of highways within it.*—It shall be lawful for the commissioners of any police burgh, at a meeting summoned for the purpose on not less than one month's notice by special advertisement in any newspaper published or circulating in the police burgh, to resolve, if they think fit, to undertake the management and maintenance of the highways within the police burgh, and it shall be lawful for the county council or county councils of any county or counties within which a police burgh is situated, at a meeting summoned for the purpose on not less than one month's notice by special advertisement in any newspaper published or circulating in the county or counties, to resolve to require the commissioners of such police burgh to undertake the management and maintenance of the highways within the police burgh; and in either of these cases it shall be lawful for the commissioners to agree within the county council of the county or counties within which the police burgh is situated as to the terms upon which the highways within the police burgh shall be transferred to the commissioners, and failing agreement the said terms shall be settled summarily by the sheriff or sheriffs of the county or counties in which such police burgh is situated, who shall take into consideration all the circumstances of the case, including the cost of maintaining the highways in the neighbourhood of such police burgh, and whose decision shall be final; and upon the parties agreeing as aforesaid, or upon the terms of transference being settled as aforesaid, the highways within the police burgh shall, as from and after the fifteenth day of May next ensuing, but subject to the provisions of this Act, be transferred to and vested in the commissioners, who shall have the entire management and control of the same, and shall possess the same rights of assessment, and other rights, powers, and privileges, and be subject to the same liabilities in reference to the highways (including the construction of new roads and bridges) therein as the local authority of any burgh under the Roads and Bridges (Scotland) Act, 1878, and any Act amending the same possesses and is liable to in reference to the highways therein (including as aforesaid), and also in reference to the streets within such burgh: Provided always, that any such resolution of the commissioners or county council or county councils may be rescinded with the consent of and upon such terms as may be agreed upon with the county council or county councils or such commissioners respectively, and thereupon the original rights, powers, and privileges and liabilities of the said county council or county councils in regard to the highways within such police burgh shall revive in full force and effect.

III. *Extension of burgh boundaries.*—At any time after the expiration of ten years after a settlement under this Act between the commissioners of any police burgh and any county council or county councils, or if the boundaries of the said burgh are extended, it shall be lawful for the commissioners of the said police burgh or for such county council or county councils to obtain the readjustment of the said terms of settlement either by entering into a new agreement, or by an appeal to the sheriff or sheriffs, in the manner provided in this Act.

IV. *Where sheriffs differ in opinion.*—Where any matter falls to be determined under this Act by two sheriffs, and they shall differ in opinion, they shall report the case to the Lord Ordinary on the Bills in the Court of Session, whose decision shall be final.

V. *Saving as to road debt.*—Nothing contained in this Act or done in pursuance thereof shall affect any allocation or liability for payment of road debt under the Roads and Bridges (Scotland) Act, 1878, or under any other Act, general or local, or of the interest thereon.

VI. *Agreement between police commissioners and county council.*—In the event of the commissioners of any police burgh not resolving to undertake the management and maintenance of highways as aforesaid within the police burgh, it shall be lawful for such commissioners to claim annually from the county council of the county within which such police burgh is situated, or in the case of the county being divided into districts, from the district committee or committees, a fair and reasonable contribution towards the expense of managing and maintaining such streets and roads within the police burgh as are maintained by the said commissioners; and it shall be lawful for the said county council, or for the said district committee or committees, if in its opinion the said claim is a reasonable one, to agree with the said commissioners as to the amount of the said contribution, and to pay the amount so agreed upon to the commissioners out of the rate levied for the management and maintenance of highways within the division or district or parish (as the case may be) in which the said police burgh is situated.

VII. *Definitions.*—In this Act—

The expression "police burgh" means a populous place, the boundaries whereof have been fixed and ascertained under the provisions of the General Police and Improvement (Scotland) Act, 1862, or of the Act first therein recited, or have been determined by or under any local Act.

Repealed 1894.

The word "highway" shall have the same meaning as in the Roads and Bridges (Scotland) Act, 1878, and any Act amending the same.

The word "sheriff" shall not include "sheriff substitute."

# ACT OF PARLIAMENT

TO

*Amend the Law in regard to Roads and Bridges in Scotland.*—[55 *and* 56 *Vict., cap.* 12.—20*th June* 1892.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

I. *Provision in regard to rebuilding bridge destroyed by flood, &c.*—Where by a flood, fire, or other sudden calamity a bridge is destroyed or so seriously injured that it requires to be rebuilt, a resolution to rebuild such bridge may, notwithstanding the terms of section fifty-eight of the Roads and Bridges (Scotland) Act, 1878, be lawfully approved at any meeting of a county council called for the purpose by special advertisement, and by special circular to every member of the council, stating the object of the meeting.

II. *Rebuilding to include erecting temporary bridge.*—In the recited Act and in this Act rebuilding a bridge shall include the erection and removal of a temporary or service bridge.

III. *Assessments for cost of building or rebuilding bridges.*—So much of sub-section (2) (*c*) of section sixteen of the Local Government (Scotland) Act, 1889, as provides that the cost of constructing or rebuilding bridges shall be provided for in the same manner as the cost of maintenance of existing bridges, is hereby repealed, and in lieu thereof it is enacted as follows :—

Any assessment leviable under section fifty-eight of the Roads and Bridges (Scotland) Act, 1878, for the construction or rebuilding of a bridge may be imposed and levied as the county council may determine, either on the county (subject to the provisions as to insular districts contained in the said section) or on the district or districts within which such bridge is situate or partly situated, or partly on the county and partly on such district or districts, and such assessment shall be paid one-half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which the same shall be imposed. Provided that nothing in the Local Government (Scotland) Act, 1889, or in this Act, shall prejudice the power of borrowing for the purposes of such construction or rebuilding conferred by section fifty-eight of the Roads and Bridges (Scotland) Act, 1878, but any assessment in respect of such borrowing may be imposed and shall be payable as in this section before mentioned.

IV. *Agreements for construction of new roads.*—Where the road board of a county shall, with the approval of the county council, enter into an agreement with the county council or road board of an adjoining county for the construction of any new road or bridge under section fifty-eight of the Roads and Bridges (Scotland) Act, 1878, and the portion of the new road or bridge situate in the latter county shall be made and maintained for the benefit of the former county, it shall be competent to impose and levy the assessment for defraying the expense of the construction and maintenance of the portion of the new road or bridge situate in the latter county upon and from the persons liable to be assessed for the construction and maintenance of new roads or bridges in the former county, in the same manner and with the same powers of recovery as if the whole of the new road or bridge had been situate in the former county.

V. *Preservation of lands from injury.*—Notwithstanding anything contained in section eighty of the Act first and second William the Fourth, chapter forty-three, as incorporated in the Roads and Bridges (Scotland) Act, 1878 the exemption from the general right of searching for, digging, and carrying away materials, as made in the said section eighty, shall be extended to such land or grounds as it may appear to the Secretary for Scotland, on the application of the proprietor thereof, desirable to preserve intact, on the ground of national or public interest or historical association.

VI. *Short title and construction.*—This Act may be cited as the Roads and Bridges (Scotland) Amendment Act, 1892 ; and shall be construed as one with the Roads and Bridges (Scotland) Act, 1878, and the Local Government (Scotland) Act, 1889.

VII. *Extent of Act.*—This Act shall extend to Scotland only.

# CONTAGIOUS DISEASES (ANIMALS) ACTS.

# ACT OF PARLIAMENT

FOR

*Establishing a Board of Agriculture for Great Britain.*—[52 & 53 *Vict., cap.* 30. —12*th August* 1889.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Establishment of board of agriculture.*—(1.) There shall be established a board of agriculture consisting of the Lord President of the Council, Her Majesty's principal Secretaries of State, the First Commissioner of Her Majesty's Treasury, the Chancellor of Her Majesty's Exchequer, the Chancellor of the Duchy of Lancaster, and the Secretary for Scotland, and such other persons (if any) as Her Majesty the Queen may from time to time think fit to appoint during Her Majesty's pleasure: Provided that the board shall not be entitled to act unless the president or one of the officers of state above mentioned is present.

(2.) It shall be lawful for Her Majesty the Queen from time to time to appoint any member of the privy council to be president of the board during Her Majesty's pleasure.

(3.) The board shall be deemed to be established on the appointment of the president thereof.

2. *Powers and duties of board.*—(1.) There shall be transferred to the board of agriculture—

(*a.*) The powers and duties of the privy council under the Acts mentioned in part one of the first schedule to this Act;

(*b.*) The powers and duties of the land commissioners for England under the Acts mentioned in part two of the first schedule to this Act or under any other Act, whether general, local and personal, or private; and

(*c.*) On such date as shall be fixed by the commissioners of Her Majesty's treasury all powers and duties vested in the commissioners of Her Majesty's works and public buildings under the Survey Act, 1870.

(2.) The board of agriculture shall also undertake the collection and preparation of statistics relating to agriculture and forestry, and may also undertake the inspection of, and reporting on, any schools which are not public elementary schools, and in which technical instruction, practical or scientific, is given in any matter connected with agriculture or forestry, and the aiding of any school which admits such inspection, and in the judgment of the board is qualified to receive such aid and the aiding of any system of lectures or instruction connected with agriculture or forestry, and the inspection of and reporting on any examinations in agriculture or forestry.

(3.) The board of agriculture may also make or aid in making such inquiries,

experiments, and research, and collect or aid in collecting such information as they may think important for the purpose of promoting agriculture or forestry.

3. *Power as to dogs.*—The board of agriculture may from time to time make such general or special orders as they think fit for the following purposes, or any of them, that is to say—

(*a.*) For prescribing and regulating the muzzling of dogs, and the keeping of dogs under control;

(*b.*) For prescribing and regulating the seizure, detention, and disposal (including slaughter) of stray dogs, and of dogs not muzzled, and of dogs not being kept under control, and the recovery from the owners of dogs of the expenses incurred in respect of their detention;

And the Contagious Diseases (Animals) Acts, 1878 to 1886, shall apply as if the said purposes were among the purposes mentioned in section thirty-two of the Contagious Diseases (Animals) Act, 1878.

Repealed 1894.

4. *Power to transfer other powers of Government departments.*—It shall be lawful for Her Majesty the Queen in council from time to time by order to transfer to the board of agriculture such powers and duties of any Government department as are conferred by or in pursuance of any statute, and appear to Her Majesty to relate to agriculture or forestry, and to be of an administrative character;

Provided that before any such order is made, the draft thereof shall be laid before each House of Parliament for not less than thirty days on which such House is sitting, and if either of such Houses before the expiration of such thirty days presents an address to Her Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

Provided also, that nothing in this Act contained shall in any respect affect the exclusive control of the Secretary of State in Council of India over the candidates for the Indian forest department at Cooper's Hill College or elsewhere.

5. *Staff and remuneration and expenses.*—(1.) The board of agriculture may from time to time appoint a secretary and such officers and servants as the board may, with the sanction of the treasury, determine.

(2.) There shall be paid out of money provided by Parliament to the president, if not one of the officers of state above-mentioned, nor any other officer of state receiving a salary, the annual salary of two thousand pounds a-year, and to the secretary, officers, and servants of the board such salaries or remuneration as the treasury may from time to time determine.

(3.) All expenses incurred by the board of agriculture in the execution of their duties under this Act, to such amount as may be sanctioned by the treasury, shall be paid out of money provided by Parliament.

6. *Style and seal of board.*—(1.) The board of agriculture may sue and be sued, and may for all purposes be described, by that name.

(2.) The board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of the president or some member of the board, or of the secretary, or some person authorised by the president of the board to act on behalf of the secretary.

(3.) In the execution and discharge of any power or duty transferred to the board of agriculture by or in pursuance of this Act, the board shall adopt and use the style and seal of the board of agriculture and no other.

7. *Proceedings of board.*—(1.) Every document purporting to be an order, license, or other instrument issued by the board of agriculture, and to be sealed with the seal of the board, authenticated in manner provided by this Act, or to be

signed by a secretary or any person authorised by the president of the board to act on behalf of the secretary, shall be received in evidence and be deemed to be such order, license, or instrument without further proof, unless the contrary is shown.

(2.) A certificate signed by the president or any member of the board of agriculture, that any order, license, or other instrument purporting to be made or issued by the board is so made or issued, shall be conclusive evidence of the fact so certified.

8. *Power of president to sit in Parliament.*—(1.) The office of president of the board of agriculture shall not render the person holding the same incapable of being elected to, or sitting or voting as a member of, the Commons House of Parliament, and shall be deemed to be an office included in schedule H. of the Representation of the People Act, 1867, schedule H. of the Representation of the People (Scotland) Act, 1868, and schedule E. of the Representation of the People (Ireland) Act, 1868.

(2.) The president of the board of agriculture, if not one of the officers of state above in this Act mentioned, shall take the oath of allegiance and official oath, and shall be deemed to be included in the first part of the schedule to the Promissory Oaths Act, 1868.

9. *Transfer of officers.*—(1.) There shall be transferred and attached to the board of agriculture such of the persons employed under the privy council or any other Government department, in or about the execution of the powers and duties transferred by or in pursuance of this Act to the board of agriculture as the privy council, or Government department, with the sanction of the treasury, determine.

(2.) There shall be transferred and attached to the board of agriculture all persons employed under the land commissioners for England.

(3.) The board of agriculture may from time to time distribute the business of the board amongst the several persons transferred thereto in pursuance of this Act in such manner as the board may think right, and those officers shall perform such duties in relation to that business as may be directed by the board.

Provided that such persons shall, while they continue in office, be in no worse position as respects their tenure of office, salaries, or superannuation allowances than they would have been in if this Act had not passed.

(4.) Any order in council made in pursuance of this Act which transfers any powers or duties to the board of agriculture shall extend this section to the persons employed in or about the execution of those powers and duties.

10. *Ultimate abolition of land commissioners.*—After the establishment of the board of agriculture, no person shall be appointed to the office of land commissioner for England.

Provided that any person who holds office as land commissioner at the passing of this Act shall be assigned such position in or under the board of agriculture as Her Majesty may direct, so that he is not placed in any worse position as respects his tenure of office, salary, or superannuation allowance than he would have been in if this Act had not passed.

11. *Construction of Acts and documents.*—(1.) In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, or other document passed, or made before the establishment of the board of agriculture, but so far only as may be necessary for the exercise of the powers or the discharge of the duties by this Act, or any order in council made in pursuance thereof, transferred to that board, the name of that board shall be substituted for the privy council, land commissioners for England, inclosure commissioners for England and Wales, copyhold commissioners. tithe commissioners for England

d Wales, or other commissioners or Government department, as the case may quire, and anything authorised or required to be done by, to, or before an sistant commissioner of any of the above-named commissioners may be lawfully ne by any officer of the board of agriculture for the time being assigned for that rpose.

(2.) Where anything has been commenced by or under the authority of the ivy council, land commissioners, or other Government department, before the ansfer to the board of agriculture of any powers or duties by or in pursuance of is Act, and such thing is in relation to the powers or duties so transferred, such ing may be carried on and completed by or under the authority of the board of riculture.

(3.) Where at the time of the transfer of any powers or duties by or in pursuance this Act, any legal proceeding is pending, to which the privy council, land commissioners, or other Government department are parties, and such proceeding has ference to the powers and duties transferred by or in pursuance of this Act, the ard of agriculture shall be substituted in such proceeding for the privy council, nd commissioners, or other Government department, and such proceeding shall ot abate by reason of such substitution.

12. *Definitions.*—In this Act—

The expression "agriculture" includes horticulture:

The expression "the treasury" means the commissioners of Her Majesty's treasury:

The expression "the privy council" means Her Majesty's most honourable privy council.

13. *Repeal.*—The Acts specified in the second schedule to this Act are, as from e date of the establishment of the board of agriculture, hereby repealed to the tent in the third column of that schedule mentioned.

Provided that this repeal shall not affect the tenure of office, salary, or allowance of any person holding office at the passing of this Act, and shall not affect e exercise by the board of agriculture of any power which at the passing of is Act can be exercised by the land commissioners for England, and shall not ffect the validity of any order or act which prior to the date of the said establishment has been made or done by the privy council, and all orders of the privy ouncil in force at that date in relation to the powers and duties transferred by is Act to the board of agriculture shall continue in force until revoked or ltered by that board.

14. *Short title.*—This Act may be cited as the Board of Agriculture Act, 1889.

FIRST SCHEDULE.

PART I.—*Acts relating to Powers and Duties of the Privy Council transferred to Board of Agriculture*

| Session and Chapter. | Title. |
|---|---|
| 40 & 41 Vict., c. 68. | The Destructive Insects Act, 1877. |
| *41 & 42 Vict., c. 74. | The Contagious Diseases (Animals) Act, 1878. |
| *47 & 48 Vict., c. 13. | The Contagious Diseases (Animals) Act, 1884. |
| *47 & 48 Vict., c. 47. | The Contagious Diseases (Animals) Transfer of Parts of Districts Act, 1884. |
| *49 & 50 Vict., c. 32. | The Contagious Diseases (Animals) Act, 1886. |

PART II.—*Acts relating to Powers and Duties of Land Commissioners for England.*

SECOND SCHEDULE.—ENACTMENTS REPEALED.

| Session and Chapter. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 40 & 41 Vict., c. 68. | The Destructive Insects Act, 1877. | Section six. |
| *41 & 42 Vict., c. 74. | The Contagious Diseases (Animals) Act, 1878. | Section eight from "the powers by this Act conferred" inclusive to the end of the section, being sub-section two, and section fifty-eight from "any Act of the Privy Council" inclusive to the end of the section, being sub-section six. |

* These Acts are now repealed (except § 34 of 41 and 42 Vict., c. 74, and § 9 of 49 and 50 Vict., c. 32), and new regulations enacted by 57 & 58 Vict., c. 57.

## ACT OF PARLIAMENT

FOR

*Making better provision respecting Contagious and Infectious Diseases of Cattle and other Animals; and for other purposes.*—[41 *and* 42 *Vict., cap.* 74.—16*th August* 1878.]

[Wholly repealed by 57 & 58 Vict., c. 57, except § 34.]

DAIRIES, COW-SHEDS, AND MILK-SHOPS.

Repealed as to London 1891.

**34.** *Power for privy council to make orders relative to dairies, cow-sheds, and milk-shops.*—The privy council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For the registration with the local authority of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk.

(ii.) For the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cow-sheds in the occupation of persons following the trade of cowkeepers or dairymen.

(iii.) For securing the cleanliness of milk-stores, milk-shops, and of milk-vessels used for containing milk for sale by such persons.

(iv.) For prescribing precautions to be taken for protecting milk against infection or contamination.

(v.) For authorising a local authority to make regulations for the purposes aforesaid, or any of them, subject to such conditions, if any, as the privy council prescribe.

# ACT OF PARLIAMENT

TO

*mend the Contagious Diseases* (*Animals*) *Act*, 1878.—[49 *&* 50 *Vict., cap.* 32.—25*th June* 1886.]

[Wholly repealed by 57 & 58 Vict., c. 57, except § 9.]

IX. *Transfer to Local Government Board of wers of privy council under s.* 34.—(1.) The wers vested in the privy council of making neral or special orders under section thirty-ur of the principal Act, for the purposes in at section mentioned, are hereby transferred and shall henceforth be exercisable by the cal Government Board; every such order all have effect as if enacted in this section, d shall be published in such manner as the cal Government Board may direct, and the d Board may from time to time alter or voke any such order.

2.) For the purposes of the said section and is section, and of any order in force there-der, the expression local authority, unless e context otherwise requires, in the metro-lis has the same meanings as in the principal t, and elsewhere has the same meanings as the Public Health Act, 1875.

3.) Any expenses incurred by a local author-in the metropolis in pursuance of section irty-four of the principal Act, as amended by is section, shall be defrayed out of the local e applicable to their expenses under the ncipal Act; and any expenses so incurred any other local authority shall be defrayed if they were incurred in the execution of the blic Health Act, 1875, and in the case of a ral sanitary authority shall be deemed to be neral expenses.

4.) The local authority and their officers, for e purpose of enforcing the said orders and y regulations made thereunder, shall have e same right to be admitted to any premises the local authority, within the meaning of e Public Health Act, 1875, and their officers ve, under section one hundred and two of at Act, for the purpose of examining as to e existence of any nuisance thereon; and if ch admission is refused the like proceedings y be taken, with the like incidents and con-quences as to orders for admission, penalties, sts, expenses, and otherwise, as in the case a refusal to admit to premises for any of the rposes of the said section one hundred and o, and as if the local authority mentioned the said Act included a local authority in e metropolis as defined in this section.

Provided that nothing in this section shall authorise any person, except with the permission of the local authority under the principal Act, to enter any cowshed or other place in which an animal affected with any disease is kept, and which is situate in a place declared to be infected with such disease.

(5.) The like penalties for offences against orders or regulations made for the purposes of section thirty-four of the principal Act as amended by this section may be imposed by the Local Government Board or local authority making the same, and such offences may be prosecuted and penalties recovered in a summary manner, and subject to the like provisions, as if such orders or regulations were byelaws of a local authority under the Public Health Act, 1875, and as if the local authority mentioned in that Act included a local authority in the metropolis as defined in this section.

(6.) Whereas under the powers of the principal Act the privy council have made an order known as the dairies, cowsheds, and milkshops order of 1885, and certain authorities have made regulations under that order, or having effect in pursuance thereof; and it is expedient by reason of the foregoing provisions of this section to make provision respecting such order and regulations: Be it therefore enacted as follows:—

(*a.*) The dairies, cowsheds, and milkshops order of 1885, and any regulations thereunder, or having effect in pursuance thereof, made by any local authority under the principal Act, other than the local authority of a county, shall be deemed to have been made respectively by the Local Government Board and by a local authority under this section; and any such regulations made by the local authority of a county, within the meaning of the principal Act, shall, so far as they extend to the district of any local authority as defined in this section, be deemed to have been made by such local authority.

(*b.*) So much of any register kept by the local authority of any county under the said order as relates to the district of any local authority as defined in this section, or a

copy thereof, shall, as soon as may be after the passing of this Act, be delivered to the local authority by the local authority of the county.

(7.) In the application of this section to Scotland, the expression "Local Government Board" shall mean the board of supervision for relief of the poor and for public health; the expression "local authority" shall mean the local authority under the Public Health (Scotland Act, 1867; the expressions "Public Health Act, 1875," and "section one hundred and two of the said Act" shall mean respectively the Public Health (Scotland) Act, 1867, and section seventeen of the said Act; the expression "byelaws of a local authority" shall mean rules and regulations made by a local authority under the Public Health (Scotland) Act, 1867; and generally the board of supervision and the local authority under the Public Health (Scotland) Act, 1867, shall have all the powers of the privy council, and the local authority under section thirty-four of the Contagious Diseases (Animals) Act, 1878, with regard to the regulation of dairies, cowsheds, and milkshops: Provided always that no general or special order made by the board of supervision under this section shall be binding until it has been confirmed by the Secretary for Scotland, subject to such conditions (if any) as the Secretary for Scotland shall think fit.

(8.) In the application of this section to Ireland, the Local Government Board for Ireland shall be substituted for the Local Government Board; the expression "local authority" shall mean an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878, and that Act and section one hundred and eighteen thereof shall respectively be substituted for the Public Health Act, 1875, and for section one hundred and two of the said last-mentioned Act, and the dairies, cowsheds, and milkshops order of 1879 shall be substituted for the dairies, cowsheds, and milkshops order of 1885.

ACT OF PARLIAMENT

TO

*Consolidate the Contagious Diseases (Animals) Acts*, 1878 *to* 1893.—[57 *and* 58 *Vict., cap.* 57.—*25th August* 1894.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

CENTRAL AND LOCAL AUTHORITIES.

1. *Powers of Board of Agriculture in England, Wales, and Scotland.*—The powers and duties conferred and imposed by this Act on the Board of Agriculture as regards England and Wales and Scotland, shall be executed and discharged by the Board in manner provided by the Board of Agriculture Act, 1889, and this Act.

2. *Local authorities to execute Act.*—The local authorities in this Act described shall execute and enforce this Act and every order of the Board of Agriculture so far as the same are to be executed or enforced by local authorities.

3. *Local authorities in England and Wales.*—The local authorities in England and Wales shall be—

(i) for each borough not being a borough to which section thirty-nine of the Local Government Act, 1888, applies, the borough council;

(ii) for the residue of each administrative county, the county council.

Provided that the mayor and commonality and citizens of the city of London, acting by the mayor, aldermen, and commons of that city in common council assembled, shall be the local authority for the city of London, and shall be the local authority in and for the county of London for the purpose of the provisions of this Act relating to foreign animals.

SEPARATION OF DISEASED ANIMALS AND NOTICE TO POLICE.

4. *Separation of diseased animals, and notice to constable.*—(1.) Every person having in his possession or under his charge an animal affected with disease shall—

(*a.*) as far as practicable keep that animal separate from animals not so affected; and

(*b.*) with all practicable speed give notice of the fact of the animal being so affected to a constable of the police force for the police area wherein the animal so affected is.

(2.) The constable to whom notice is given, shall forthwith give information thereof to such person or authority as the Board of Agriculture by general order direct.

(3.) The Board may make such orders as they think fit for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease or in case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of this section.

### Cattle Plague.

5. *Cattle plague infected place.*—(1.) Where it appears to an inspector that cattle plague exists, or has within ten days existed, in a cow shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow shed, field, or other place.

(3.) Thereupon that cow shed, field, or other place, with all lands and buildings contiguous thereto in the same occupation, shall become and be a place infected with cattle plague, subject to the determination and declaration of the Board of Agriculture.

(4.) The inspector shall serve a like notice, signed by him, unless in the circumstances this appears to him not to be expedient, on the occupiers of all lands and buildings, any part whereof lies, in his judgment, within one mile in any direction from that cow shed, field, or other place, or on the occupiers of any of those lands and buildings.

(5.) Thereupon all the lands and buildings aforesaid, on the occupiers whereof the inspector serves such a notice, shall become and be part of the place infected with cattle plague, subject to the determination and declaration of the Board.

(6.) The inspector shall, with all practicable speed, inform the Board and the local authority of his declaration and notices, and shall send to the Board his declaration and a copy of his secondly-mentioned notice (if any).

(7.) The Board shall forthwith on receipt of the information inquire into the correctness of the inspector's declaration.

(8.) If the Board are satisfied of the correctness of that declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with cattle plague.

(9.) If the Board are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly ; and thereupon, as from the time specified in the order, the place comprised in the inspector's declaration and notices shall cease to be a place infected with cattle plague.

(10.) The Board may at any time, if they think fit, on any evidence satisfactory to them, by order—

(*a*) declare any cow shed, field, or other place with or without any lands or buildings adjoining or near thereto, to be a place infected with cattle plague; or

(*b*) extend, contract, or otherwise alter the limits of a place infected with cattle plague ; or

(*c*) declare a place infected with cattle plague or any part thereof to be free from cattle plague.

6. *Cattle plague infected area.*—The Board of Agriculture may at any time, if they think fit, by order—

(*a*) declare any area, wherein a place infected with cattle plague is situate, to be an area infected with cattle plague ; or

(*b*) extend, contract, or otherwise alter the limits of an area infected with cattle plague ; or

(*c*) declare an area infected with cattle plague or any part thereof to be free from cattle plague.

7. *Slaughter by Board of Agriculture in cattle plague, and compensation out of public money.*—(1.) The Board of Agriculture shall cause to be slaughtered—

(i) all animals affected with cattle plague, and

(ii) all animals being or having been in the same shed, stable, herd or flock, or in contact with an animal affected with cattle plague.

(2.) The Board may, if they think fit, in any case cause to be slaughtered—

(i) any animals suspected of being affected with cattle plague, or being in a place infected with cattle plague,

(ii) any animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury think fit to make).

(3.) The Board shall for animals slaughtered under this section pay compensation as follows, out of money provided by Parliament:—

(*a.*) Where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately before it became so affected, but so that the compensation does not in any such case exceed twenty pounds; and

(*b.*) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation does not in any case exceed forty pounds.

## Infected Places, Areas, and Circles for Diseases generally.

8. *Pleuro-pneumonia or foot and mouth disease infected place.*—(1.) Where it appears to an inspector of a local authority that pleuro-pneumonia or foot and mouth disease exists, or has within the period hereinafter mentioned existed, in a shed, field, or other place, he shall forthwith make and sign a declaration thereof. For the purposes of this sub-section the period shall be in the case of pleuro-pneumonia fifty-six days, and in the case of foot and mouth disease ten days.

(2.) The inspector shall serve a notice, signed by him, of the declaration on the occupier of that shed, field, or other place, and, in the case of foot and mouth disease, also on the occupier of any land or buildings contiguous thereto as he may consider necessary.

(3.) Thereupon that shed, field, or other place shall become and be a place infected with pleuro-pneumonia or foot and mouth disease, as the case may be, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority, and shall, with all practicable speed, inform the Board of Agriculture of his declaration and notice, and send a copy of the same to the Board.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration, with the assistance and advice, in the case of pleuro-pneumonia, and if so required by order of the Board in the case of foot and mouth disease, of a veterinary inspector, or of a person qualified according to this Act to be such.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of pleuro-pneumonia or foot and mouth disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with pleuro-pneumonia or foot and mouth disease, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with pleuro-pneumonia

or foot and mouth disease, any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of pleuro-pneumonia or foot and mouth disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in the order, the shed, field, or other place to which the inspector's declaration relates, shall cease to be a place infected with pleuro-pneumonia or foot and mouth disease, as the case may be.

(9.) The local authority shall forthwith report to the Board the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, should be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of animals, or any specified kind thereof, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market, fair, exhibition, or sale of animals, or such kind thereof, should be prohibited or restricted by order of the Board.

(10.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent section of this Act, whereby the Board are required to make, by order, provision respecting the case of animals found to be affected with pleuro-pneumonia or foot and mouth disease while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the animals.

(11.) Where a local authority have declared a place to be infected with pleuro-pneumonia or foot and mouth disease, they may, if they think fit, having first obtained the assistance and advice of a veterinary inspector, or of a person qualified according to this Act to be such, at any time after the expiration of the period hereinafter mentioned from the date of the cessation therein of pleuro-pneumonia or foot and mouth disease, but not sooner, declare by order that place to be free from pleuro-pneumonia or foot and mouth disease. For the purposes of this subsection the period shall be in the case of pleuro-pneumonia fifty-six days, and in the case of foot and mouth disease fourteen days, or such longer period not exceeding twenty-eight days as the Board by general order prescribe.

(12.) The Board may at any time, if they think fit, on any evidence satisfactory to them, by order—

(*a*) declare any shed, field, or other place with or without any lands or buildings adjoining or near thereto, to be a place infected with pleuro-pneumonia or foot and mouth disease;

(*b*) extend, contract, or otherwise alter the limits of any place infected with pleuro-pneumonia or foot and mouth disease declared either by the Board or a local authority; or

(*c*) declare any place, which has been declared by the Board or a local authority to be a place infected with pleuro-pneumonia or foot and mouth disease, to be free from pleuro-pneumonia or foot and mouth disease, as the case may be.

9. *Pleuro-pneumonia or foot and mouth disease infected area.*—(1.) The Board of Agriculture may at any time, if they think fit, on any evidence satisfactory to them, by order—

(*a*) declare any area wherein a place infected with pleuro-pneumonia or foot and mouth disease is situate to be an area infected with pleuro-pneumonia or foot and mouth disease; and

(*b*) extend the limits of an area infected with pleuro-pneumonia or foot and mouth disease; and

(c) when there is not within an area so declared, or within some particular portion thereof, any place infected with pleuro-pneumonia or foot and mouth disease, as the case may be, declare that area or that portion thereof to be free from pleuro-pneumonia or foot and mouth disease.

(2.) The Board on making any order declaring an area to be an area infected with pleuro-pneumonia or foot and mouth disease shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of animals, or any specified kind thereof, and shall either prohibit the holding thereof accordingly, or allow the same to be held on such terms and conditions, if any, as they think fit to prescribe.

10. *General provisions as to infected places and areas.*—(1.) The Board of Agriculture may make such orders as they think fit, subject and according to the provisions of this Act, for prescribing the cases in which places and areas are to be declared to be infected with a disease other than cattle plague, pleuro-pneumonia, or foot and mouth disease, and the authority, mode, and conditions by, in, and on which declarations in that behalf are to be made, and the effect and consequences thereof, and the duration and discontinuance thereof, and other matters connected therewith.

(2.) Every place or area so declared infected, as well as a place or area declared infected with cattle plague, pleuro-pneumonia, or foot and mouth disease, shall be an infected place or area for the purposes of this Act.

(3.) Notwithstanding anything in this Act, where the Board, on inquiry, and after communication with the local authority, but without prejudice to the powers of the Board as regards cattle plague, are satisfied that a declaration of a place being an infected place has been made in error respecting the existence or past existence of disease, or respecting the limits of a place, or respecting any other matter of fact whereon the declaration proceeded, the Board may by order cancel the declaration as regards the infected place, or as regards any part thereof, as they think fit.

(4.) Where, in accordance with the provisions of this Act, a place or an area or a portion of an area is declared free from a disease, or a declaration of a place being an infected place is cancelled as regards the place, or as regards any part thereof, then, from the time specified in that behalf by the Board or a local authority, as the case may be, the place, or area, or that portion of the area or that part of the place, shall cease to be, or to be in, an infected place or area.

(5.) An order of the Board or of a local authority declaring a place to be an infected place or area, or declaring a place or area, or a portion of an area, to be free from disease, or cancelling a declaration, shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, or of the error, and of any other matter whereon the order proceeds.

11. *Movement into, within, or out of infected places and areas in case of pleuro-pneumonia and foot and mouth disease.*—(1.) Cattle shall not be moved into, within, or out of a place or area infected with pleuro-pneumonia otherwise than in accordance with the conditions contained in Part I. of the First Schedule to this Act.

(2.) Animals shall not be moved into, within, or out of a place or area infected with foot and mouth disease otherwise than in accordance with the conditions contained in Part II. of the First Schedule to this Act.

12. *Provisions as to infected circles.*—(1.) Where the Board of Agriculture by order declare that this section shall apply in the case of any disease, then, upon any place becoming, in pursuance of a declaration made and signed by an inspector of a local authority, a place infected with that disease, the whole space lying within a distance of half a mile from any part of the infected place shall become and be a circle infected with that disease: Provided that the Board may, if they think

fit, limit the application of any such order to infected places in any particular district or districts.

(2.) Where, under or in pursuance of this Act, the place, in respect of which an infected circle has been constituted in pursuance of this section, ceases to be an infected place, the infected circle shall cease to exist.

(3.) The Board may make such orders as they think fit for giving public notice of the existence of, and for contracting, the limits of, and dissolving infected circles, and for prohibiting or regulating the movement of animals into, within, and out of infected circles, or for any of those purposes, or for authorising a local authority to make regulations for those purposes, or any of them, subject to such conditions, if any, as the Board think fit to prescribe.

(4.) Where two or more circles infected with the same disease adjoin or overlap each other, the whole of the infected circles shall be deemed for the purpose of the movement of animals under any orders or regulations made in pursuance of this section to be one infected circle.

13. *Power to exclude strangers by notice.*—A person owning or having charge of any animals in a place or area declared infected with any disease may affix, at or near the entrance to a building or inclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice; and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or inclosure, to enter or go into, on, or over the same without that permission.

### Slaughter by Board of Agriculture in case of Pleuro-pneumonia, Foot and Mouth Disease, or Swine Fever.

14. *Slaughter by Board of Agriculture in pleuro-pneumonia, and compensation.*—(1.) The Board of Agriculture shall cause to be slaughtered all cattle affected with pleuro-pneumonia.

(2.) The Board may, if they think fit, in any case cause to be slaughtered:—

(*a.*) any cattle suspected of being affected with pleuro-pneumonia; and

(*b.*) any cattle which are or which have been in the same field, shed, or other place, or in the same herd or otherwise in contact with cattle affected with pleuro-pneumonia, or which appear to the Board to have been in any way exposed to the infection of pleuro-pneumonia.

(3.) The Board shall for cattle slaughtered under this section pay compensation as follows:—

(*a.*) where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three-fourths of the value of the animal immediately before it became so affected, but so that the compensation do not in any such case exceed thirty pounds; and

(*b.*) in every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

(4.) Where the Board have decided that any head of cattle is to be slaughtered under this section, the Board shall, if the owner of such head of cattle by notice in writing so requires, cause the same to be slaughtered within twenty-one days after the receipt of the notice.

(5.) The costs of the execution of this section in Great Britain shall be paid by the Board out of the moneys standing to the Cattle Pleuro-pneumonia Account for Great Britain.

15. *Slaughter by Board of Agriculture in foot and mouth disease, and compensation.*—(1.) The Board of Agriculture may, if they think fit, in any case cause to be slaughtered—

(*a.*) any animals affected with foot and mouth disease, or suspected of being so affected ; and

(*b.*) any animals which are or have been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact with animals affected with foot and mouth disease, or which appear to the Board to have been in any way exposed to the infection of foot and mouth disease.

(2.) The Board shall for animals slaughtered under this section pay compensation as follows :—

(i.) where the animal slaughtered was affected with foot and mouth disease the compensation shall be the value of the animal immediately before it became so affected :

(ii.) in every other case the compensation shall be the value of the animal immediately before it was slaughtered.

(3.) The costs of the execution of this section in Great Britain shall be paid by the Board out of the moneys standing to the Cattle Pleuro-pneumonia Account for Great Britain.

116. *Slaughter by Board of Agriculture in swine fever, and compensation.*—(1.) The Board of Agriculture may, if they think fit, in any case cause to be slaughtered—

(*a.*) any swine affected with swine fever, or suspected of being so affected ; and

(*b.*) any swine which are or have been in the same field, pig-sty, shed, or other place, or in the same herd, or otherwise in contact with swine affected with swine fever, or which appear to the Board to have been in any way exposed to the infection of swine fever.

(2.) The Board shall for animals slaughtered under this section pay compensation as follows :—

(i.) Where the animal slaughtered was affected with swine fever, the compensation shall be one-half of the value of the animal immediately before it became so affected :

(ii.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered.

(3.) The costs of the execution of this section in Great Britain, including the costs of such measures under this Act as may seem to the Board necessary for preventing the spread of swine fever, shall be paid by the Board out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain.

117. *Additional officers, and expenses for purposes of slaughter.*—The Board of Agriculture may, for the purposes of the execution of the sections of this Act relating to the slaughter by the Board of cattle, animals, or swine, on account of pleuro-pneumonia, foot and mouth disease, or swine fever, employ such additional inspectors, valuers, and other persons, and at such remuneration and may incur such expenses as, subject to the sanction of the Treasury, the Board think necessary ; and all costs and expenses incurred under this section shall be paid by the Board out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain.

118. *Pleuro-pneumonia account for Great Britain.*—(1.) The account opened at the Bank of England under the provisions of section two of the Contagious Diseases (Animals) Pleuro-pneumonia Act, 1890 (and therein and in this Act referred to as the Cattle Pleuro-pneumonia Account for Great Britain), is hereby continued, and there shall be paid to the said account—

(*a.*) such moneys (not exceeding One hundred and forty thousand pounds in any one year) as may be provided by Parliament towards defraying the costs

incurred by the Board of Agriculture in the execution in Great Britain of the provisions of this Act relating to the slaughter of cattle, animals, or swine, on account of pleuro-pneumonia, foot and mouth disease, or swine fever, and such other costs and expenses as are by this Act made payable out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain ; and

(*b.*) all sums received by the Board on the sale of the carcases of cattle, animals, or swine slaughtered by the Board on account of pleuro-pneumonia, foot and mouth disease, or swine fever, after deducting any amounts payable thereout as excess to the owners of the cattle, animals, or swine, under this Act.

Provided that of the money provided by Parliament for the Cattle Pleuro-pneumonia Accounts for Great Britain and Ireland not more than Fifty thousand pounds shall be so provided for the costs of the execution of this Act as respects swine fever in any one year.

(2.) If in any financial year the money standing to the Cattle Pleuro-pneumonia Account for Great Britain is insufficient to defray the costs and expenses by this Act made payable out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain, the Local Government Board and the Secretary for Scotland shall out of the Local Taxation Account and the Local Taxation (Scotland) Account respectively, pay to the Cattle Pleuro-pneumonia Account for Great Britain in the proportions provided in the Second Schedule to this Act such additional sums as may be certified by the Board of Agriculture to be required for defraying those costs and expenses.

(3.) The regulations contained in the Second Schedule to this Act shall apply to the Cattle Pleuro-pneumonia Account for Great Britain.

### Slaughter in Disease, and Compensation generally.

19. *Power for Board of Agriculture to provide for slaughter in diseases other than cattle plague.*—The Board of Agriculture may make such orders as they think fit subject and according to the provisions of this Act for directing or authorising, in case of the existence or suspected existence of any disease other than cattle plague and under such conditions as the Board think fit to prescribe, the slaughter of animals by local authorities, either generally or in particular instances, and in all or any of such cases the payment of compensation for the same by local authorities out of the local rate ; and the Board may by such orders direct or authorise the slaughter both of animals actually affected with disease, and also of animals suspected of disease, or being or having been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact with animals affected with disease, or being or having been otherwise exposed to the infection thereof.

20. *General provisions relative to slaughter and compensation.*—(1.) The Board of Agriculture may, notwithstanding anything in this Act, reserve for observation and treatment an animal liable to be slaughtered under this Act by order of the Board or of a local authority, but subject to payment of compensation by the Board or the local authority, as the case may be, as in case of actual slaughter.

(2.) Where an animal has been slaughtered under this Act by order of the Board or of a local authority, the carcase of the animal shall belong to the Board or to the local authority, as the case may be, and shall be buried, or sold, or otherwise disposed of by the Board or the local authority, or as they direct, as the condition of the animal or carcase and other circumstances may require or admit ; and any money received by a local authority on any such sale shall be carried by them to the credit of the local rate.

(3.) If, in any case, the sum received by the Board or a local authority on sale of a carcase under this section exceeds the amount paid for compensation to the owner of the animal slaughtered, the Board or the local authority, as the case may be, shall pay that excess to the owner, after deducting reasonable expenses.

(4.) Where an animal has been slaughtered under this Act by order of the Board or of a local authority, the Board or the local authority, as the case may be, may use for the burial of the carcase any ground in the possession or occupation of the owner of the animal and suitable in that behalf, or any common or uninclosed land, but, as regards the use by a local authority of common or uninclosed land, not without the approval of the Board.

(5.) If the owner of an animal slaughtered under this Act by order of the Board or of a local authority has an insurance on the animal, the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

(6.) A local authority shall keep in such manner as the Board by general order direct, a record relative to slaughter, which record shall be admitted in evidence.

(7.) Notwithstanding anything in this Act, the Board or a local authority, as the case may be, may, if they think fit, withhold, either wholly or partially, compensation or other payment in respect of an animal slaughtered under this Act by their respective order, where the owner or the person having charge thereof has, in the judgment of the Board or the local authority, as the case may be, been guilty, in relation to the animal, of an offence against this Act, or where the animal, being a foreign animal, was, in their judgment, diseased at the time of its landing.

### Exceptional Powers for Transit, and in Other Cases.

21. *Board of Agriculture to provide for pleuro-pneumonia or foot and mouth disease during transit, &c.*—(1.) The Board of Agriculture shall, by order, make such further or other provision as they think necessary or expedient respecting the case of animals found to be affected with pleuro-pneumonia or foot and mouth disease—

(i) while exposed for sale or exhibited in a market, fair, saleyard, place of exhibition, or other place ; or

(ii) while placed in a lair or other place before exposure for sale ; or

(iii) while in transit or in course of being moved by land or by water ; or

(iv) while in a foreign animals' wharf or foreign animals' quarantine station ; or

(v) while being in a slaughter-house or place where animals are slaughtered or are kept with a view to slaughter ; or

(vi) while being on common or uninclosed land ; or

(vii) generally, while being in a place not in the possession or occupation or under the control of the owner of the animals.

(2.) The Board shall, by orders under this section, make such provision as they think fit for the consequences under this Act of animals being so found in the circumstances aforesaid, as well with regard to the animals as with regard to the places where they are when so found and other places, and with regard to animals being or having been in the same shed or stable, herd or flock, or in contact, with animals so found.

(3.) The Board may, by orders under this section relating to particular places, make such provision as they think fit for the consequences aforesaid.

(4.) Every order under this section shall have full effect notwithstanding any provision of this Act requiring the declaration of a place infected with pleuro-

pneumonia or foot and mouth disease, or relating to any consequence thereof, or to any matter connected herewith, and notwithstanding any other provision whatsoever of this Act.

### Disease and Movement, Generally.

22. *Power for Board of Agriculture to make orders for prevention or checking of disease, and other purposes.*—The Board of Agriculture may make such orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them—

(i) for prescribing and regulating the publication by placards, handbills, or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration ;

(ii) for prohibiting or regulating the movement of animals and persons into, within, or out of an infected place or area ;

(iii) for prescribing and regulating the isolation or separation of animals being in an infected place or area ;

(iv) for prohibiting or regulating the removal of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things into, within, or out of an infected place or area ;

(v) for prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things, being in an infected place or area, or removed thereout ;

(vi) for prescribing and regulating the cleansing and disinfection of infected places and areas, or parts thereof ;

(vii) for prescribing and regulating the disinfection of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons ;

(viii) for prohibiting or regulating the digging up of carcases which have been buried ;

(ix) for prohibiting or regulating the exposure of diseased or suspected animals in markets or fairs or sale-yards, or other public or private places, where animals are commonly exposed for sale, and the placing thereof in lairs or other places adjacent to or connected with markets or fairs, or where animals are commonly placed before exposure for sale ;

(x) for prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or otherwise ;

(xi) for prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or the causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere ;

(xii) for prohibiting or regulating the placing or keeping of diseased or suspected animals on commons or uninclosed lands, or in fields or other places insufficiently fenced, or on the sides of highways ;

(xiii) for prescribing and regulating the seizure, detention, and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of an order of the Board ; and for prescribing and regulating the liability of the owner or consignor or consignee of such animal to the expenses connected with the seizure, detention, and disposal thereof ;

(xiv) for prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, by order of the Board or of a local authority ;

(xv) for regulating applications for, and the mode of payment of, compensation to be paid out of money provided by Parliament ;

(xvi) for prescribing and regulating the destruction, burial, disposal, or treatment of carcases of animals slaughtered by order of the Board or of a local authority, or dying while diseased or suspected ;
(xvii) for prohibiting or regulating the movement of animals, and the removal of carcases, fodder, litter, dung, and other things, and for prescribing and regulating the isolation of animals newly purchased ;
(xviii) for prescribing and regulating the issue and production of licenses respecting movement and removal of animals and things ;
(xix) for prohibiting or regulating the holding of markets, fairs, exhibitions, and sales of animals ;
(xx) for prescribing and regulating the cleansing and disinfection of places used for the holding of markets, fairs, exhibitions, or sales of animals, or for lairage of animals, and yards, sheds, stables, and other places used for animals ;
(xxi) for prescribing and regulating the cleansing and disinfection of vessels, vehicles, and pens and other places, used for the carrying of animals for hire or purposes connected therewith ;
(xxii) for prescribing modes of cleansing and disinfection ;
(xxiii) for prohibiting the conveyance of animals by any specified vessel to or from any port in the United Kingdom for such time as the Board may consider expedient ;
(xxiv) for insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing ;
(xxv) for protecting them from unnecessary suffering during the passage and on landing ;
(xxvi) for protecting animals from unnecessary suffering during inland transit ;
(xxvii) for securing a proper supply of water and food to animals during any detention thereof ;
(xxviii) for prescribing and regulating the marking of animals ;
(xxix) for prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any purpose connected therewith, of a vessel, vehicle, or pen or other place in respect whereof, or of the use whereof, a penalty has been recovered from any person for an offence against this Act ;
(xxx) for prescribing and regulating the muzzling of dogs, and the keeping of dogs under control ;
(xxxi) for prescribing and regulating the seizure, detention, and disposal (including slaughter) of stray dogs and of dogs not muzzled, and of dogs not being kept under control, and the recovery from the owners of dogs of the expenses incurred in respect of their detention ;
(xxxii) for prescribing and regulating the payment and recovery of expenses in respect of animals ;
(xxxiii) for prescribing and regulating the form and mode of service or delivery of notices and other instruments ;
(xxxiv) for authorising a local authority to make regulations for any of the purposes of this Act or of an order of the Board subject to such conditions, if any, as the Board, for the purpose of securing uniformity and the due execution of the provisions of this Act, think fit to prescribe ;
(xxxv) for extending, for all or any of the purposes of this Act, the definition of disease in this Act, so that the same shall for these purposes, or any of them, comprise any disease of animals in addition to the diseases mentioned in this Act ;
(xxxvi) for extending, for all or any of the purposes of this Act, the definition of animals in this Act, so that the same shall for those purposes or any of them comprise any kind of four-footed beasts, in addition to the animals mentioned in this Act ; and
(xxxvii) generally, for the better execution of this Act, or for the purpose of in any manner preventing the spreading of disease.

23. *Provision of water and food at railway stations.*—(1.) Every railway company shall make a provision, to the satisfaction of the Board of Agriculture, of water and food, or either of them, at such stations as the Board, by general or specific description, direct, for animals carried, or about to be or having been carried, on the railway of the company.

(2.) The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of the consignor or of any person in charge thereof.

(3.) As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for twenty-four consecutive hours, the consignor and the person in charge of the animal shall each be guilty of an offence against this Act; and it shall lie on the person charged to prove such a request and the time within which the animal had a supply of water.

(4.) But the Board may, if they think fit, by order prescribe any other period, not less than twelve hours, instead of the period of twenty-four hours aforesaid, generally, or in respect of any particular kind of animals.

(5.) The company supplying water or food under this section may make in respect thereof such reasonable charges (if any) as the Board by order approve, in addition to such charges as they are for the time being authorised to make in respect of the carriage of animals. The amount of those additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them, with costs, by proceedings in any court of competent jurisdiction. The company shall have a lien for the amount thereof on the animal in respect whereof the same accrued due, and on any other animal at any time consigned by or to the same consignor or consignee to be carried by the company.

## Foreign Animals.

24. *Animals in the absence of any order to be slaughtered at port of landing.*—The provisions set forth in Part I. (slaughter at port of landing) of the Third Schedule to this Act shall apply to all foreign animals other than—

(*a.*) foreign animals the landing of which is for the time being prohibited by order of the Board of Agriculture;

(*b.*) foreign animals the landing of which is allowed by order of the Board without being subject under the provisions of this Act to slaughter or quarantine; and

(*c.*) foreign animals intended for exhibition or other exceptional purposes, and the landing of which is allowed for the time being by the Board subject to the provisions of Part II. (quarantine) of the Third Schedule of this Act.

25. *Orders prohibiting importation of animals.*—The Board of Agriculture may, whenever they deem it expedient so to do, for the purpose of preventing the introduction of disease into the United Kingdom, make orders for prohibiting the landing of animals or of any specified kind thereof, or of carcases, fodder, litter, dung, or other thing brought from any specified country out of the United Kingdom or any specified part of any such country, and they shall prohibit the landing of such animals whenever they are not satisfied with respect to any such country or any specified part thereof, that having regard to the sanitary condition of the animals therein or imported therefrom, to the laws made by such country for the regulation of the importation and exportation of animals, and for the prevention of the introduction or spreading of disease, and to the ministration of such laws, the circumstances are such as to afford reasonable security against the importation therefrom of animals affected with foot and mouth disease.

26. *Orders admitting animals free without being subject to slaughter.*—In relation to foreign animals other than those the landing whereof is for the time being pro-

ited by order of the Board of Agriculture, and other than those brought from Channel Islands or the Isle of Man, if and so long as the Board are satisfied h respect to any country out of the United Kingdom or any specified part of h country that the laws thereof relating to the importation and exportation of mals, and to the prevention of the introduction or spreading of disease, and the neral sanitary condition of animals therein, are such as to afford reasonable urity against the importation therefrom of diseased animals, the Board, by er, shall allow animals, or any specified kind of animals, brought from that ntry or such part to be landed without being subject to the provisions of the ird Schedule to this Act as to slaughter or quarantine, and may for that purpose er or add to those provisions as the case may require.

Provided that the admission of such animals shall be subject to such regulations to the route by which the animals are conveyed to this country, quarantine, or erwise, as the Board of Agriculture may by order direct.

27. *Orders admitting animals to quarantine.*—Notwithstanding anything con- ned in this Act or in any order of the Board of Agriculture, the Board may ke such orders as they think fit for allowing the landing of any foreign animals ended for exhibition, or for other exceptional purposes, and for allowing such mals to be landed without being subject to the provisions of Part I. (slaughter port of landing) of the Third Schedule to this Act, and the provisions of Part (quarantine) of the said Schedule shall apply to any animals so allowed to be ded.

28. *Special provisions as to Channel Islands and Isle of Man.*—In relation to mals brought from the Channel Islands or the Isle of Man, the Board of Agri- ture may, if they think fit, by order or by licence, alter or add to the provisions the Third Schedule to this Act relating to slaughter or to quarantine, as the e may require.

29. *Orders to be laid before Parliament.*—Every order made in pursuance of this t in relation to the landing or conveyance of foreign animals shall be forthwith l before both Houses of Parliament.

30. *Regulation of ports.*—(1.) The Board of Agriculture may make such orders they think fit, subject and according to the provisions of this Act, for the follow- ; purposes, or any of them :

(i.) for prescribing the ports at which alone foreign animals may be landed ;

(ii.) for defining the limits of ports for the purposes of this Act ;

(iii.) for defining parts of ports ;

(iv.) for prohibiting or regulating the movements of animals into, within, or out of a defined part of a port ;

(v.) for prescribing and regulating the inspection and examination, and the mode, time, and conditions of slaughter, of animals in a defined part of a port ;

(vi.) for prescribing and regulating the disposal of animals, not being foreign animals, and being in a defined part of a port ;

(vii.) for regulating the removal of carcases, fodder, litter, utensils, dung, or other things into, within, or out of a defined part of a port, and the disposal thereof, when likely to introduce or spread disease ;

(viii.) for prescribing and regulating the cleansing and disinfection of a defined part of a port or of parts thereof ;

(ix.) for prescribing and regulating the disinfection or destruction of things being in a defined part of a port or removed thereout ;

(x.) for regulating the movement of persons into, within, or out of a defined part of a port;

(xi.) for prescribing and regulating the disinfection of the clothes of persons employed or being in a defined part of a port, and the use of precautions against the introduction or spreading by them of disease;

(xii.) for prescribing and regulating the seizure and detention of any foreign animal, carcase, fodder, litter, dung, or other thing whereby disease may be introduced or spread; and

(xiii.) generally, for the better execution of this Act in relation to foreign animals, carcases, fodder, litter, dung, or other things, or for the purpose of in any manner preventing the introduction or spreading thereby of disease.

(2.) Notwithstanding anything in this Act, a defined part of a port, or any part thereof, shall not be declared to be an infected place, or be made part of an infected place, otherwise than by the Board.

(3.) Where the district or part of a district of a local authority under this Act is or comprises, or is comprised in, a port or part of a port, the Board may, if they think fit, in relation to that port or part of a port, by order, make any body, other than the body constituted the local authority by this Act for such district or part of a district, the local authority for the purposes of the provisions of this Act relating to foreign animals, and, in connexion with the local authority so made, prescribe the local rate, if any, and the clerk of the local authority.

### General Provisions as to Local Authorities.

31. *Committees of local authorities.*—(1.) The provisions in the Fourth Schedule to this Act shall have effect with respect to committees of local authorities, but nothing therein contained shall prejudice or affect the power of a county council to delegate their powers to any committee or body under section twenty-eight of the Local Government Act, 1888.

(2.) Provided that the Board of Agriculture, in any order made by them under this Act for authorising a local authority to make regulations may direct that the power to make such regulations for any purpose specified in that behalf in the order shall be exercised only by the local authority or their executive committee, and shall not be deputed to any other committee nor to a sub-committee.

32. *Provision of wharves, stations, lairs, &c.*—(1.) A local authority may provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter, or disposal of foreign or other animals, carcases, fodder, litter, dung, and other things.

(2.) There shall be incorporated with this Act the Markets and Fairs Clauses Act, 1847, except sections six to nine and fifty-one to sixty thereof.

(3.) A wharf or other place provided by a local authority under this section shall be a market within that Act; and this Act shall be the special Act; and the prescribed limits shall be the limits of lands acquired and appropriated for purposes of this section; and byelaws shall be approved by the Board of Agriculture, which approval shall be sufficient without any other approval or allowance, notice of application for approval being given, and proposed byelaws being published before application, as required by the Markets and Fairs Clauses Act, 1847.

(4.) A local authority may charge for the use of a wharf or other place provided by them under this section such sums as may be imposed by byelaws, and the same shall be deemed tolls authorised by the special Act.

(5.) All sums so received by the local authority shall be carried to a separate account, and shall be applied in payment of interest on money borrowed by them under the Contagious Diseases (Animals) Act, 1869, the Contagious Diseases (Animals) Acts, 1878 to 1893, or this Act, and in repayment of the principal

ereof, and, subject thereto, towards discharge of their expenses under this ct.

(6.) The local authority shall make such periodical returns to the Board of griculture of their expenditure and receipts in respect of the wharf or other place the Board require.

(7.) The Board, if satisfied on inquiry that the tolls taken by the local authority r the wharf or other place may properly be reduced, regard being had to the penditure and receipts of the local authority in respect thereof, and to any oney secured on the tolls, and to the other circumstances of the case, may quire the local authority to submit to the Board, for their approval, a new hedule of tolls, and on failure of the local authority to do so to the satisfaction of e Board, may, by order, prescribe such tolls as the Board think fit, in lieu of ose before approved by the Board.

(8.) The provisions of this section shall apply to a wharf or other place provided a local authority under the Contagious Diseases (Animals) Act, 1869, or under e Contagious Diseases (Animals) Acts, 1878 to 1893.

333. *Power for local authority to acquire land.*—(1.) A local authority may rchase, or may by agreement take on lease or at a rent, land for wharves or her places, or for use for burial of carcases, in cases where there is not any ound suitable in that behalf in the possession or occupation of the owner of imal, or any common or uninclosed land suitable and approved by the Board of griculture in that behalf, or for any other purpose of this Act.

(2.) The local authority may (subject to any agreement) dispose of lands so quired but not required for the purposes of this Act, carrying the money pro- ced thereby to the credit of the local rate.

(3.) The regulations contained in section one hundred and seventy-six of the blic Health Act, 1875, shall be observed with respect to the purchase of land a local authority for purposes of this Act, as if the local authority were a local ard, and purposes of this Act were purposes of that Act; provided that the quisite advertisements and notices may be published and served in any two nsecutive months, and that the local rate shall be substituted for the rates erein mentioned.

(4.) The powers conferred by this section may be exercised by a local authority th respect to land within or without their district.

334. *Proceedings in case of default of local authorities.*—(1.) Where a local thority fail to execute or enforce any of the provisions of this Act, or of an der of the Board of Agriculture, the Board may by order empower a person erein named to execute and enforce those provisions, or to procure the execu- n and enforcement thereof.

(2.) The expenses incurred under any such order or in respect of any such fault by or on behalf of the Board, including compensation for animals ughtered, shall be expenses of the local authority, and the treasurer or other pper officer of the local authority shall pay the amount of such expenses to the ard on demand, and in default of payment a person appointed by the Board sue in that behalf, may recover the amount of such expenses, with costs, m the local authority.

(3.) For the purposes of this section an order of the Board shall be con- sive in respect of any default, amount of expenses, or other matter therein ted or appearing.

(4.) The provisions of this section shall be without prejudice to the right or power the Board, or any other authority or any person, to take any other proceed- gs for requiring a local authority to execute or enforce any of the provisions of s Act, or of an order of the Board.

35. *Inspectors and other officers of local authority.*—(1.) Every local authority shall appoint so many inspectors and other officers as the local authority think necessary for the execution and enforcement of this Act, and shall assign to those inspectors and officers such duties, and salaries or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

(2.) Every local authority shall keep appointed at all times at least one veterinary inspector, and shall appoint and at all times keep appointed so many other veterinary inspectors as the Board of Agriculture, having regard to the extent and circumstances of the district of the local authority, direct.

(3.) The Board, on being satisfied on inquiry that an inspector of a local authority is incompetent, or has been guilty of misconduct or neglect, may, if they think fit, direct his removal, and thereupon he shall cease to be an inspector.

36. *Reports to Board of Agriculture.*—Every local authority and their inspectors and officers shall send and give to the Board of Agriculture such notices, reports, returns, and information as the Board require.

37. *Orders and regulations of local authorities.*—(1.) An order or regulation of a local authority may be proved—

(i) by the production of a newspaper purporting to contain the order or regulation as an advertisement; or

(ii) by the production of a copy of the order or regulation purporting to be certified by the clerk of the local authority as a true copy.

(2.) An order or regulation so proved shall be taken to have been duly made unless and until the contrary is proved.

(3.) An order or regulation of a local authority authorised by this Act or by an order of the Board of Agriculture shall alone be deemed for the purposes of this Act an order or regulation of a local authority.

38. *Powers of local authorities to be for their district.*—(1.) The provisions of this Act conferring powers on, or otherwise relating to, a local authority, or their inspectors or officers, shall, unless otherwise expressed, be read as having reference to the district of the local authority; and powers thereby conferred shall, unless it is otherwise expressed, be exercisable and shall operate within and in relation to that district only.

39. *Transfer of powers from one local authority to another, or formation of united district.*—(1.) Wherever the whole or any part of the district of any local authority is wholly surrounded by or has a common boundary with the district of any other local authority, those two local authorities may by agreement in writing between themselves make and vary and rescind provisions for the exercise by one of them (in this section referred to as the administering authority) of powers under this Act or any order of the Board of Agriculture within the whole or any part of the district of the other (in this section referred to as the surrendering authority) and for ascertaining the proportion of the expenses of the administering authority to be paid by the surrendering authority, such proportion to be fixed with reference to the rateable value of the part of the district of the surrendering authority surrendered to the administering authority as compared with the rateable value of the original area of the district of the administering authority.

(2.) The district or part of a district subjected, in pursuance of an agreement under this section, to the powers of the administering authority, shall, for the purpose of the exercise of such powers, be deemed to be part of the district of the administering authority, and be dealt with accordingly.

(3.) Any expenses payable by a surrendering authority to an administering authority under this section shall be paid out of the local rate of the surrendering authority.

(4.) Provided that where the surrendering authority is the local authority for a borough and the administering authority is the local authority for a county to the rate of which such borough is assessed, the provision of this Act requiring that the local authority of the borough shall be paid by the local authority of the county the proportionate amount paid by the several parishes or parts of parishes in the borough shall not apply.

(5.) A local authority may by agreement in writing concur with any other local authority or authorities in appointing out of their respective bodies a joint committee consisting of such number of members with such tenure of office as they may determine, and in assigning to the joint committee a district consisting of the whole or such parts of the districts of the constituent authorities as the authorities may determine, and in delegating to the joint committee within their district the whole or any part of the powers of a local authority, and the joint committee shall, in respect of any powers so assigned to them, exercise the same powers and be subject to the same obligations, and this Act and any order of the Board shall, in respect of the district so assigned, take effect, as if such district were the district of a local authority and the joint committee were a local authority within the meaning of this Act.

(6.) All expenses incurred by the joint committee shall be apportioned among the component areas belonging to the different constituent authorities in proportion to the rateable values of such areas, as compared with each other, and shall be paid out of the local rates of the constituent authorities.

(7.) An agreement made under this section shall not be valid unless it has been approved by the Board.

(8.) The expression "powers" in this section shall not include the power of making or levying a rate, but shall include all other powers, duties, and obligations exercisable by or imposed on a local authority or its officers under or by this Act, or any order of the Board.

## Expenses of Local Authorities.

10. *Expenses out of local rate.*—(1.) The expenses of a local authority under this Act shall be defrayed out of the local rate; and such sums as may be necessary to defray those expenses shall be levied with and as part of the local rate.

(2.) The local rate in England and Wales shall be as follows:—

(i.) in the case of the local authority for a county, the county rate with the county fund;

(ii.) in the case of the local authority for the City of London, the consolidated rate; and

(iii.) in the case of the local authority for a borough, the borough rate with the borough fund.

(3.) Provided that the payment of the expenses of the local authority for the county of London, under this Act, shall be a general county purpose for which the parishes in the City of London shall be liable to be assessed to county contributions.

11. *Relief of boroughs from contribution to county expenses.*—(1.) In England and Wales the council of a borough assessed to the county rate of a county shall be paid by the council of the county the proportionate amount paid by the several parishes and parts of parishes in the borough towards the expenses under this Act by the council of the county.

(2.) Nothing in this Act shall affect the exemption of any borough which had a separate court of quarter sessions at the date of the passing of the Local Government Act, 1888, from contributing towards the expenses under this Act of the council of the county within which the borough is situate.

42. *Power for local authority to borrow.*—(1.) Where the amount or proportion of the local rate levied or required for the purposes of this Act exceeds or would exceed in any financial year sixpence in the pound, a local authority may borrow at interest on the credit of the local rate any money necessary for the purposes of this Act, and may secure the repayment thereof, with interest, by mortgaging the local rate for any term not exceeding seven years.

(2.) Where the amount or proportion aforesaid exceeds or would exceed in any financial year ninepence in the pound, the Local Government Board may, if they think fit, on application of the local authority, extend the term to any period not exceeding fourteen years.

(3.) A local authority, borrowing for the purposes of this section, shall borrow subject to the provisions of the Local Loans Act, 1875 ; and every loan raised under this section shall be discharged in manner prescribed by section thirteen of that Act, for which purpose a sinking fund is hereby prescribed, if in any case the Local Government Board so direct, but not otherwise.

(4.) The Public Works Loan Commissioners may, on the recommendation of the Local Government Board, advance money to a local authority in manner provided by the Public Works Loans (Money) Act, 1875, and any enactment amending or substituted for that Act, the same to be repaid, with interest, within the term aforesaid, and the local authority may so borrow accordingly.

(5.) A local authority, borrowing for any of the purposes of this Act, may, if they think fit, give as security, either with the local rate, if any, or separately therefrom, the charges which they are authorised to make for the use of a wharf or other place provided by them under this Act, and any estates, revenues, or funds belonging to them and not otherwise appropriated by law ; and in that case the limitations in this section respecting the amount or proportion of rate and term of years shall not operate.

## Police.

43. *Duties and authorities of constables.*—(1.) The police force of each police area shall execute and enforce this Act and every order of the Board of Agriculture.

(2.) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him ; and, if his name and address are not known to the constable, and such person fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him ; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine any animal, vehicle, boat or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(3.) If any person obstructs or impedes or assists to obstruct or impede a constable or other officer in the execution of this Act or of an order of the Board or of a regulation of a local authority, the constable or officer may, without warrant, apprehend the offender.

(4.) A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained without a warrant longer than is necessary for that purpose ; and all enactments relating to the release of persons on recognizances taken by an officer of police or a constable shall apply in the case of a person apprehended under this section.

(5.) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(6.) A constable shall forthwith make a report in writing to his superior officer

every case in which he stops any person, animal, vehicle, boat, or thing under his section, and of his proceedings consequent thereon.

(7.) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

## General Administrative Provisions.

444. *General powers of inspectors.*—(1.) An inspector shall have, for the purposes this Act, all the powers which a constable has, under this Act or otherwise, in e place where the inspector is acting.

(2.) An inspector may at any time enter any land or shed to which this Act pplies, or other building or place wherein he has reasonable grounds for pposing—

(*a.*) that disease exists or has within fifty-six days existed ; or

(*b.*) that the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of ; or

(*c.*) that there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act, or of an order of the Board of Agriculture, or of a regulation of a local authority ; or

(*d.*) that this Act or an order of the Board or a regulation of a local authority has not been or is not being complied with.

(3.) An inspector may at any time enter any pen, vehicle, vessel, or boat in hich or in respect whereof he has reasonable grounds for supposing that this Act an order of the Board or a regulation of a local authority has not been or is not ing complied with.

(4.) An inspector entering, as hereinbefore by this section authorised, shall, if quired by the owner, or occupier, or person in charge of the land, building, ace, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(5.) A certificate of a veterinary inspector to the effect that an animal is or was ected with a disease specified in the certificate shall for the purposes of this t be conclusive evidence in all courts of justice of the matter certified.

(6.) An inspector of the Board shall have all the powers of an inspector roughout England or that part thereof for which he is appointed, and in ddition to the powers hereinbefore conferred upon inspectors, an inspector of e Board may at any time, for the purpose of ascertaining whether pleuro-eumonia, foot and mouth disease, or swine fever exists, or has within fifty-six ys existed, in any shed, land, or other place, enter such shed, land, or place.

445. *Power for detention of vessels.*—(1.) Where an inspector of the Board of riculture is satisfied that this Act or an order of the Board or a regulation of a al authority has not been or is not being complied with on board a vessel in a rt, then, on the representation in writing to that effect of the inspector, stating rticulars of non-compliance, the vessel may be detained until the Board other-se direct.

(2.) The officer detaining the vessel shall forthwith deliver to the master or rson in charge of the vessel a copy of the representation.

(3.) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, ll apply in the case of such detention as if it were authorised or ordered under t Act.

446. *Expenses of burial of carcases washed ashore.*—(1.) Where a carcase washed nore is buried or distroyed under the direction of a receiver of wreck with thority from the Board of Trade, the expenses thereof shall be expenses of the

local authority, and shall be paid by the local authority to the receiver on demand, and in default of payment shall be recoverable with costs by the receiver from the local authority.

(2.) Where a local authority has incurred any expenses under this section on account of the burial or destruction of the carcase of any animal which, or the carcase of which, was thrown or washed from any vessel, the owner of the vessel shall be liable to repay such expenses to the local authority; and the local authority may recover such expenses with costs in the same manner as salvage is recoverable.

47. *Exemption from stamp duty and fees.*—No stamp duty shall be payable on, and no fee or other charge shall be demanded or made for, any appointment, certificate, declaration, licence, or thing under this Act, or an order of the Board of Agriculture, or a regulation of a local authority, or for any inspection or other act precedent to the granting, making, or doing of a certificate, declaration, licence, or other thing.

48. *Evidence and form and service of instruments.*—(1.) In any proceeding under this Act, no proof shall be required of the appointment or handwriting of an inspector or other officer of the Board of Agriculture or of the clerk or an inspector or other officer of a local authority.

(2.) Every notice under this Act or under any order or regulation made under this Act must be in writing.

(3.) Any notice or other instrument under this Act or under an order of the Board or a regulation of a local authority may be served on the person to be affected thereby, either by the delivery thereof to him personally, or by the leaving thereof for him at his last known place of abode or business, or by the sending thereof through the post in a letter addressed to him there.

(4.) A notice or other instrument to be served on the occupier of any building, land, or place may, except when sent by post, be addressed to him by the designation of the occupier of that building, land, or place, without naming or further describing him; and where it is to be served on the several occupiers of several buildings, lands, or places, may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several buildings, lands, or places, without further naming or describing them, but separate copies thereof being served on them severally.

49. *Provisions respecting orders of Board of Agriculture.*—(1.) The Board of Agriculture may alter or revoke any order of the Board.

(2.) Every order of the Board shall have effect as if it had been enacted by this Act.

(3.) This Board shall in the case of every order made by them under this Act, publish in the London Gazette a notice that the order has been made, and of the place where copies of the order may be obtained.

(4.) Every local authority shall at their own expense publish every order of the Board, and every licence, or other instrument sent to them by the Board for publication, in such manner as the Board direct, and, subject to and in the absence of any direction, by advertisement in a newspaper circulating in the district of the local authority.

(5.) The validity or effect of an order of the Board, licence, or other instrument issued by the Board shall not be affected by want of or defect or irregularity in any publication thereof.

50. *Yearly return to Parliament.*—The Board of Agriculture shall make and lay before both Houses of Parliament not later than the thirty-first day of March

each year, a return stating the proceedings and expenditure under this Act of the Board, and, as far as reasonably may be, of all local authorities, in the year ending the thirty-first day of December then last; and showing the number of foreign animals landed and found diseased in that year, specifying separately the different kinds of disease, and the ports of exportation and landing, and the mode of disposal of the animals; and containing such other information respecting the operation of this Act as the Board think fit.

### Offences and Legal Proceedings.

21. *Penalties for offences.*—If any person is guilty of an offence against this Act, he shall for every such offence be liable—

(i) to a fine not exceeding twenty pounds; or

(ii) if the offence is committed with respect to more than four animals, to a fine not exceeding five pounds for each animal; or

(iii) where the offence is committed in relation to carcases, fodder, litter, dung, or other thing (exclusive of animals), to a fine not exceeding ten pounds in respect of every half ton in weight thereof after one half ton, in addition to the first fine of not exceeding twenty pounds.

22. *General offences.*—If any person, without lawful authority or excuse, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against this Act:

(i.) if he does anything in contravention of this Act, or of an order of the Board of Agriculture, or of a regulation of a local authority; or

(ii) if, where required by this Act or by an order of the Board to keep an animal separate as far as practicable, or to give notice of disease with all practicable speed, he fails to do so; or

(iii) if he fails to give, produce, observe, or do any notice, licence, rule, or thing which by this Act, or by an order of the Board, or by a regulation of a local authority, he is required to give, produce, observe, or do; or

(iv) if he does anything which by this Act or an order of the Board is made or declared to be not lawful; or

(v) if he does or omits anything, the doing or omission whereof is declared by this Act or by an order of the Board to be an offence by him against this Act; or

(vi) if he refuses to an inspector or other officer, acting in execution of this Act, or of an order of the Board, or of a regulation of a local authority, admission to any land, building, place, vessel, pen, vehicle, or boat which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding; or

(vii) if he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation, or other water, or into or in the sea within three miles of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected;

on a further conviction within a period of twelve months for a second or subsequent offence against the same sub-section of this section he shall be liable, in the discretion of the court, to be imprisoned for any term not exceeding one month, with or without hard labour, in lieu of the fine to which he is liable under this Act.

23. *Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences.*—(1.) If any person does any of the following things, he shall be guilty of an offence against this Act:

(i) if, with intent to unlawfully evade this Act, or an order of the Board of Agriculture, or a regulation of a local authority, he does anything for which a licence is requisite under this Act, or an order of the Board, or a regulation of a local authority, without having obtained a licence; or

(ii) if, where a licence is requisite, having obtained a licence, he, with the like intent, does the thing licensed after the licence has expired; or

(iii) if he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shows to the satisfaction of the court that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge thereof; or

(iv) if, with intent to unlawfully evade this Act, or an order of the Board of Agriculture, or a regulation of a local authority, he alters, or falsely makes, or ante-dates, or counterfeits, or offers or utters, knowing the same to be altered, or falsely made, or ante-dated, or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act, or of an order of the Board or of a regulation of a local authority; or

(v) if, for the purpose of obtaining a licence, certificate, or instrument, he makes a declaration or statement false in any material particular, unless he shows to the satisfaction of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof; or

(vi) if he obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, unless he shows to the satisfaction of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof; or

(vii) if he grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, unless he shows to the satisfaction of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof, or if he grants or issues such a licence, certificate, or instrument, having, and knowing that he has, no lawful authority to grant or issue the same; or

(viii) if, with intent to unlawfully evadeor defeat this Act, or an order of the Board, or a regulation of the local authority, he grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Act or an order of the Board or a regulation of a local authority, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue thereof so filled up as to specify any particular animal or thing; or

(ix) if he uses or offers or attempts to use for any purpose of this Act, or of an order of the Board, or of a regulation of a local authority, an instrument so issued in blank, unless he shows to the satisfaction of the court that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge thereof; or

(x) if he by means of any fraud or false pretence obtains, or attempts to obtain compensation from the Board or a local authority in respect of an animal slaughtered, or aids or abets any person in any such fraud or false pretence; or

(xi) if, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Board or of a local authority or of a receiver of wreck; or

(xii) if, where the Board has by order prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen, or other place, he, without lawful authority or excuse, proof whereof shall lie on him, does anything so prohibited;

(2) And in every case in this section specified he shall be liable, on conviction, the discretion of the court, to be imprisoned for any term not exceeding two nths, with or without hard labour, in lieu of the fine to which he is liable er this Act.

44. *Proceedings in court of summary jurisdiction.*—Any offence against this may be prosecuted, and any fine in respect thereof may be recovered, and money by this Act or an order of the Board of Agriculture made recover- summarily may be recovered, and any summary orders under this Act or an er of the Board may be made in manner provided by the Summary Jurisdic- Acts; but nothing in this section shall apply to proceedings under the toms Acts.

55. *Appeal.*—If any person thinks himself aggrieved by the dismissal of a plaint by, or by any determination or adjudication of, a court of summary sdiction under this Act, he may appeal therefrom to a court of quarter ions.

66. *Proceedings under Customs Acts for unlawful landing or shipping.*—(1.) If person lands or ships or attempts to land or ship an animal or thing in travention of this Act or of an order of the Board of Agriculture, he shall liable, under and according to the Customs Acts, to the penalties imposed persons importing or exporting or attempting to import or export goods the portation or exportation whereof is prohibited by or under the Customs Acts, hout prejudice to any proceeding against him under this Act for an offence inst this Act.

(2.) The animal or thing in respect whereof the offence is committed shall be eited under and according to the Customs Acts in like manner as goods the portation whereof is prohibited by or under the Customs Acts.

77. *General provision as to procedure.*—(1.) Where the owner or person in rge of an animal is charged with an offence against this Act relative to disease o any illness of the animal, he shall be presumed to have known of the exist- e of the disease or illness, unless and until he shows to the satisfaction of the rt that he had not knowledge thereof, and could not with reasonable diligence e obtained that knowledge.

(2.) Where a person is charged with an offence against this Act in not having y cleansed or disinfected any place, vessel, vehicle, or thing belonging to him nder his charge, and a presumption against him on the part of the pro- ution is raised, it shall lie on him to prove the due cleansing and disinfection reof.

(3.) A person charged with an offence against this Act may, if he thinks fit, der himself to be examined on his own behalf, and thereupon he may give dence in the same manner and with the like effect and consequences as any er witness.

(4.) Every offence against this Act shall be deemed to have been committed, every cause of complaint or matter for summary proceeding under this Act an order of the Board of Agriculture or regulation of a local authority shall deemed to have arisen, either in any place where the same actually was com- ted or arose, or in any place where the person charged or complained of or ceeded against happens to be at the time of the institution or commencement he charge, complaint, or proceeding.

(5.) Notwithstanding anything in any Act relating to the metropolitan police o municipal corporations or in any other Act, such part not exceeding one f of every fine or forfeiture recovered under this Act (except in proceedings

under the Customs Acts) as the court before which it is recovered thinks fit, shall be paid to the person who proceeds for the same, and the residue thereof shall be applied as if this section had not been enacted.

MISCELLANEOUS.

58. *Local authority and local rate in Hove.*—Notwithstanding anything in this Act the Hove Improvement Act Commissioners shall be the local authority for the Improvement Act District of Hove, and the local rate for that district shall be the rate applicable by the Commissioners to the maintenance of the police, and this Act shall apply to that district as if it were a borough, and as if the said Commissioners were the council of the borough.

59. *Interpretation and construction.*—(1.) In this Act, unless the context otherwise requires, the following terms have the meanings hereinafter respectively assigned to them, that is to say—

the expression "cattle" means bulls, cows, oxen, heifers, and calves;

the expression "animals" means, except where it is otherwise expressed, cattle, sheep, and goats, and all other ruminating animals, and swine;

the expression "disease" means cattle plague (that is to say, rinderpest, or the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle (in this Act called pleuro-pneumonia), foot and mouth disease, sheep-pox, sheep-scab, or swine-fever (that is to say, the disease known as typhoid fever of swine, soldier purples, red disease, hog cholera, or swine plague);

the expression "diseased" means affected with disease;

the expression "suspected" means suspected of being diseased;

the expression "carcase" means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal, separately or otherwise, or any portion thereof;

the expression "fodder" means hay or other substance commonly used for food of animals;

the expression "litter" means straw or other substance commonly used for bedding or otherwise for or about animals;

the expression "foreign" applied to animals and things, means brought to the United Kingdom from a country out of the United Kingdom;

the expression "inspector of the Board of Agriculture" or "inspector of a local authority" means a person appointed to be an inspector for purposes of this Act by the Privy Council or the Board of Agriculture, or by a local authority, as the case may be; and the expression "inspector" used alone means such a person, by whichever authority appointed;

the expression "veterinary inspector" means an inspector being a member of the Royal College of Veterinary Surgeons, or any veterinary practitioner qualified as approved by the Board of Agriculture;

the expressions "police area" and "police force" with respect to the City of London mean the said city and the police thereof, and with respect to any other place have the same meaning as in the Police Act, 1890;

the expression "district," when used with reference to a local authority means the area for which the local authority exercises powers under this Act;

the expression "the Customs Acts" means the Customs Consolidation Act, 1876, and any enactment amended or substituted for that Act;

the expression "justice" means justice of the peace;

the expression "railway company" includes a company or person working a railway under lease or otherwise;

e expression "order of Council" means an order of the Privy Council under the Contagious Diseases (Animals) Acts, 1875 to 1886 ;

e expression "order of the Board of Agriculture" means an order made by the Board of Agriculture under this Act or under any enactment by this Act repealed ;

.) In the computation of time for purposes of this Act, a period reckoned by from the happening of an event or the doing of an act or thing shall be ded to be exclusive of the day on which the event happens or the act or g is done.

SPECIAL PROVISIONS AS TO SCOTLAND.

. *Local authority and local rate in Scotland.*—In the application of this Act cotland—

) The local authority and the local rate shall respectively be—

(*a*) for each burgh not being a burgh to which section fourteen of the Local Government (Scotland) Act, 1889, applies, the magistrates and town council, and a rate to be levied equally upon owners and occupiers within the burgh ; and

(*b*) for each county and any burgh to which section fourteen of the Local Government (Scotland) Act, 1889, applies, and any royal burgh which does not return or contribute to return a member to Parliament, the county council, and a rate within the county to be levied equally upon owners and occupiers as an item of the consolidated county rates, and within such burghs and royal burghs to be ascertained, fixed, and paid, to the county council as provided by the Local Government (Scotland) Act, 1889.

) The expression "county" means a county as defined by the Local Government (Scotland) Act, 1889 ;

) The expression "burgh" means a burgh which returns or contributes to return a member to Parliament ;

) The expressions "police area" and "police force" have the same meaning as in the Police (Scotland) Act, 1890 ;

) "Value according to the valuation roll" shall be substituted for "rateable value" ;

) With respect to the delegation of powers by a county council section seventy-three of the Local Government (Scotland) Act, 1889, shall be substituted for section twenty-eight of the Local Government Act, 1888 ; and

) All deeds made or granted by a local authority under this Act shall, in addition to being sealed, be signed by two members of the local authority and by the clerk of the local authority.

. *Purchase of land in Scotland.*—The provisions of this Act relating to the hase of land shall have effect with respect to Scotland as if section ninety of Public Health (Scotland) Act, 1867, were thereby applied, instead of section undred and seventy-six of the Public Health Act, 1875 ; and in the said on ninety the local authority and local rate under this Act shall be substituted he local authority and the assessment therein mentioned.

. *Provisions as to borrowing by local authority in Scotland.*—The provisions his Act relating to borrowing by local authorities shall, as regards Scotland, odified as follows :—

those provisions shall have reference to the amount only of the local rate, and not to the proportion thereof ;

the Secretary for Scotland shall be substituted for the Local Government Board ; and

) borrowing by a local authority shall not be subject to the provisions of the Local Loans Act, 1875 ; and in lieu thereof, as regards borrowing by local authorities of counties, the provisions of the Local Government (Scotland)

Act, 1889, shall apply, and as regards borrowing by local authorities of burghs the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, shall be deemed to have been incorporated with this Act, the local authority being deemed to be the commissioners; and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a judicial factor.

63. *Powers and qualifications of inspectors in Scotland.*—(1.) An inspector of the Board of Agriculture shall have all the powers of an inspector throughout Scotland or that part thereof for which he is appointed.

(2.) Any person may be appointed and be a veterinary inspector in Scotland who holds the veterinary certificate of the Highland and Agricultural Society of Scotland.

64. *Legal proceedings in Scotland.*—For the purposes of the application of this Act to Scotland—

(1.) Any offence against this Act may be prosecuted, and any fine in respect thereof may be recovered, and any money by this Act or an order of the Board of Agriculture made recoverable summarily may be recovered, and any summary order under this Act or an order of the Board may be made in manner provided by the Summary Jurisdiction (Scotland) Acts;

(2.) In the event of any person refusing or delaying to comply with the order of a local authority, the local authority may give information thereof to the procurator-fiscal of the county or burgh, who may apply to the sheriff for a warrant to carry such order into effect, and such warrant may be executed by the officers of court in common form;

(3.) The section of this Act relating to appeals to quarter sessions shall not apply;

(4.) Notwithstanding anything in this or any other Act, the part of every fine or forfeiture recovered under this Act, which is not in this Act directed to be paid to the person who sues or proceeds for the same, shall be paid as follows:—

(*a*) to the Queen's and Lord Treasurer's Remembrancer, on behalf of His Majesty, when the court is the sheriff court:

(*b*) to the collector of the county, in aid of the county general assessment, portion of the consolidated rates of the county, when the court is the justice of the peace court:

(*c*) to the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court: and

(*d*) to the treasurer of the board of police, or commissioners of police, in aid of the police funds, when the court is a police court;

(5.) Nothing in this section shall apply to proceedings under the Customs Act.

SPECIAL PROVISIONS AS TO IRELAND.—*Sections* 65 *to* 77 *inclusive.*

SUPPLEMENTAL.

78. *Repeal of enactments in schedule.*—(1.) The Acts specified in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column to that schedule.

(2.) Notwithstanding such repeal, every order of Council and in Council, and every order of the Board of Agriculture, or regulation of a local authority made and every licence granted, and every committee or sub-committee constituted and every inspector appointed, under any of the enactments repealed, shall continue and be as if this Act had not been passed; but so that the same may be revoked, altered, cancelled, or otherwise dealt with under this Act, as if it had been made, done, or granted under this Act.

79. *Short title.*—This Act may be cited as the Diseases of Animals Act, 1894.

# SCHEDULES.

## THE FIRST SCHEDULE.

### PART I.

*Pleuro-pneumonia.*

(Cattle shall not be moved into or out place infected with pleuro-pneumonia, pt where, as regards movement into such ce, the cattle are affected with pleuro-monia, and except in such other cases as Board of Agriculture think fit by order to pt.

(In the cases so excepted by order cattle be moved into or out of an infected place nditions prescribed by order of the Board, not otherwise.

(Cattle may be moved into, within, or out ch parts of an area infected with pleuro-monia as are not comprised in a place ted with pleuro-pneumonia, by licence of local authority, granted on conditions ribed by order of the Board, and not rwise.

### PART II.

*Foot and Mouth Disease.*

Animals shall not be moved into or out place infected with foot and mouth disease pt where, as regards movement into such ce, the animals are affected with foot and th disease, and except in such other cases e Board of Agriculture think fit by order cept.

In the cases so excepted by order animals be moved into or out of an infected place nditions prescribed by order of the Board not otherwise.

Animals may be moved into, within, or of such parts of an area infected with and mouth disease as are not comprised in ace infected with foot and mouth disease, cence of the local authority, granted on itions prescribed by order of the Board, not otherwise.

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## THE SECOND SCHEDULE.

### REGULATIONS AS TO CATTLE PLEURO-PNEUMONIA ACCOUNTS.

Notwithstanding anything in this Act moneys provided by Parliament towards aying the cost of the execution of the isions of this Act relating to the slaughter the Board of Agriculture or the Lord tenant and Privy Council of cattle, uals, or swine, on account of pleuro-pneu-ia, foot and mouth disease, or swine fever, be apportioned between Great Britain and nd in such manner as the Treasury in munication with the Board and the Lord tenant may direct.

At the end of every financial year, unts of the receipts and expenditure of Cattle Pleuro-pneumonia Account for Great Britain and the Cattle Pleuro-pneumonia Account for Ireland shall be made up in such form and with such particulars as may be directed by the Treasury, and such accounts shall be audited by the Comptroller and Auditor-General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereon.

3. If at the end of any financial year the Treasury, after communication with the Board of Agriculture, or the Lord Lieutenant and Privy Council, as the case may be, are satisfied that the balance standing to the credit of either of the said Cattle Pleuro-pneumonia Accounts, or any part of such balance, will not be required for the purposes of this Act, they may—

(*a.*) in the case of the Cattle Pleuro-pneumonia Account for Great Britain direct such balance or part to be paid in the proportions provided by this Schedule into the Local Taxation Account and the Local Taxation (Scotland) Account, in repayment of any sums which have been paid to the Cattle Pleuro-pneumonia Account out of the said Local Taxation Accounts; and

(*b.*) in the case of the Cattle Pleuro-pneumonia Account for Ireland, direct such balance or part to be paid into the general account of the General Cattle Diseases Fund in repayment of any sums which have been paid out of the said general account for any of the purposes to which the Cattle Pleuro-pneumonia Account is by this Act applicable;

and in either case the Treasury may direct any balance or part which may not be required for such repayment to be paid into the Exchequer.

4. The proportions in which any sum is to be paid out of or into the Local Taxation Account and the Local Taxation (Scotland) Account under this Act shall be eighty-eight per centum of such sum out of or into the Local Taxation Account, and twelve per centum out of or into the Local Taxation (Scotland) Account.

5. All money paid under this Act out of or into the Local Taxation Account shall in account be charged against or credited to the proceeds of the probate duty.

6. All moneys paid under this Act out of or into the Local Taxation (Scotland) Account shall in account be charged against or credited to the residue of the Scotch share of the local taxation (customs and excise) duties in manner provided by section two of the Local Taxation (Customs and Excise) Act, 1890.

7. Payments out of or into the said Cattle Pleuro-pneumonia Accounts, and all other matters relating to the accounts and to the moneys standing to the credit of the accounts shall be made and regulated in such manner as the Treasury direct.

## THE THIRD SCHEDULE.

### Foreign Animals.

### Part I.

*Slaughter at Port of Landing.*

1. The animals shall be landed only at a part of a port defined for that purpose by order of the Board of Agriculture, to be called a foreign animals wharf.

2. The animals shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs direct.

3. The animals shall not be moved alive out of the wharf.

### Part II.

*Quarantine.*

1. The animals shall be landed only at a part of a port defined for that purpose by order of the Board of Agriculture, to be called a foreign animals quarantine station.

2. The animals shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs direct, and subject to such conditions in respect of the animals, or of the vessel from which they are landed, as the Board by order prescribe.

3. When landed the animals shall be placed in sheds or other receptacles in the quarantine station prepared by the local authority or the owners of the quarantine station, or the consignees of animals, or other persons, and approved by the Board.

4. The animals shall not be moved out of the quarantine station except on conditions prescribed by order of the Board.

5. Notwithstanding anything in the foregoing provisions of this part of this Schedule the provisions of this Act relating to slaughter in case of the existence of disease, and to compensation or other payment in respect of animals so slaughtered, and to the ownership of carcases of such animals, shall apply to animals within a foreign animals quarantine station.

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## THE FOURTH SCHEDULE.

### Committees of Local Authorities.

1. Every local authority shall form and keep up a committee or committees, and may appoint the number of members by whom the powers of a committee may be exercised, and may at any time add to or diminish the number of the members of a committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another committee or committees, and lay down rules for the guidance of a committee, who shall act accordingly.

2. A committee may consist wholly of members of the local authority or partly thereof and partly of other persons, being rated occupiers in the district of the local authority, and otherwise qualified, as the local authority think fit.

3. A local authority may except in so far as it is otherwise provided by order of the Board of Agriculture delegate all or any of their powers, except the power to make a rate, to a committee, with or without conditions or restrictions.

4. A local authority may revoke or alter any power given by them to a committee.

5. A local authority may, if they think fit, appoint and designate one committee as their executive committee.

6. An executive committee shall have all the powers of the local authority, except the power to make a rate, and may, if they think fit, appoint a sub-committee or sub-committees, and delegate to them (except in so far as it is otherwise provided by order of the Board) all or any of the powers of the executive committee, with or without conditions or restrictions, and revoke or alter any such delegation, and appoint the number of members by whom the powers of a sub-committee may be exercised, and add to or diminish the number of the members of a sub-committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein or revoke the appointment thereof and appoint another sub-committee or other sub-committees, and lay down rules for the guidance of a sub-committee who shall act accordingly.

7. Proceedings of a committee or sub-committee shall not be invalidated by any vacancy in the committee or sub-committee.

8. In case of the formation of two or more committees, they shall act according to rules laid down for their guidance by the local authority.

9. A committee, and a sub-committee of the executive committee, may elect a chairman of their meetings.

10. If no chairman is elected, or if the chairman so elected is not present at the time appointed for a meeting, the members then present shall choose a chairman for the meeting.

11. A committee or sub-committee may meet and adjourn as they think proper.

12. Every question at a meeting of a committee or sub-committee shall be determined by a majority of the votes of the members, including the chairman, present and voting on the question; and in case of equal division the chairman shall have a second vote.

## THE FIFTH SCHEDULE.

ENACTMENTS REPEALED.

| ssion and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 42 Vict., c. 74. | The Contagious Diseases (Animals) Act, 1878. | The whole Act, except section thirty-four. |
| 48 Vict., c. 13. | The Contagious Diseases (Animals) Act, 1884. | The whole Act. |
| 48 Vict., c. 47. | The Contagious Diseases (Animals) Transfer of Parts of Districts Act, 1884. | The whole Act. |
| 50 Vict., c. 32. | The Contagious Diseases (Animals) Act, 1886. | The whole Act, except section nine. |
| 53 Vict., c. 30. | The Board of Agriculture Act, 1889. | Section three. |
| 54 Vict., c. 14. | The Contagious Diseases (Animals) (Pleuro-pneumonia) Act, 1890. | The whole Act. |
| 56 Vict., c. 47. | The Contagious Diseases (Animals) Act, 1892. | The whole Act. |
| 57 Vict., c. 43. | The Contagious Diseases (Animals) Act, 1893. | The whole Act. |

# ACT OF PARLIAMENT

FOR

*Preventing the introduction and spreading of Insects destructive to crops.*—[40 *an*
41 *Vict., cap.* 68.—14*th August* 1877.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

GREAT BRITAIN.

**1.** *Power to privy council to make orders for preventing introduction of destructive insects.*—The lords and others of Her Majesty's most honourable privy council (in this Act referred to as the privy council) may from time to time make such orders as they think expedient for preventing the introduction into Great Britain of the insect designated as Doryphora decemlineata, and commonly called the Colorado beetle.

Any such order, if the privy council think fit, may prohibit or regulate the landing in Great Britain of potatoes, or of the stalks and leaves of potatoes, or other vegetable substance, or other article, brought from any place out of Great Britain, the landing whereof may appear to the privy council likely to introduce the said insect into Great Britain, and may direct or authorise the destruction of any such article, if landed.

If any person lands or attempts to land any article in contravention of any order under this Act, such article shall be liable to be forfeited in like manner as goods the importation whereof is prohibited by the Acts relating to the customs are liable to be forfeited; and the person so offending shall be liable, according to those Acts, to such penalties as are imposed on persons importing or attempting to import goods the importation whereof is prohibited by those Acts.

**2.** *Power to privy council to make orders for preventing spreading of destructive insects.*—The privy council may from time to time make such orders as they think expedient for preventing the spreading in Great Britain of the said insect.

Any such order may, if the privy council think fit, direct or authorise the removal or destruction of any crop of potatoes or other crop or substance on which the said inse
in any stage of existence is found, or to or
means of which the said insect may appear
the privy council likely to spread, and t
entering on any lands for the purpose of su
removal or destruction, or for the purpose
any examination or inquiry authorised by t
order, or for any other purpose of the order.

Any such order may, if the privy coun
think fit, prohibit the keeping, selling, or
posing or offering for sale, or the keeping
living specimens of the said insect, in a
stage of existence, or the distribution in a
manner of such specimens.

Any such order may impose penalties
offences against the order, not exceeding
pounds for any offence; and those penalt
shall by virtue of this Act be recoverable, w
costs, on summary conviction before t
justices of the peace, and shall be applied
penalties recovered under the Contagio
Diseases (Animals) Act, 1869, are applicable

**3.** *Compensation for crops.*—Where by a
order under this Act the privy council dir
or authorise the removal or destruction of a
crop, they may direct or authorise the p
ment by the local authority of compensat
for the crop; and the local authority shall
the same, subject and according to the foll
ing provisions:

(1.) In the case of a crop on which the s
insect, in any stage of existence, is found,
compensation shall not exceed one half of
value of the crop.

(2.) In every other case the compensat
shall not exceed three-fourths of the value
the crop.

(3.) The value of the crop shall in each c
be taken to be the value which, in ordin
circumstances, the crop would have had at
time of its removal or destruction.

(4.) The local authority may, if they think
require the value of the crop to be ascertai
by their officers or by arbitration.

(5.) The local authority may, if they th
fit, withhold compensation if, in relation
the crop, the owner or the person hav

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*Note.*—The powers of the privy council under this Act are now transferred to the board
agriculture by 52 and 53 Vict., c. 30.

* § 4 (4) of the Contagious Diseases (Animals) Act, 1878, provides that that Act shall
deemed to be the Act herein referred to, in place of the Act of 1869.

...re thereof, has, in their judgment, done ...hing in contravention of, or failed to do ...hing in compliance with, any order under ...Act.

...* *Local authorities and execution of orders ...uncil.*—The local authorities under the ...agious Diseases (Animals) Act, 1869, with ... respective districts, local rates, clerks, ...committees, shall be in like manner local ...orities for the purposes of this Act.
...e privy council may, if they think fit, ...re a local authority to carry into effect ...order of the privy council under this Act.
...e expenses incurred and compensation ...by a local authority in pursuance of any ... under this Act shall be paid by them out ...e local rate.
...ery local authority shall keep, in such ...ner and form as the privy council from ...to time by order direct, a record relative ...oceedings in pursuance of any order under ...Act, stating the date of the removal or ...uction of any crop or substance, and other ...r particulars, which record shall be ad...ed in evidence.

...*Publication of orders of council.*—Every ... of the privy council under this Act shall ...ublished, if it relates to England, in the ...on Gazette*, and, if it relates to Scotland, in ...Edinburgh Gazette*; save that, where the ... affects only specified lands, the insertion ...e *London* or *Edinburgh Gazette* (as the case ...require) of a notice of the making of the ... shall be sufficient.

Any order of the privy council under this Act shall be published by any local authority, to whom it is sent by the privy council for publication, in such manner as the privy council direct, and, subject to, or in the absence of, any such direction, in such manner as the local authority think sufficient and proper to ensure publicity.

**6.** *Exercise of powers of Act by privy council.*—The powers of this Act conferred on the privy council may be exercised by any two or more of the lords and others of the privy council, and, as regards the making of orders affecting only specified lands, may be exercised by the lord president or one of Her Majesty's principal secretaries of state. Repealed 1889.

**7.** (Relates to Ireland only.)

GENERAL.

**8.** *Orders to be laid before houses of Parliament.*—Every order under this Act shall be laid before both houses of Parliament within ten days after the making thereof, if Parliament is then sitting, and if not, then within ten days after the next meeting of Parliament.

**9.** *Expenses of Act.*—The expenses of the execution of this Act, other than expenses and compensation paid by local authorities, shall be paid out of money to be provided by Parliament.

**10.** *Short title.*—This Act may be cited as The Destructive Insects Act, 1877.

§§ 4 (4) of the Contagious Diseases (Animals) Act, 1878, provides that that Act shall be ...ned to be the Act herein referred to, in place of the Act of 1869.

# PARISH COUNCILS.

# ACT OF PARLIAMENT

TO

*Establish a Local Government Board for Scotland, and make further provision for Local Government in Scotland, and for other purposes.*—[57 *and* 58 *Vict., cap.* 58.—25*th August* 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. *Short title.*—This Act may be cited as the Local Government (Scotland) Act, 1894, and this Act, and the Local Government (Scotland) Act, 1889 (hereinafter called the principal Act), shall, except as otherwise provided by this Act, be construed as one Act, and may be cited together as the Local Government (Scotland) Acts.

2. *Extent of Act.*—This Act shall extend to Scotland only.

## PART I.—CONSTITUTION OF A LOCAL GOVERNMENT BOARD FOR SCOTLAND.

3. *Establishment of Local Government Board for Scotland.*—A Board shall be established, to be called the Local Government Board for Scotland (in this Act referred to as the Board), and from and after the establishment of such Board, the Board of Supervision, established by the Poor Law (Scotland) Act, 1845, shall cease to exist, and all the powers and duties vested in or imposed on the Board of Supervision by any Act of Parliament in force at the commencement of this Act shall be vested in, transferred to, and imposed on the Board, and, except as otherwise provided by this Act, shall be exercised and performed by the Board in like manner and subject to the same conditions, liabilities, and incidents respectively, as such powers and duties might before the commencement of this Act have been exercised and performed by the Board of Supervision, or as near thereto as circumstances admit.

4. *Constitution of Board.*—(1.) The Board shall consist of a President, being the Secretary for Scotland, the Solicitor-General for Scotland, and the Under Secretary for Scotland, together with three appointed members, of whom one shall also be appointed Vice-President and Chairman of the Board in the absence of the President, the second shall be a member of the Faculty of Advocates of not less than seven years' standing, and the third shall be a registered medical practitioner who is also registered on the Medical Register as the holder of a diploma in sanitary science, public health, or State Medicine, under section twenty-one of the Medical Act, 1886, or has been for a period of not less than five years medical officer of a county or burgh. Such third appointed member shall not hold any other appointment or engage in private practice or employment.

(2.) The appointed members shall be appointed by Her Majesty, on the recommendation of the Secretary for Scotland, at any time after the passing of this Act and from time to time as vacancies occur, and shall receive out of moneys pro-

ed by Parliament such salaries as the Treasury may assign. They shall hold ce during Her Majesty's pleasure.
3.) The Board shall be deemed to be established from and after the date of the t appointment of a Vice-President under this Act.

. *Seal, style, acts, orders, and rules of Board.*—(1.) The Board shall adopt an cial seal, and describe themselves generally by the style and title of the Local vernment Board for Scotland, and any act to be done, or deed to be signed, or rument to be executed, by or on behalf of the Board, may be done or signed executed in the name of the Board by the President, or by any member of the rd, or by the secretary if such secretary is authorised to do, sign, or execute same by any general or special order of the Board.
2.) A rule, order, or regulation made by the Board shall be valid if made under seal of the Board, and signed by the President or Vice-President or one of the *officio* members of the Board, and countersigned by the secretary; and a copy such rule, order, or regulation, signed and certified by the secretary of the rd, shall be evidence thereof in any court of law or justice.
3.) It shall be lawful for the Board from time to time to make rules for con- ting the business of the Board, and for exercising the powers and authorities reof.

. *Transfer of officers.*—(1.) The secretary and all officers, inspectors, clerks, other persons employed at the passing of this Act in or about the execution he powers and duties of the Board of Supervision, shall, from and after the blishment of the Board, be attached to and be under the control of the Board, shall in other respects hold their offices and places upon the same terms and ditions, and have the same powers, privileges, and immunities with respect to performance of their duties, as if this Act had not passed.
2.) The Board may, by order, distribute the business to be performed under the rd amongst the several officers and persons transferred to the Board by this , in such manner as the Board may think expedient.
3.) The Board may, with a view to the proper performance of the duties im- ed upon them by this Act, appoint in writing, such medical officers, inspectors, ks, and other officers, with such salaries to be paid out of moneys to be pro- ed by Parliament, as the Board may, with the sanction of the Treasury, ermine.
4.) All expenses incurred by the Board in the execution of their duties, to such ount as may be sanctioned by the Treasury, shall be paid out of moneys pro- ed by Parliament.

. *Construction of Acts and deeds, &c.*—In the construction and for the purposes any Act of Parliament, contract, or other deed, passed, entered into, or cuted, or of any action or proceeding raised, before the establishment of the rd, the name of the Board shall be deemed to be substituted for the Board of ervision, and any act or thing which might, if this Act had not passed, have n done by the Board of Supervision, may be done by the Board.
After the establishment of the Board, all property belonging to or vested in, or l in trust for, the Board of Supervision shall pass to, and vest in, and be held rust for, the Board, subject to all debts and liabilities affecting the same, and ll be held by the Board for the purposes for which it is now held, or would have n held if this Act had not passed.

## PART II.—Constitution and Election of Parish Councils.

. *Establishment of parish councils.*—A council, in this Act referred to as a ish council, shall be established in every parish.

9. *Number of parish councillors for each parish.*—(1.) The parish council shall consist of a chairman and councillors, and the number of councillors, including the chairman, shall be such (and in the case of a parish partly landward and partly burghal in such proportion for the landward and the burghal parts respectively) as may from time to time, with the approval of the Board, be fixed :—

(*a.*) In the case of landward parishes, not including any part of the area of a police burgh, by the county council ;

(*b.*) In the case of burghal parishes, by the town council ;

(*c.*) In the case of parishes wholly within a police burgh, by the burgh commissioners ; and

(*d.*) In the case of parishes partly landward and partly burghal, or including the area or part of the area of a police burgh or burghs, by the county council and town council or councils or burgh commissioners jointly. In such case, failing agreement, the number shall be such and in such proportion as may be fixed by the Board.

(2.) In fixing the number of parish councillors, and the proportion for the landward and burghal parts respectively in parishes partly landward and partly burghal, regard shall be had to the powers and duties of the parish council under this Act, and to the population, and special wants and circumstances, of the parish, and to the division of the parish into parish wards, if it is so divided.

(3.) The number of parish councillors for any parish shall be not fewer than five nor more than thirty-one.

10. *Electing body.*—(1.) Subject to the provisions of this Act, a parish council shall be elected by the following persons, in this Act referred to as the parish electors, namely, the persons registered on the parish council register ; provided that exemption from or failure to make payment of the special rate authorised by this Act, where such rate is due and payable by persons so registered, shall be a disqualification from voting at an election of a parish council, unless such rate is paid during the period of one year subsequent to service of the demand note requiring payment of the same.

It shall be the duty of the clerk of the parish council, one week before the time fixed for the nomination of candidates for any election of parish councillors in the parish, to prepare a list of parish electors who have failed to make payment of the special rate within such period of one year, and to transmit a copy of such list forthwith to the returning officer ; and any votes tendered by any elector named in such list shall at any such election be disallowed, unless the elector verifies prior to the close of the poll, his right to vote by the production of a receipt duly signed and dated within such period.

(2.) Each parish elector may at any poll for the election of a parish council give one vote, and no more, for each of any number of candidates not exceeding the number to be elected.

(3.) A poll for the election of a parish council shall be taken by ballot.

11. *Married women not disqualified.*—A woman otherwise possessing the qualification for being registered on any county council or municipal register of electors shall not be disqualified by marriage from being registered on a county council, municipal, or parish council register, provided that a husband and wife shall not both be registered in respect of the same property.

12. *Registration of parish electors.*—With respect to the registration of parish electors, the following provisions shall have effect :—

(1.) A county council register, exclusive of such portions thereof as relate to police burghs, shall be so framed and printed as that, in addition to the other requirements of the law, the county electors may be distinguished

therein according to parish wards, if and where a landward parish, or the landward part of a parish partly landward and partly burghal, is divided into parish wards.

(4.) A municipal register shall be so framed and printed as that, in addition to the other requirements of the law, the municipal electors may be distinguished therein—

(*a.*) according to parishes, if and where a burgh or police burgh comprises two or more parishes or parts of two or more parishes; and

(*b.*) according to parish wards (1) if and where a burghal parish or the burghal part of a parish partly landward and partly burghal is divided into parish wards; and (2) if and where a landward parish or a part of any parish is co-extensive with a police burgh or part thereof and is divided into parish wards.

(5.) Where the boundary of a burgh for municipal purposes extends beyond its boundary as ascertained, fixed, or determined for police purposes under the provisions contained in any general or local Act of Parliament, the assessor shall, in preparing the municipal register, prefix a distinctive mark to the numbers or names of any municipal electors for the area which is without the police but within the municipal boundary, and the names of any such electors shall not be inserted by the town clerk in the copy of the register provided for by this section, and such electors shall not be entitled to vote as parish electors in respect of their qualification as municipal electors, but may vote as parish electors within a county if duly qualified.

(6.) Nothing in any Act shall prevent a person, if duly qualified, from being registered in more than one parish council register.

(7.) The assessors or other persons charged with the preparation of the county council and municipal registers respectively shall insert in such registers the names of persons duly qualified as parish electors in more than one parish in respect of each of such qualifications, but shall prefix a distinctive mark indicating where such insertion is for the purposes of the parish council register only.

(8.) It shall be lawful to object to the insertion or omission of the distinctive marks in this section mentioned, as nearly as may be in the same mannner, and subject to the same provisions as to appeal and otherwise, as in the case of any other entry in or omission from such registers.

(9.) An elector to whose number or name as entered in such registers the distinctive mark, as in sub-section five of this section mentioned, is prefixed, shall not, in respect of such entry, be deemed to be registered as a parliamentary or county or municipal elector, and shall not be entitled to vote in respect of such entry at a parliamentary or county council or municipal election.

(10.) From time to time, as soon as a county council or municpal register is completed, the county clerk or town clerk, as the case may be, shall furnish to the clerks of the several parish councils of parishes wholly or partly within the county or burgh or police burgh a certified copy of so much of such register as relates to their respective parishes, and such copy or copies, so far as relating to a parish, shall, subject to the provisions of section ten of this Act, constitute the parish council register for the parish.

*Parish wards.*—(1.) The landward part and the burghal part of a parish partly landward and partly burghal shall respectively be parish wards, or shall respectively be divided into two or more parish wards, of the parish.

(2.) A police burgh or any part thereof, so far as within a parish, shall be a parish ward, or shall be divided into two or more parish wards, of the parish.

(3.) A county council electoral division (exclusive of any police burgh or part

of a police burgh comprised therein), so far as within a parish, shall be a parish ward, or shall be divided into two or more parish wards, of the parish.

(4.) A county council, on being satisfied after due local inquiry, that within the county, exclusive of any police burgh, different portions of the population of any landward parish, or of any landward part of a parish partly landward and partly burghal, are so situated or have such interests as to make it desirable that they should be separately represented on the parish council, may from time to time resolve and, by order under their seal, determine that such parish, or landward part of a parish, be divided, subject to the provisions of this section, into such and so many parish wards as they may deem expedient, and shall in such order designate each parish ward, and define its boundaries, and shall thereafter by order assign the number of parish councillors to be elected by the parish electors therein.

(5.) The town council of a burgh or burgh commissioners of a police burgh may, if they think fit, from time to time resolve, and by order under their seal determine that any parish or part of a parish within the burgh or police burgh be divided into such and so many parish wards as they may deem expedient, and shall, in making such division, have due regard to the existing division (if any) of the burgh or police burgh into municipal wards, and shall in such order designate each parish ward and define its boundaries, and shall thereafter by order assign the number of parish councillors to be elected by the parish electors therein.

(6.) Section eleven of the Burgh Police (Scotland) Act, 1892, shall, subject to the exceptions contained in section five (*a*) and in Schedule Two thereof, be construed to include, and shall, notwithstanding any local Act to the contrary, include, the division into wards, and the revision, alteration, extension, or contraction of the boundaries of the wards, of a burgh, for parliamentary and municipal as well as for police purposes, and that, whether an application has been made for the revision of the boundaries of the burgh or not, provided that any such revision, alteration, extension, or contraction shall not affect the boundaries of any division of such burgh for the purpose of returning a member to serve for such division in Parliament. In this sub-section the expression "burgh" includes police burgh.

(7.) Any county council or town council or burgh commissioners respectively may by order under their seal in terms of the foregoing sub-sections revoke or modify any previous order, or, within the county or burgh or police burgh, cancel or alter any division of a parish into wards in force at the commencement of this Act, but every such division shall, so far as consistent with the provisions of this Act, remain in force until so cancelled or altered.

(8.) A copy of every order made under this section shall be transmitted to the Board within fourteen days after it is made.

(9.) In a parish divided into parish wards, the parish councillors for each parish ward shall be separately elected.

14. *Regulations as to election of parish councillors in landward parish, &c.*—With respect to the second and subsequent elections of parish councillors for landward parish, or for the landward part of a parish partly landward and partly burghal, the following provisions shall, except within parishes or parts of parishes co-extensive with police burghs or parts of police burghs, have effect:—

(1.) The election of such parish councillors shall take place in every third year beginning with the year one thousand eight hundred and ninety-eight, on the same day and, as nearly as may be, in the same manner, in the same place and with the same returning and presiding officers and clerks, as the election of county councillors for the county in which such parish or part of a parish, as the case may be, is situated, or if there is a contested election for parish councillors, but there is no contested election for county councillors in the

county council electoral division or divisions corresponding to such parish or part of a parish, as the case may be, as if there were a contested election for county councillors in such electoral division or divisions.

(2.) The expenditure incurred in the election of such parish councillors as ascertained and apportioned by agreement between the county council and the parish council or councils concerned, or, failing agreement, by order of the Board, shall be a charge upon the poor rate levied in such parish, and shall be paid to the county council by such parish council or councils.

(3.) From and after such second election, the term of office of such parish councillors shall be three years, and in every third year the whole number of such parish councillors shall go out of office, and their places shall be filled by election.

(4.) The enactments regulating the election of county councillors shall, with the necessary variations and subject to the provisions of this Act, extend and apply to the election of such parish councillors.

(5.) If in any case such parish, or part of a parish, is situated in more counties than one, the provisions of this section shall apply with the necessary variations and subject to such regulations as may be made by any order of the Board, and such regulations shall have effect as if they were contained in this Act.

(6.) It shall be the duty of the county council of every county to make due provision for the election of such parish councillors.

(7.) A county council may refer to the Board any question that may arise as to the performance of the duty of such county council under this section, and the determination of the Board, as signified by order thereon, shall be final.

115. *Regulations as to election of parish councillors in burghal parish, &c.*—With respect to the second and subsequent elections of parish councillors for a burghal parish, or for the burghal part of a parish partly landward and partly burghal, the following provisions shall have effect :—

(1.) The election of such parish councillors shall take place in every third year, beginning with the year one thousand eight hundred and ninety-eight, on the same day and, as nearly as may be, in the same manner, in the same places, and with the same returning and presiding officers and clerks, as the election of town councillors for such burgh, or if there is a contested election for parish councillors, but there is no contested election for town councillors in such burgh or in any ward thereof (if it is divided into wards), as if there were a contested election for town councillors in such burgh, or in a ward or wards thereof.

(2.) The expenditure incurred in the election of such parish councillors, as ascertained and apportioned by agreement between the town council and the parish council or councils concerned, or, failing agreement, by order of the Board, shall be a charge upon the poor rate levied in such parish, and shall be paid to the town council by such parish council or councils.

(3.) From and after such second election the term of office of such parish councillors shall be three years, and in every third year the whole number of such parish councillors shall go out of office, and their places shall be filled by election : provided that the term of office of parish councillors elected for such burghal part of a parish shall not commence until the first Tuesday of December following their election.

(4.) The enactments regulating the election of town councillors shall, with the necessary variations and subject to the provisions of this Act, extend and apply to the election of such parish councillors.

(5.) If in any case the burghal part of a parish is situated in more burghs than one, the provisions of this section shall apply with the necessary variations, and subject to such regulations as may be made by any order of the Board,

and such regulations shall have effect as if they were contained in this Act.

(6.) It shall be the duty of the town council of every burgh to make due provision for the election of such parish councillors.

(7.) A town council may refer to the Board any question that may arise as to the performance of the duty of such town council under this section, and the determination of the Board, as signified by order thereon, shall be final.

The foregoing provisions shall apply to the second and subsequent elections of parish councillors in parishes or parts of parishes co-extensive with police burghs or parts thereof, with the omission of the words "burghal," and with the substitution of the expression "police burgh" for "burgh," and "burgh commissioners" for "town council" or "town councillors."

16. *Notice of election and nomination papers, &c.*—The enactments by the principal Act or this Act applied to the election in a county of county councillors and in a county (except within parishes or parts of parishes co-extensive with police burghs or parts of police burghs) of parish councillors, shall, for the purposes of such election, be construed or amended so as to incorporate the following provisions, which are hereby enacted, that is to say:—

(1.) The notice of election shall be given by the returning officer not later than four o'clock afternoon on the third Tuesday preceding the day of election, and the nomination papers shall be lodged with the returning officer at any time not later than four o'clock afternoon on the second Tuesday preceding the day of election; and sub-section four of section thirty of the principal Act is hereby repealed. Every nomination paper shall be signed by the candidate nominated or by some person duly authorised in that behalf.

(2.) It shall not be necessary to publish the names of candidates for a parish council elsewhere than in the parish, but the returning officer may, if he think it expedient, publish them in any manner in which he publishes the names of candidates for the county council.

(3.) Any intimation made to a returning officer of the nomination of a candidate for election shall be competently withdrawn by giving notice of withdrawal to the returning officer not later than four o'clock afternoon on the Tuesday immediately preceding the day of election, and such notice of withdrawal shall be signed by the person nominated or by some person duly authorised in that behalf, provided that no such withdrawal shall be competent when its effect would be to reduce the total number of persons nominated for such election in a county electoral division or parish or parish ward below the number necessary to supply the vacancies to be filled, and provided also that such notices shall take effect in the order in which they are delivered.

17. *Powers and duties of returning officer.*—(1.) A returning officer shall make and publish such arrangements as he shall think fit for the purpose of enabling nomination papers for the election of parish councillors, and notices of withdrawal, to be obtained, and when filled up to be received and dealt with, at some place within or adjoining the parish, and for that purpose may, by writing under his hand, delegate such of his powers as he shall think necessary to the clerk of the parish council of the parish or other fit person.

(2.) The returning officer or officers, as the case may be, shall after an election give intimation in writing forthwith to the clerk of the parish council of the persons elected as parish councillors, and the said clerk shall in each year, by notice in writing to each parish councillor, summon the statutory meeting of the parish council. The notice shall state the hour and place of meeting.

(3.) A nomination paper shall be competently signed by any two parish electors entitled to vote for the candidate nominated.

4.) The intimation of nomination, and notice of withdrawal respectively, may in the form of the Second and Third Schedules to this Act annexed.

8. *Supplemental provision as to elections.*—If a parish council are not elected the time at which they ought to be elected, or if an insufficient number of ncillors is elected, or if a parish council become unable to act by reason of ciency in the number of councillors, whether from failure to elect or other-e, the Board may order, at such time and in such manner as seems expedient, ew election of a councillor or councillors for the parish or for a ward or wards reof, and shall by order make such provision as seems expedient for authorising person to act temporarily in the place of the parish council. If two or more didates receive an equal number of votes, being more than can be elected, the rning officer shall have the casting vote.

9. *Office of parish councillor and regulations regarding parish council.*—(1.) A sh council shall be elected from among the parish electors.
2.) A parish council may, subject to the provisions of this Act, from time to e make, vary, and revoke such regulations as they think fit with respect to the mmoning notice, time, place, and management of their meetings, or of the tings of any committee of the council, and generally with respect to the duct of their business: provided that a casual vacancy in a parish council or a ancy in the office of chairman shall not be filled unless notice, specifying that h vacancy is to be considered, has been issued to each councillor at least seven s before the meeting. A parish council may appoint a clerk; but failing such ointment the inspector of the poor of the parish shall act as clerk of the sh council, and where no clerk is appointed, any reference in this Act to the k of the parish council shall be deemed to include a reference to the inspector he poor of the parish. Such clerk (if any) shall be paid such reasonable ry as the parish council may think proper, and shall hold office during the sure of the council.
3.) The quorum of a parish council shall be one-fourth of the whole number of council, but shall in no case be less than three.
4.) Subject to the provisions of this Act, a casual vacancy in a parish council, n any office to which the parish council appoint a representative from their number, caused by death, resignation, or disqualification shall, as soon as ticable, be filled by the parish council, but the person filling any such ancy shall hold office so long only as the vacating councillor would have re-ed the same if such vacancy had not occurred.
5.) The parish council shall elect a chairman from their own number and ild the chairman be absent from any meeting of the council the councillors l appoint one of themselves to be chairman of the meeting, and should a ancy occur in the office of chairman during the tenure of office of the council all be supplied by a new appointment, and at every meeting the chairman l have a deliberative, as also in cases of equality a casting, vote.
6.) The term of office of such chairman shall not extend beyond the next utory meeting after his election, and his place shall be filled by election at a ting of the parish council, in this Act referred to as the statutory meeting, to eld in each year after the year one thousand eight hundred and ninety-five on lawful day within ten days after the first Tuesday of the month of December. chairman shall be eligible for re-election.
7.) The representative from a parish council on a district committee of a nty council, or on the county council sitting as a district committee where a nty is not divided into districts, shall, subject to the provisions of section enty-eight of the principal Act, be appointed annually at the statutory meeting he parish council from their own number: provided always that, in the case

of parishes partly landward and partly burghal, he shall be appointed by the landward committee from their own number.

20. *Disqualification for parish councils.*—(1.) A person shall be disqualified for being elected, and for being, a member of a parish council, if and while he—

(*a*) holds any office or place of profit under the parish council or any committee thereof, or

(*b*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of, the parish council or any committee thereof.

(2.) But a person shall not be disqualified, or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in—

(*a*) any lease, sale, or purchase of land, or water, or right of water supply, or any agreement for the same ; or

(*b*) any agreement for the loan of money, or any security for the payment of money only ; or

(*c*) any newspaper in which any advertisement relating to the affairs of the parish council or any committee thereof is inserted ; or

(*d*) any company which contracts with the parish council, or any committee thereof, for lighting or supplying with water, or insuring against fire, any property of the parish council ; or

(*e*) any contract with the council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or for the transport of materials for the repair of roads or bridges in his own immediate neighbourhood ; or

(*f*) any railway company or any company incorporated by Act of Parliament or Royal Charter, or under the Companies Acts. 1862 to 1890 :

Provided that no parish councillor shall vote or act in any matter in which he has a pecuniary interest.

(3.) No person shall be disqualified by sex or marriage for being elected, or being a member of a parish council, or for being appointed a representative of the council on a district committee of a county council, or on a county council where a county is not divided into districts.

## PART III.—Powers and Duties transferred to Parish Councils.

21. *Parochial boards to cease.*—On and after the fifteenth day of May in the year one thousand eight hundred and ninety-five, all enactments regulating the constitution and election of parochial boards shall be repealed, and the parochial board of any parish shall continue to hold office only until the said day, and no longer ; and on and after such day, every reference in any Act of Parliament, scheme, deed, or instrument to a parochial board constituted under the law in force at the passing of this Act, shall be read and construed as referring to a parish council constituted under this Act.

22. *Parish councils to take the place of parochial boards.*—A parish council shall, subject to the provisions of this Act, come in place of a parochial board and shall be deemed to be a continuance thereof, and a parish council shall have and may exercise all the powers and duties, and shall be subject to all the liabilities of a parochial board, and all the provisions of any Act of Parliament in force at the passing of this Act relating to or dealing with the powers and duties of parochial boards, and the appointment, powers, and duties of their officers, in so far as not inconsistent with this Act, shall subsist and have effect.

PART IV.—New Powers conferred upon Parish Councils in Landward Parishes and Landward Parts of Parishes.

33. *Landward committees to be constituted in certain parishes.*—(1.) In this Part this Act the expression parish council does not include the parish council of a burghal parish.

(2.) For the purpose of exercising and performing the powers and duties conferred and imposed by this Part of this Act, in the case of a parish which—

(a) is partly landward and partly burghal; or

(b) comprises a police burgh or part of a police burgh,

there shall be a committee of the parish council, in this Act referred to as the landward committee, which shall in every case consist of the whole number of parish councillors for such parish, excepting only the councillors representing the burghal part of the parish, or such police burgh, or part of a police burgh; and, in the case of such parishes, the powers (except the power to raise money by rate or loan) and duties conferred and imposed on a parish council by this Part of this Act shall be exercised and performed by the landward committee, which for such purpose and for the purpose of the Public Libraries Consolidation (Scotland) Act, 1887, shall be deemed to be the parish council of the parish, and which may sue and be sued as such landward committee. For such purpose, such burghal part or such police burgh or part of a police burgh shall be deemed to be outwith such parish, and shall not be rated by the parish council.

Provided that where, in terms of section nine of this Act, a landward committee would consist of less than five members, the Board may, if they deem it expedient to do so with a view to the proper transaction of business, by order provide for the election, along with, and subject to the same provisions as, the election of parish councillors, of such additional number of members of such landward committee as shall be named in the order. In such case, if the election of the landward committee takes place according to parish wards, at least one member shall be added for each ward. Such landward committee, as increased, shall appoint from their own number to the parish council the requisite number of parish councillors, as determined in terms of section nine of this Act, and shall fill any casual vacancy occurring in the number of such parish councillors or in the landward committee.

(3.) A landward committee may exercise and perform their powers and duties under this Part of this Act without reference to and without the approval of the parish council. The provisions of sub-sections two, three, five, and six of section fifteen of this Act shall apply to a landward committee with the substitution of the expression "landward committee" for "parish council" occurring therein.

(4.) Where the population of a landward part of a parish partly landward and partly burghal, exclusive of any police burgh or part of a police burgh comprised therein, does not exceed one hundred, a landward committee, as provided for in sub-section two of this section, shall not be constituted unless and until the Board shall so order on the application of not fewer than five parish electors residing within such landward part.

34. *Additional powers of parish councils.*—(1.) A parish council shall have the following powers, namely, power—

(a) to provide or acquire buildings for public offices and for meetings, and for any purposes connected with parish business, or with the powers or duties of the parish council, and to provide or acquire land for such buildings; and

(b) to provide, or acquire, maintain, lay out, and improve grounds for public recreation; and

(c) to acquire by agreement any right of way, whether within the parish or in an adjoining parish, the acquisition of which is beneficial to the inhabitants of the parish or of any part thereof: and

(*d*) to accept and hold any gifts of property for the benefit of the parish ; and
(*e*) to execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of any of the foregoing powers, or in relation to any property of the parish council ; and
(*f*) to contribute towards the expense of doing any of the things above mentioned, or to agree or combine with any other parish council, or other authority or person, to do or contribute towards the expense of doing, any of the things above mentioned.

(2.) A parish council may let, sell, or exchange any land or buildings provided or acquired under this Part of this Act, and vested in the council, but the power of letting for more than a year and the power of sale or exchange shall not be exercised without the consent of the Board.

(3.) With a view to the due enforcement of the provisions of the Public Health Acts, a parish council shall have and may exercise, within, or in respect to, the parish the same powers as are conferred upon any two householders by section ninety-six of the Public Health (Scotland) Act, 1867, and upon any five ratepayers by section seventeen of the principal Act, and upon a county council by sub-section (2) of section fifty-three of the principal Act.

(4.) A parish council shall have the same power of making a representation with respect to allotments as is conferred on parliamentary electors by the Allotments (Scotland) Act, 1892.

After a parish council is elected for any parish, the powers and duties of allotment managers under the Allotments (Scotland) Act, 1892, shall, in relation to allotments provided for the parish, be exercised and performed by the parish council, without any appointment.

(5.) A parish council shall have the same power of presenting a petition with regard to a demand for small holdings in a county as is conferred on any one or more county electors by the Small Holdings Act, 1892, and in lieu of the triennial election by the county electors provided by section twenty-four of the said Act the parish council of the parish in which the holdings are situated shall appoint two representatives from their own number to serve as members of the committee of the county council.

(6.) A parish council shall have the same power of making any complaint or representation as to unhealthy dwellings or obstructive buildings as is conferred on inhabitant householders by the Housing of the Working Classes Act, 1890.

25. *Powers for acquisition of land.*—(1.) For the purpose of the acquisition of land by a parish council, the Lands Clauses Acts shall be incorporated with this Act, except the provisions of these Acts relating to the purchase and taking of land otherwise than by agreement.

(2.) If a parish council are unable to acquire by agreement, and on reasonable terms, suitable land for any purpose for which they are authorised and desire to acquire it, they may make a representation to the county council, and the county council shall inquire into the representation.

(3.) If on any such representation, a county council are satisfied that suitable land for the purpose of the parish council cannot be acquired on reasonable terms by voluntary agreement, and that the circumstances are such as to make it proper that the county council should proceed under this section, they shall publish once at least in each of two consecutive weeks in some newspaper circulating in the locality, an advertisement stating shortly the purpose for which the land is proposed to be taken, mentioning a place at which a plan of the proposed works, if any, may be seen at reasonable hours, and stating the quantity of land that is required. Thereafter they shall cause public inquiry to be made in the parish, and notice to be given, both publicly in the parish and severally to the owners, lessees and occupiers of the land proposed to be taken, either by delivery at, or by post in a registered letter addressed to, the usual or last known place of abode of such

ers, lessees, and occupiers, and all persons whose interests would be affected l be permitted to attend at the inquiry, and to support or oppose the taking of land.

.) After the completion of the inquiry, and after considering all objections e by any persons whose interests would be affected, the county council may e an order for putting in force, with respect to the said land or any part eof, the provisions of the Lands Clauses Acts with respect to the purchase and ng of land otherwise than by agreement.

.) If in any case the county council refuse to make such order, the parish cil may appeal to the Board, and the Board after local inquiry may make order, and this section shall apply as if the order had been made by the ty council. Any order made under this sub-section overruling the decision e county council shall be laid before Parliament.

) A copy of any order made under this section shall be served by the county cil in the manner in which and upon the person or persons upon whom es in respect of such land are herein-before required to be served, together a statement that the order will become final and have the effect of an Act rliament, unless within a period of one month after such service, a memorial me person whose interests would be affected is presented to the Board, ng that the order shall not become law without further inquiry.

) The order shall be deposited with the Board, who shall inquire whether rovisions of this section have been in all respects complied with; and if the l are satisfied that this has been done, then, after the expiration of the eriod of one month—

) If no memorial has been presented, or if every such memorial has been withdrawn, the Board shall without further inquiry confirm the order:

) If a memorial has been presented, the Board shall proceed to hold a local ublic inquiry, and shall, after such inquiry, either confirm, with or without mendment, or disallow the order:

Upon any such confirmation, the order, and if amended as so amended, hall become final, and have the effect of an Act of Parliament, and the onfirmation by the Board shall be conclusive evidence that the order has een duly made, and is within the powers conferred by this Act, and that he requirements of this Act have been complied with.

vided always that the Board may, and when required within the said period e month by any party interested who has presented a memorial against the shall, state a special case on the question whether the proposed order is the powers conferred by this Act for the opinion of either division of the of Session, who are hereby authorised finally to determine the same along any question of expenses.

Where the Board are authorised, or required, to make any inquiry under ection, they may cause such inquiry to be made by any inspector or officer Board, or by any other person specially nominated in writing by the Board, uch inspector or officer or person shall be entitled to summon witnesses, and ne them on oath, and to call for the production of books, documents, and nts. The costs incurred in relation to such inquiry, including the remunera- f any person specially nominated to hold the same, not exceeding three s a day, shall be paid by the county councils and other authorities concerned h inquiry, or by such of them and in such proportions as the Board may and the said Board may certify the amount of the costs incurred, and any certified shall be a debt to the Board from the county council or authority d to pay the same.

The order shall be carried into effect by the county council.

) Any order made under this section for the purpose of the purchase of otherwise than by agreement, shall incorporate the Lands Clauses Acts, and six and sections seventy to seventy-eight (both inclusive) of the Railways

Clauses (Scotland) Consolidation Act, 1845, with the necessary adaptations provided that—

(*a.*) Any question of disputed compensation shall be referred to the arbitration of a sole arbiter appointed by the parties, or if the parties do not concur in the appointment of a sole arbiter then, on the application of either of them, by the Board, and the remuneration to be paid to the arbiter appointed by the Board shall be fixed by the Board. An arbiter appointed under this sub-section shall be deemed to be an arbiter within the meaning of the Lands Clauses Acts, and the provisions of these Acts with respect to an arbitration shall apply accordingly; and the arbiter shall, notwithstanding anything in the said Acts, determine the amount of the expenses in the arbitration, and such determination shall be final; and

(*b.*) In determining the amount of disputed compensation, the arbiter shall not make any allowance in respect of the purchase being compulsory.

(*c.*) The parish council shall make and shall jointly with the proprietor maintain sufficient fences for separating the land taken from the lands not taken.

(*d.*) In construing for the purposes of this section any section or Acts incorporated with or put in force under this section, this Act, together with any order under this section, shall be deemed to be the special Act.

(11.) At any inquiry or arbitration held under this section, the person or persons holding the inquiry or arbitration, shall hear any authorities or parties whose interests would be affected, by themselves or their agents, and may hear witnesses, but shall not, except with consent of the Board, hear counsel or expert witnesses.

(12.) A person holding a public inquiry for the purposes of this section on behalf of the county council shall have the same powers as, and may receive remuneration not exceeding that payable to, a person specially nominated by the Board to hold such an inquiry under this section.

(13.) The county council or Board, as the case may be, shall not make an order for purchasing the whole or any part of any park, garden, pleasure ground or other land required for the amenity or convenience of any dwelling-house, any land the property of a railway company or canal company which is or may be required for the purposes of their undertaking, or any land which in the opinion of the county council or Board is being held and may be required for the extension of a factory or public work.

(14.) The county council or Board, as the case may be, shall in making an order for purchasing land, have regard to the extent of land held in the neighbourhood by any owner, and to the convenience of other property belonging to the same owner, and shall, so far as is practicable avoid taking an undue or inconvenient quantity of land from any one owner.

(15.) Any land acquired under this section shall be vested in the parish council.

(16.) The expenses of a county council incurred under this section shall be defrayed by the parish council.

(17.) The Board shall in their annual report include a statement of any proceedings under this section.

26. *Leasing of land for allotments or common pasture.*—(1.) A parish council shall have power to take land on lease for allotments or, not exceeding twenty acres in extent, for common pasture, and if they are satisfied that allotments or common pasture are required, and are unable to obtain on lease by agreement on reasonable terms suitable land for allotments or for common pasture, they shall represent the case to the county council, and the county council may, subject to the restrictions in this section, make an order authorising the parish council to take on lease compulsorily for allotments, for a period of not less than ten years nor more than thirty-five years, such land in or near the parish as is specified in the order,

order shall, as respects confirmation and otherwise, be subject to the like visions as if it were an order of the county council made under the last preing section of this Act, and that section shall apply as if it were herein nacted with the substitution of taking on lease for purchase, and with the er necessary modifications.

2.) A sole arbiter, who shall be appointed in accordance with the provisions he preceding section, and to whom the provisions of that section shall apply, ll have power to determine any question—

) as to the terms and conditions of the proposed lease ; or

) as to the amount of compensation for severance ; or

) as to the compensation payable to any tenant in respect of the land taken forming part of an existing tenancy ; or

) as to the apportionment of the rent between the land taken by the parish council and the land retained by the tenant ; or

) as to any other matter incidental to the taking on lease of the land by the council, or the surrender thereof at the end of their tenancy ;

the arbiter, in fixing the rent, shall not make any allowance in respect of the e being compulsory.

.) Any compensation awarded to a tenant in respect of any depreciation of value to him of the residue of his holding caused by the withdrawal from the iling of the land taken on lease by the parish council, shall, as far as possible, provided for by taking such compensation into account in fixing, as the case require, the rent to be paid by the parish council for the land taken on lease them, and the apportioned rent, if any, to be paid by the tenant for that ion of the holding which is not taken on lease by the parish council: provided ys that during the unexpired period of the tenant's lease the sum *in cumulo* he apportioned portions of rent shall not be less than the rent formerly paid he tenant.

.) The award of the arbiter, or a copy thereof, together with a report signed im as to the condition of the land taken by the parish council, shall be sited and preserved with the public books and papers of the parish council, any person interested shall at all reasonable times be at liberty to inspect the e, and to take copies thereof.

.) Save as hereinafter mentioned, sections five to eight inclusive, and section teen and the proviso to section twelve of the Allotments (Scotland) Act, 1892, l apply to any allotment taken on lease by a parish council in like manner as at council were the local authority and also the allotment managers :

rovided that the parish council—

) may let to one person an allotment or allotments exceeding one acre, but, if the land is taken on lease compulsorily, either not exceeding in the whole four acres of pasture or one acre of arable and three acres of pasture, or not exceeding four pounds in annual value ; and

) may permit to be erected, on the allotment, any stable, byre, or barn : provided that such stable, byre, or barn shall not, unless erected with the assent in writing of the landlord, be the subject of compensation, but may be removed by the tenant on the determination of the tenancy ; and

shall not break up, or permit to be broken up, any permanent pasture, without the assent in writing of the landlord.

) On the determination of any tenancy created by a compulsory lease, a sole er who shall be appointed in accordance with the provisions of the last preceding section and to whom the provisions of that section shall apply, shall have r to determine the amount due by the landlord for compensation for improvements, or by the parish council for depreciation.

) The order for compulsory taking on lease may apply, with any adaptations h may be prescribed by general or special order of the Board, such of the isions of the Lands Clauses Acts (including those relating to the acquisition of

land otherwise than by agreement) as appear to the county council or Board sufficient for carrying into effect the order, and for the protection of the persons interested in the land and of the parish council.

(8.) Nothing in this section shall authorise the compulsory taking on lease of any mines or minerals, or confer the right to take, sell, or carry away, any stone, gravel, sand, or clay, or authorise the taking on lease of any land which is already owned, or occupied, as a small holding within the meaning of the Small Holdings Act, 1892, or under the Crofters Holdings Act, 1886, or any Act amending the same.

(9.) If the land taken on lease under this section shall at any time, during the tenancy thereof by the parish council, be shown to the satisfaction of the county council to be required by the landlord for the purpose of working and winning the mines, minerals, or surface minerals thereunder, or for feuing for building, or for any road or work to be used in connection with such working or winning or feuing, it shall be lawful for the landlord of such land to resume possession thereof upon giving to the parish council twelve calendar months previous notice in writing of his intention so to do, and upon such resumption the landlord shall pay to the parish council and to the allotment holders of the land for the time being such sum by way of compensation for the loss of such land for the purposes of allotments as may be agreed upon by the landlord and the parish council, or, in default of such agreement, as may be awarded by a sole arbiter, who shall be appointed in accordance with the provisions of the last preceding section and to whom the provisions of that section shall apply.

The word "landlord" in this sub-section means the person for the time being entitled to receive the rent of the land taken on lease by the parish council.

(10.) The board shall in their annual report include a statement of any proceedings under this section.

27. *Special parish rate may be levied.*—(1.) A parish council may for the purposes of this Part of this Act (including any annual charge, whether of principal or interest, in respect of any loan), levy within the parish a rate not exceeding six pence in the pound on the annual value of the lands and heritages within such parish, as ascertained for the purposes of the Poor Law (Scotland) Act, 1845, in this Act referred to as the special parish rate.

(2.) Such special parish rate shall, subject to the provisions of this Act, be levied and collected along with, and as an addition to, the poor rate, and with the same remedies and modes of recovery, but in the demand note the special parish rate shall be separately set forth and demanded.

Provided that, in parishes where no poor rate is levied, or where the poor rate is imposed according to the provisions of a local Act, or according to established usage, such special parish rate shall be levied according to the mode of assessment specified in section thirty-four of the Poor Law (Scotland) Act, 1845.

(3.) In parishes in which powers and duties are exercised and performed under this part of this Act by a landward committee, such landward committee shall annually, and not later than the twelfth day of June in each year, certify to the parish council the amount, if any, required to be provided by means of a special parish rate, and the parish council shall, as soon as may be, pay to the landward committee such amount.

28. *Borrowing for this Part of Act.*—(1.) A parish council, acting under this Part of this Act, may, for any of the following purposes, that is to say—

(*a*) for purchasing any land, or erecting any buildings, which they are authorised to purchase or erect; and

(*b*) for any permanent work or other thing which they are authorised to execute or do, and the cost of which ought, in the opinion of the Board, to be spread over a term of years;

borrow money, with the consent of the Board.

2.) In parishes where powers and duties under this Part of this Act are rcised and performed by a landward committee, it shall be the duty of the sh council to transmit to the Board any recommendation of the landward mittee for the raising of a loan in terms of this section; and, provided the ssary consent be given, to raise the loan accordingly.

3.) Any loan under this Part of this Act shall be made on the security of the ial parish rate.

4.) A county council may lend to a parish council any money which the parish ncil are authorised to borrow under this Part of this Act, and may, if necessary, e the money by loan.

5.) A loan raised by a parish council under this section shall be repaid—

a) if for the purchase of land or the erection of buildings, within such period not exceeding forty years; and

b) if for any other purpose, within such period not exceeding thirty years; ne Board may determine in each case.

6.) A parish council shall pay off every loan under this section, either by equal rly or half yearly instalments of principal or of principal and interest combined, y means of a sinking fund set apart, invested, and applied in accordance with lations which may from time to time be made, in that behalf, by the Secretary Scotland.

89. *Maintenance of public ways.*—A parish council may repair and maintain all ny of the public ways (not being highways or footpaths at the side of a high- within the meaning of the Roads and Bridges (Scotland) Act, 1878) within the sh, and the expense of such repair and maintenance shall be defrayed out of the ial parish rate, but this power shall not nor shall the exercise thereof relieve other authority or person from any liability with respect to such repair or ntenance; and such repair or maintenance shall not involve the parish council ny liability for damages to person or property resulting from the condition in h any such way may be maintained.

## PART V.—Parish Trusts.

90. *Powers of parish councils over parish charities and churchyards.*—(1.) When tees hold any property wholly or mainly for the benefit of the inhabitants of a le parish or any of them, as such inhabitants, or for any public purpose con- ed with a single parish other than—

a) for an ecclesiastical charity;

b) for an educational endowment within the meaning of the Educational Endowments (Scotland) Act, 1882; or

c) for the use or benefit of the poor of the parish within the meaning of section fifty-two of the Poor Law (Scotland) Act, 1845;

the parish council may transfer the property to the parish council of the parish, or to persons to om time to time appointed by that council, and the parish council, if they pt the transfer, or persons whom they appoint, shall hold the property on the s and subject to the conditions on which the trustees hold the same.

2.) In the event of any such property not being transferred to the parish cil under and subject to the provisions of the preceding sub-section, the sh council of the parish concerned may from time to time appoint such number dditional persons to act along with the trustees of the said property, as the tees and the parish council may agree upon, or in default of such agreement as be approved by the Board in each case: provided that where the trustees of such property are elected by, or include persons elected by, parish electors or bitants of the parish, or are members of the county or town council, or are h commissioners, the provisions of this sub-section shall not apply unless the d by order so prescribe.

(3.) Where the trustees of any such property are the kirk session, or the heritors and kirk session, of any parish, or the kirk session or deacons' court, or managers or vestry of a congregation belonging to any religious denomination to the number whether alone or conjoined with others, of not less than six persons, the said trustees shall from time to time appoint certain of their own number, not exceeding three, and the parish council of the parish shall from time to time appoint such number of additional persons as the Board may in each case approve, to act together as a committee of management of the said property, and such management shall be transferred to the committee accordingly.

(4.) Where trustees hold any property for the benefit of the inhabitants of, or for any public purpose (other than as hereinbefore mentioned) connected with, two or more parishes, the parish councils of the parishes concerned may, if the Board so decide, from time to time appoint, in such manner or rotation and subject to such conditions as may be prescribed in any order of the Board, such number of additional persons to act along with the trustees of the said property as may be approved by the Board in each case.

(5.) The term of office of a trustee appointed under this section shall be no longer than three years, but a trustee shall hold office until his successor is appointed, and shall be eligible for re-appointment.

(6.) The heritors of any parish may transfer the property of any churchyard which they hold to the parish council, and the parish council, if they accept such transfer, shall thereafter hold such churchyard for the same purposes and subject to the same rights for and subject to which it was held by such heritors, and shall have and may exercise and perform all the powers and duties before such transfer vested in or imposed on such heritors in relation to the churchyard transferred (except any power or duty of enlarging or extending such churchyard and assessing for the cost of such enlargement or extension): provided that the cost of maintenance and management of such churchyard after such transfer shall, and so far as they require to be defrayed out of any rate, be a charge upon the poor rate: and provided also that such transfer shall not alter or transfer any liability to assess for the repayment of any debt or the incidence of any assessment levied for such repayment. After such transfer the powers and duties transferred shall no longer be exercised and performed by such heritors.

(7.) The Board may by order prescribe rules (1) as to the form in which the accounts of any property dealt with in this section shall be kept, and (2) as to the publication of the said accounts.

(8.) Whilst a person is trustee of any property or revenues falling within the provisions of this section, he shall not, nor shall his wife or any of his children receive any benefit therefrom.

(9.) The provisions of this section with respect to the appointment of trustees shall not apply to any charity until the expiration of forty years from the date of the foundation thereof, or, in the case of a charity founded before the passing of this Act by a donor, or by several donors, any one of whom is living at the passing of this Act, until the expiration of forty years from the passing of this Act, unless with the consent of the surviving donor or donors.

## PART VI.—Supplemental.

31. *Use of schoolrooms.*—The parish electors on the application of not fewer than six of their number and the parish council (including a landward committee) shall be entitled to use, free of charge, at all reasonable times, except during ordinary school hours, and after reasonable notice, for any purpose under the Act, or under the Poor Law (Scotland) Act, 1845, the Education Acts, or the principal Act, including public meetings in connection with the candidature of any person for the county council or the parish council, any room in a school receiving a grant out of moneys provided by Parliament, and any room

ense of maintaining which is payable out of any rate levied by the parish ncil.

rovided that this enactment shall not authorise the use of any room used as of a private dwelling-house.

rovided also that any expense reasonably incurred by the person or persons ing control over the room, or any damage done to the room or its contents in sequence of its being so used, shall be defrayed by such parish electors or the sh council who, when the meeting is called for the purposes of any candida-, shall be entitled to recover such expense from the person or persons calling meeting.

22. *Incorporation of parish council.*—Every parish council elected in pursuance his Act shall be incorporated under the name of the parish council of the sh, with power to sue and be sued, and shall have perpetual succession.

23. *Committees of parish councils.*—A parish council may from time to time oint, from their own number, committees for the exercise of any powers which properly be exercised by committees, and no committee of a parish council l unless re-appointed hold office beyond the next statutory meeting of the ncil following its appointment, provided that a parish council shall not gate to a committee any power of raising money by rate or loan.

24. *Appointment of joint committees.*—Any parish councils, or parish councils county councils or district committees or town councils or burgh commis-ers, may, from time to time, join in appointing, out of their respective bodies, int committee for any purpose of this Act in which they are jointly interested, the provisions of section seventy-six of the principal Act, with regard to the ointment and powers of joint committees of county councils, or of county ncils and town councils, shall, with the necessary variations, apply to joint mittees appointed under this section.

25. *Parish accounts.*—(1.) (*a.*) All receipts of a parish council relating to or ing out of powers transferred to them by Part III. of this Act shall be ied to a general parish fund; and

.) All receipts of a parish council or landward committee in relation to or ing out of powers conferred upon them by Part IV. of this Act shall be ied to a special parish fund; and

.) All payments in relation to or arising out of the said powers respectively l be made out of the said funds respectively.

separate bank account shall be kept for each fund and all cheques for pay-t of moneys shall be signed by two members of the parish council or landward mittee, as the case may be, and be countersigned by the clerk. The Board l make rules as to the method in which payments shall be made by a parish ncil and by a landward committee.

.) A parish council and a landward committee shall keep such accounts of above-mentioned funds, and of the sums raised by rates, as will prevent a from being applied to any purpose to which it is not properly applicable. Board shall prescribe forms in which such accounts shall be kept.

26. *Audit of accounts.*—The provisions contained in sections sixty-eight to nty inclusive of the principal Act with respect to the making up and auditing he accounts of a county council shall, with the substitution of "parish ncil" for "county council," and "clerk of the parish council" for "county k," and "parish" for "county" or "burgh," and "the Board" for "the retary for Scotland," apply to the making up and auditing of the accounts of rish council, including those of a landward committee, subject to the follow-provisions, that is to say:

(1.) The accounts of the parish council shall be audited by an auditor appointed by the Board.

(2.) The Board may, by order, prescribe rules modifying the enactments as to the time and place of audit.

(3.) The Board may prescribe a scale for the remuneration of auditors in respect of their duties under this section.

(4.) The accounts of a parish council shall be transmitted annually by the clerk of the council as soon as may be after the fifteenth day of May but not later than the first day of August to the auditor appointed by the Board.

37. *Local annual budget.*—At a meeting in the month of July in each local financial year every parish council shall cause to be submitted to them the estimates of the receipts and expenditure of such council, including those of a landward committee or other committee thereof, during that financial year whether on account of property, contributions, rates, loans, or otherwise, and shall revise such estimates (other than those of any landward committee), and authorise such expenditure and make such provision for meeting the same, as they shall approve.

38. *Borrowing by parish councils.*—(1.) If and so long as the amount of loan owing by any parish council for the time being exceeds one-fifth of the annual value of the lands and heritages within such parish as ascertained for the purposes of the Poor Law (Scotland) Act, 1845, no further loan, other than a temporary loan in terms of section eighty-nine of the said Act, shall be raised by such parish council without the consent of the Board.

(2.) Where money has been borrowed by a parish council, or by a parochial board, the parish council shall, until the loan has been extinguished, within twenty-one days after the expiration of each local financial year, transmit to the Secretary for Scotland a return in such form, and verified in such manner, as he may from time to time prescribe, showing the amount of the loan still outstanding, and the steps which have been taken to comply with the provisions of this or any other Act in regard to its payment and discharge.

39. *Duty of Board and of county and town councils and burgh commissioners to bring Act into operation.*—(1.) It shall be the duty of the Board, and of every county council and town council, and of burgh commissioners in a police burgh to exercise all powers which may be requisite for bringing this Act into full operation as soon as may be after the passing thereof.

(2.) Where the Board are authorised or required by any Act to make or confirm any order, rule, or regulation, or to give any consent, sanction, or approval or otherwise to act, they may cause a local inquiry to be held in terms of sub-section eight of section twenty-five of this Act, and the provisions of that sub-section shall apply accordingly.

40. *Chairman of district committee and of parish council to be justice.*—The chairman of a district committee and the chairman of a parish council, unless a woman or personally disqualified by any Act, shall by virtue of their office be justices of the peace for the county in which the district or parish is situate.

41. *Absence from meetings.*—If a parish councillor is absent from meetings of the parish council for more than six months consecutively, then, except in case of illness, or for some reason approved by the parish council, his office shall, on the expiration of the said six months, become vacant, and the vacancy may be filled as a casual vacancy.

42. *Protection of rights of way.*—(1.) It shall be the duty of a town council in a police burgh of the burgh commissioners, and of a district committee, and

re there is no district committee, of the county council, to assert, protect, and
o open and free from obstruction or encroachment any right of way, whether
lly within or partly within and partly without the burgh, police burgh,
rict, or county respectively, which it may appear to them respectively that the
lic have acquired by grant, prescriptive use, or otherwise, and they may re-
tively, for the purpose of carrying this section into effect, institute and
nd any legal proceedings and generally take such steps as they may deem
edient.

.) Where a parish council, or any six parish electors, of a parish have repre-
ed to the district committee or, where there is no district committee, to the
nty council, that any public right of way within the district, or beneficial to
inhabitants of the district, has been or is likely to be shut, or obstructed, or
oached upon, it shall be the duty of the district committee, or, where there is
district committee, of the county council, if they are satisfied that the repre-
ation is well founded, to take such proceedings as may be requisite for the
lication of the right of way, and if the district committee refuse or fail to take
eedings in consequence of such representation, the parish council, or the
ors who made the representation, may petition the county council, and if the
nty council so resolve, the powers and duties of the district committee under
section, in relation to such right of way, shall be transferred to the county
ncil.

.) Any expenditure incurred by a county council or a district committee
eof in connection with any legal or other proceedings, under the two preced-
sub-sections, or either of them, shall be defrayed out of the road rate for the
rict, or, where a county is not divided into districts, out of the road rate for
county. Provided always, that any litigant who is successful against the
nty council or district committee shall not be assessed for such portion of the
rate as is rendered necessary by such expenditure.

.) Within a county, district, or parish respectively it shall be in the power of
county council, or district committee, or parish council, and of any member or
bers of the public, with the consent of any one of these bodies, to erect and
ntain guide posts and direction notices upon any right of way.

3. *Power to heirs of entail to grant land belonging to an entailed estate.*—Any
of entail in possession of land in Scotland, and the trustee, tutor, and curator
uch heir of entail, if in minority or subject to any legal incapacity, may give
grant to a parish council, or to the commissioners of a police burgh, land be-
ing to the entailed estate to be used for public recreation, but not exceeding
he whole twenty acres: Provided that no such grant shall be effectual unless
heir of entail next in succession of lawful age and any persons in right of
table securities or other charges affecting such land shall consent thereto, or
ss, in the event of the persons in right of such heritable securities or other
ges refusing such consent, the sheriff, upon the application of the heir of entail
ossession, duly intimated to such persons (who shall be entitled to appear and
ct), shall have found that the lands comprised in such heritable securities or
ges, other than the lands proposed to be granted, afford adequate security;
the land so given and granted shall not be liable to nor affected by any other
ts, titles, trusts, interests, or encumbrances to, in, or upon the same whatso-
, and such heir of entail shall not thereby be subject to nor incur any forfeiture
ritancy under the entail thereof: Provided always, that such land shall not
ithin a quarter of a mile of the mansion house in the natural possession of the
rietor, or part of any gardens, orchards, or enclosures adjacent to the mansion
e which have usually been in the natural possession of the proprietor.

4. *Formation of lighting and scavenging districts, and provision of public baths.*
.) It shall be lawful in a county for a parish council or for any two or more

parish councils, or for not fewer than ten parish electors of any landward parish or of the landward part of any parish partly landward and partly burghal, to make a requisition in writing to the district committee of the county council, or when a county is not divided into districts to the county council, calling upon them to form such parish or parishes or landward part of a parish or any portion or portions thereof into a special district for the following purposes or any one or more of them; that is to say,—

(*a*) The lighting of the special district and the adoption for such purpose by the district committee or county council as the case may be of the provisions contained in sections ninety-nine to one hundred and five inclusive of the Burgh Police (Scotland) Act, 1892, or any one or more of them:

(*b*) The scavenging of, and the removal of dust, ashes, and other refuse from, the streets, roads, footpaths, lands and premises in such special district, and the adoption for such purposes by the district committee or the county council, as the case may be, of the provisions contained in sections one hundred and seven to one hundred and twenty-seven, and two hundred and fifty-three to two hundred and fifty-five, inclusive, of the Burgh Police (Scotland) Act, 1892, or any one or more of them:

(*c*) The provision and maintenance of public baths or bathing places, washhouses, and drying grounds, and the adoption for such purposes by the district committee or county council, as the case may be, of the provisions contained in sections three hundred and nine to three hundred and fourteen inclusive, of the Burgh Police (Scotland) Act, 1892, or any one or more of them.

(2.) Upon such requisition being received, the district committee or county council, as the case may be, shall be bound to meet, after twenty-one clear days' notice, and shall consider the propriety of forming such parish or landward part of a parish or portion thereof into a special district, and shall by resolution either approve or disapprove of the formation of a special district (which shall in no case include a police burgh or any portion thereof) for the purposes stated in the requisition or any one or more of them, and, if they approve thereof, shall define the boundaries of such special district and specify which of the provisions of the Burgh Police (Scotland) Act, 1892, referred to in the preceding sub-section are to be adopted therein. Such resolution shall be final, subject to the provisions of sub-section three of this section, and in the event of the district committee or county council, as the case may be, disapproving of the formation of a special district as proposed in a requisition, it shall not be competent to make another requisition to the same effect until after the expiration of twelve months. A copy of every such resolution shall be forthwith published in one or more newspapers circulating in the district and transmitted to the Board and to the county council.

(3.) Where the proposed special district is co-extensive with or comprises the whole or part of the area of any special drainage or water supply district formed under the Public Health Acts, the consent of the county council shall be required to any resolution approving of the formation of a special district under this section, and in giving or refusing such consent the county council shall take into consideration the whole circumstances of the case, including the amount of the rates levied for the time being under the Public Health Acts and the principal Act within the proposed special district, and the county council may consent to the resolution either with or without modifications.

(4.) On the adoption by a district committee or county council, as the case may be, of any of the provisions above mentioned, such provisions shall have effect within or in relation to the special district, subject to the provisions of the Fourth Schedule to this Act annexed.

(5.) The area of a special district formed under this section may be enlarged or altered, and two or more special districts may be combined, from time to time, by

lution of the district committee or county council, as the case may be, in terms
his section, with or without a requisition.
).) Any expenditure attending the formation of a special district, or the carry-
out within such special district of the purposes of this section or of any of
, shall b paid out of an assessment to be imposed by the county council
in the special district, to be called the special district rate, and levied along
: and as an addition to and in excess of the public health rate, and with the
remedies and modes of recovery: provided that such special district rate
not exceed ninepence in the pound on the annual value of the lands and herit-
within the special district as ascertained for the purposes of the Poor Law
tland) Act, 1845, and a county council may borrow for such of the said pur-
s as the Secretary for Scotland may by order prescribe on the security of such
ial district rate.
.) The total amount required to be raised (so far as within a county) by a
ic health rate (including any special district rate) may be certified by the
nty council to the parish council, and may be collected by the parish collector
g with the poor rate of the parish. The amount collected in such case shall
aid over to the county council without any deductions, but the expense of col-
on (including the reasonable remuneration of the collector) shall be a debt
the county council to the parish council.
.) Where a special district has been formed under this section, the district
mittee or the county council, as the case may be, may, subject to regulations
e from time to time made with the consent of the county council, appoint
ually a sub-committee for carrying out the purposes for which such special dis-
has been formed, and such sub-committees shall in whole or in part consist of
sh councillors of the parish or parishes in which the special district is situated,
ther members of the district committee or not.
.) From and after the first election in a county of parish councillors, sub-
ion one of section eight-one of the principal Act shall be read as if for the
ds "shall in part consist of persons, whether members of the district committee
not, who are resident within the special drainage district or special water
bly district," there were substituted the words "shall in whole or in part
ist of parish councillors of the parish or parishes in which the special district
situated, whether members of the district committee or not," and the number
sub-committee appointed under the said section may, failing agreement be-
en a district committee or county council and a town council or the commis-
ers of a police burgh, be determined by the Secretary for Scotland.
0.) Upon the formation of a special lighting district under the provisions of
section it shall be lawful for the district committee to adopt the Burghs Gas
ply (Scotland) Act, 1876, and any Act amending the same, but in such case
provisions of the principal Act with respect to capital, expenditure, borrowing,
audit of accounts shall apply in lieu of the corresponding provisions of the
ner Acts or of this section'; and in the application of the former Acts the ex-
ssion "burgh" shall be construed to mean special lighting district, "commis-
ers," "town council," and "commissioners of police" to mean district com-
tee, and "elector" and "ratepayer" to mean a person registered as a county
tor, the subject of whose qualification is situated within the special lighting
rict.

5. *Valuation roll to show special districts.*—(1.) The assessor of a county in
king up the valuation roll of the county shall distinguish in the valuation roll
ds and heritages situated within the boundaries of each police burgh, each
ice district formed under section fifty-eight of the Police Act, 1857, each
cial water supply and special drainage district, each special district formed
der section forty-four of this Act, and any part of a parish for which a land-
rd committee is constituted in terms of this Act.

(2.) The provisions of section five of the Valuation of Lands (Scotland) Amendment Act, 1867, as extended by the Valuation of Lands (Scotland) Amendment Act, 1887, with regard to separate valuations of portions of railways, waterworks, gasworks, and other undertakings included within the limits of burghs, towns, or populous places, shall extend to counties outwith the boundaries of police burghs in like manner as if they were herein re-enacted with the substitution of the expression "county clerk" for "town clerk, or clerk of the commissioners, or trustees of police," and of "police district formed under section fifty-eight of the Police Act, 1857, special water supply district, special drainage district, special district formed under section forty-four of the Local Government (Scotland) Act, 1894, and any part of a parish for which a landward committee is constituted in terms of the said Act," for "burghs, towns, and populous places."

46. *Additional powers to alter parish areas.*—An order of the Secretary for Scotland, under section fifty-one of the principal Act, for altering the boundaries of any parish or for uniting several parishes or parts of parishes into one parish by the creation of a new parish or otherwise, or annexing one or more of such parishes or parts of parishes to a larger parish, or for dividing any parish or for uniting any subdivision of a parish with any other parish, shall have effect for all purposes whether county council, justice, sheriff, militia, parochial board, parish council, school board, local authority, or other, save as hereinafter provided. Before making any such order, the Secretary for Scotland shall consult with the authorities concerned, and, upon the application of any one or more of such authorities, shall cause a local inquiry in terms of the principal Act to be held and shall cause the proposed order to be published in the *Edinburgh Gazette*, and in such other manner as to make the same known to all persons interested, and shall consider all objections and representations respecting such order, and may, after the expiry of not less than forty days from the date of the publication of the proposed order in the *Edinburah Gazette*, finally make the order and cause the same to be forthwith published in the *Edinburgh Gazette*, and such order shall thereafter have effect as if enacted by Parliament unless or till revoked or modified by subsequent order in terms of this section. In addition to the provisions of the principal Act any such order may be made on the representation of a parochial board or parish council, or the commissioners of a police burgh, or a school board.

An order of the Secretary for Scotland under the powers conferred by section fifty-one of the principal Act or this section may, without prejudice to the generality of the aforesaid powers, provide for all or any of the matters specified in sub-section six of section forty-nine of the principal Act.

The words "in the county" occurring in sub-section (*e*) of section fifty-one of the principal Act are hereby repealed, and the said section shall be read as if for the words "county burgh or parish," occurring in proviso (ii.) thereof, there were substituted the words "county or burgh;" and the words "this Act," in sub-section (*g*) of the said section, and in sections ninety-five and ninety-six of the principal Act, shall be construed as meaning "the Local Government (Scotland) Acts."

47. *Current rates.*—(1.) Every rate and requisition for sums of money made before the fifteenth day of May in the year one thousand eight hundred and ninety-five, may be levied and collected, and proceedings for the enforcement thereof may be taken in like manner, as nearly as may be, as if this Act had not passed.

(2.) The accounts of all moneys received or expended before the fifteenth day of May in the year one thousand eight hundred and ninety-five, shall be audited and other consequential proceedings taken in like manner as nearly as may be as if this Act had not passed, and every officer whose duty it is to make up an

unts, or to account for any portion of the moneys received or expended in any unt shall, until the audit is completed, be deemed for the purpose of such t to continue in office and be bound to perform the same duties and render same accounts as if this Act had not passed.

3. *Transfer of property.*—(1.) All such property as belongs, or would, but for passing of this Act, belong to, or be vested in, or held in trust for, any ority whose powers and duties are, by or in pursuance of this Act transferred parish council shall, from and after such transference, pass to, and vest in, be held in trust for, such parish council, subject to all debts and liabilities ting the same, and shall be held by the parish council for the purposes for h such property is or would have been held, so far as such purposes are not ified by this Act; and if any question shall arise between any such authority a parish council as to the heritable or moveable property transferred by or in uance of this Act, the same, failing agreement, shall be determined by the d.

.) The parish council shall have full power to manage, alter, and enlarge, and, the consent of the Board, to alienate lands and heritages transferred by this on, and may from time to time provide such accommodation and rooms, and furniture, books, and other things as they may reasonably require for the saction of their business.

). *Transfer of debts and liabilities.*—All debts and liabilities of any authority, se powers and duties are transferred by or in pursuance of this Act to a parish ncil, shall become debts and liabilities of such council, and shall, from and such transfer and subject to the provisions of this Act, be defrayed by them of the like funds out of which they would have been defrayed if this Act not passed.

). *Existing officers and servants.*—All persons who on the fifteenth day of May ne year one thousand eight hundred and ninety-five hold office as inspector of poor of the parish or collector of poor rates, or are officers of a parochial d, under any Acts of Parliament, or are servants of such board and perform duties in respect of the business transferred by, or in pursuance of, this to a parish council, shall thereafter become the officers and servants of the h council.

. *Tenure and duties of officers transferred to parish council.*—(1.) The officers servants of any authority who hold office at the passing of this Act, and who r in pursuance of this Act become officers and servants of a parish council (in Act referred to as existing officers), shall hold their offices by the same re, and upon the same terms and conditions, as if this Act had not passed, while performing the same duties shall receive not less salaries or remunera- and be entited to not less pensions (if any) than they would have received or entitled to if this Act had not passed: provided that any re-arrangement of duties and remuneration of existing medical officers, holding office under the Law (Scotland) Act, 1845, shall be subject to the approval of the Board.

.) Subject to any general regulations of the Board, a parish council may ribute the business to be performed by existing officers and may combine duties in such manner as the council may think expedient, and every ing officer shall perform such duties in relation to such business as may be ted by the council. Provided that if any existing inspector of poor is ieved by such distribution of business, or by the imposition or withdrawal ny duties, he may, within one month after the date of any resolution of the ncil distributing such business or imposing or withdrawing such duties, appeal ne Board, whose decision shall be final.

(3.) Any parish councils, or parish councils and county councils or district committees or town councils or burgh commissioners, may, from time to time, join in making such arrangements with regard to the conduct and management of their business, including the collection of rates, whether leviable by a parish council, or by a county council, or town council, or burgh commissioners, and the distribution of such business among their officers, as shall seem to them, in the whole circumstances of the case, to be most effective and economical.

52. *Saving for pending actions, &c.*—(1.) If at the time of the transfer, any action or proceeding, or any cause of action or proceeding, is pending or existing by or against any authority in relation to any powers, duties, liabilities, or property by this Act transferred to the parish council, the same shall not be in anywise prejudicially affected by reason of such transfer, but may be continued, prosecuted, and enforced by or against the parish council, as successors of such authority, in like manner as if such transfer had not taken place.

(2.) All contracts, deeds, bonds, agreements, and other instruments entered into or made and subsisting at the time of the transfer, and affecting any such powers, duties, liabilities, or property of any authority as are by this Act transferred to a parish council, shall be of as full force and effect against or in favour of the parish council, and may be enforced as fully and effectually as if instead of such authority the said parish council had been a party thereto.

53. *Saving for securities in discharge of debts.*—Nothing done in pursuance of this Act shall prejudicially affect any securities granted, before the time of the transfer, on the credit of any rate or property by this Act transferred to a parish council, and all such securities, as well as all unsecured debts, liabilities, or obligations lawfully incurred by any authority, body, or person, in the exercise of any power or in relation to any property transferred from them to the parish council under this Act, shall be discharged, paid, and satisfied by the parish council.

54. *Definitions.*—Expressions used in this Act have the same meaning, if not inconsistent with the context, as expressions used in the principal Act: Provided that, if not inconsistent with the context—

The expression "police burgh" in the Local Government (Scotland) Acts, the Local Taxation (Customs and Excise) Act, 1890, the Roads and Streets in Police Burghs (Scotland) Act, 1891, and the Education and Local Taxation Account (Scotland) Act, 1892, has the meaning assigned to it in the Burgh Police (Scotland) Act, 1892:

The expression "municipal register" includes the register of voters for the election in a police burgh of burgh commissioners:

The expressions "municipal election," "municipal electors," and "municipal wards" include the election of burgh commissioners in a police burgh, the voters at, and the wards constituted for, such election respectively:

The expression "town clerk" includes the clerk to the burgh commissioners of a police burgh.

The expression "secretary," includes assistant secretary.

The expression "parish" means a parish *quoad civilia* which is at the passing of this Act or may hereafter be constituted a separate parish for the purposes of settlement and relief of the poor, and includes a combination of parishes within the meaning of section sixteen of the Poor Law (Scotland) Act, 1845:

The expression "burghal parish" means a parish which is wholly comprised within the boundaries of a burgh, and the expression "landward parish" means a parish no part of which is comprised within the boundaries of a burgh:

The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, fixed, or determined for police purposes, under the provisions contained in any general or local Act of Par-

ent, or, when no police assessment is levied, as the same are or may be ascered, fixed, or determined for municipal purposes :
he expression "burghal part of a parish" means any part of a parish comed within the boundaries of a burgh, and the expression "landward part of a sh" means any part of a parish not comprised within the boundaries of a gh :
he expression "Public Health Acts" means the Public Health (Scotland) Act, , and any Act or Acts amending the same :
he expression "Education Acts" means the Education (Scotland) Act, 1872, any Act or Acts amending the same :
he expression "burgh" means any royal or parliamentary burgh, and shall ude the burgh of Coatbridge :
he expression "ecclesiastical charity" includes a charity the endowment reof is held for some one or more of the following purposes :—
) for theological instruction or for the benefit of any theological institution ; or
) for the benefit of any ecclesiastical person or officer as such ; or
) for use, if a building, as a church, chapel, mission hall or room, or Sunday school, or otherwise by any particular church or denomination ; or
) for the maintenance, repair, or improvement of any such building as aforesaid, or for the maintenance of divine service therein ; or
) otherwise for the benefit of any particular church or denomination, or of any members thereof as such :
rovided that where any endowment of a charity, other than a building held any of the purposes aforesaid, is held in part only for some of the purposes esaid, the charity, so far as that endowment is concerned, shall be an ecclestical charity within the meaning of this Act.

55. *Repeal.*—The Acts specified in the First Schedule to this Act are hereby aled to the extent mentioned in the third column and as from the dates retively specified in the fourth column of that Schedule and so much of any Act s inconsistent with this Act is also hereby repealed.

## PART VII.—Transitory Provisions.

56. *Transitory provisions for first election.*—With respect to the first election of sh councillors, the following provisions shall have effect ; that is to say,—
1.) The first election of parish councillors shall take place in every parish on first Tuesday of April in the year one thousand eight hundred and ninety-five.
) parish councillors then elected shall enter office on the fifteenth day of May owing such election, and shall go out of office, in burghal parishes and in ishes wholly comprised within a police burgh or within a burgh and a police gh, on the first Tuesday of November, and in all other parishes on the first esday of December, both in the year one thousand eight hundred and ninetynt.
2.) Before the first election of parish councillors, and not later than the twentynth day of February in the year one thousand eight hundred and ninety-five, a of persons qualified to be parish electors shall be prepared, revised, and comted for each county (exclusive of any police burgh or part thereof), and the proons of the Local Government (Scotland) Acts respecting a county council ister shall apply to such list, subject to such alterations of dates and such other essary modifications as may be prescribed by the Secretary for Scotland in any eral order under his hand and seal. Such list, when completed, shall be med to be the county council register for the time being within the meaning sub-section eight of section twelve of this Act.
3.) The provisions of sub-sections two and three of section twelve of this Act ll not apply to a municipal register or to the register of voters for the election

in a police burgh of burgh commissioners coming into force in the month of November, in the year one thousand eight hundred and ninety-four, unless so applied by order under the seal of the town council, or in a police burgh of the burgh commissioners. Provided that before the first election of parish councillors and not later than the twenty-eighth day of February in the year one thousand eight hundred and ninety-five a list of persons qualified to be parish electors shall be prepared, revised, and completed for each burgh and police burgh, and the provisions of this Act respecting a municipal register or the register of voters for the election in a police burgh of burgh commissioners shall apply to such list subject to such alterations of dates and such other necessary modifications as shall be prescribed by the Secretary for Scotland in any general order under his hand and seal. Such list when completed shall be deemed to be the municipal register of the burgh, or register of voters for the election in the police burgh of burgh commissioners, for the time being, within the meaning of sub-section eight of section twelve of this Act.

Provided that nothing contained in this or the immediately preceding sub-section shall affect the date at which any parliamentary or municipal register of voters, or register of voters for the election in a police burgh of burgh commissioners, is fixed to come into operation.

(4.) In a landward parish and in the landward part of a parish partly landward and partly burghal, except within any parish or part of a parish co-extensive with a police burgh or part thereof, the provisions of section fourteen (excepting sub-sections one and three) of this Act shall apply to the first election of parish councillors, and the returning officer shall be appointed by the county council at their general meeting in the month of December in the year one thousand eight hundred and ninety-four, and the election shall be held in the parish wards fixed by or under the provisions of this Act as nearly as may be in the same manner as an election of county councillors.

(5.) In a burghal parish and in the burghal part of a parish partly landward and partly burghal, and in any parish or part of a parish co-extensive with a police burgh or part thereof, the provisions of section fifteen (excepting sub-sections one and three) of this Act shall apply to the first election of parish councillors, and the returning officer shall be appointed by the town council, or in a police burgh by the burgh commissioners, not later than the thirty-first day of December in the year one thousand eight hundred and ninety-four, and the election shall be held in the parish wards (if any) fixed by or under the provisions of this Act as nearly as may be in the same manner as an election of town councillors, or, in a police burgh, of burgh commissioners.

(6.) The expenditure incurred in the registration of parish electors shall be deemed to form part of the expenditure incurred in the election of parish councillors.

(7.) The members of a parish council first elected under this Act shall, on the second Thursday of April, meet as a provisional parish council, with power to arrange for bringing this Act into operation, and the provisional parish council shall, at that or a subsequent meeting, make provision for the performance of the duties of such parish council until the first meeting of such council; and the first meeting of the parish council shall be held on such day not later than the twenty-second day of May as shall be fixed by the provisional parish council, and such meeting shall be deemed to be the statutory meeting of the parish council for the year one thousand eight hundred and ninety-five, and shall be summoned by the inspector of poor in the manner provided by sub-section two of section seventeen of this Act.

(8.) The parochial boards holding office at the commencement of this Act, shall notwithstanding any provision to the contrary, retain office until the fifteenth day of May in the year one thousand eight hundred and ninety-five.

# SCHEDULES.

## SCHEDULE I.

ENACTMENTS REPEALED.

| 1. Session and Chapter. | 2. Short Title. | 3. Extent of Repeal. | 4. Date from which Repeal takes effect. |
|---|---|---|---|
| 26 Vict., c. [illegible]. | Glasgow Barony Parochial Board Act, 1862. | The whole Act. | |
| 53 Vict., c. 50. | Local Government (Scotland) Act, 1889. | Section one hundred and five so far as it relates to the definition of the expression "police burgh." | |
| 54 Vict., c. 60. | Local Taxation (Customs and Excise) Act, 1890. | Section six so far as it relates to the definition of the expression "police burgh." | |
| 55 Vict., c. 32. | Roads and Streets in Police Burghs (Scotland) Act, 1891. | Section seven so far as it relates to the definition of the expression "police burgh." | The commencement of this Act. |
| 53 Vict., c. 50. | Local Government (Scotland) Act, 1889. | Section twenty-eight, sub-section (2), (i), the words "who is not married, or who being married is not living in family with her husband." | |
| 45 Vict., c. 18. | Municipal Elections Amendment (Scotland) Act, 1881. | Section two, the words "who are not married, and married females not living in family with their husbands." | |
| 8 Vict., c. 85. | Poor Law (Scotland) Act, 1845. | Section two.<br>Section three.<br>Section four, except so far as it relates to the Secretary.<br>Section five, except from "the Board shall have" to the end.<br>Section six.<br>Section seven.<br>Section eight to "proper and."<br>Section eleven so far as it requires the consent of a Secretary of State, or Her Majesty's Advocate, to the appointment and the remuneration of a Commissioner or Commissioners. | The date of the establishment of the Local Government Board for Scotland. |
| 31 Vict., c. 101. | Public Health (Scotland) Act, 1867. | Sections nine, ten, and eleven, so far as they require the consent of a Secretary of State or Her Majesty's Advocate to any inquiry or the appointment of a Commissioner.<br>Section fifteen. | |

| 1. Session and Chapter. | 2. Short Title. | 3. Extent of Repeal. | 4. Date from which Repeal takes effect |
|---|---|---|---|
| 8 & 9 Vict., c. 83. | Poor Law (Scotland) Act, 1845. | Section seventeen, from "and until it shall" to the end.<br>Sections eighteen to twenty-nine, both inclusive.<br>Section thirty, from "and it shall also be lawful" to the end.<br>Section thirty-one.<br>Section thirty-three, from "or for the parochial board" to entitled to attend."<br>Section thirty-eight, the words "or means and substance."<br>Sections forty-seven and forty-eight. | The fifteenth day of May in the year one thousand eight hundred and ninety-five. |
| 55 and 56 Vict., c. 54. | The Allotments (Scotland) Act, 1892. | Section nine. | |
| 50 & 51 Vict., c. 42. | Public Libraries Consolidation (Scotland) Act, 1887. | Section nine so far as it relates to the audit of the accounts of a parochial board. | |

## SCHEDULE II.

We, *A.B.* [*here insert name and place of abode as in the parish council register for the parish*] and *C.D.* [*here insert name and place of abode as aforesaid*], hereby propose and nominate *E.F.* [*here insert name and place of abode as aforesaid*] for election as a parish councillor [*when the parish is divided into wards, add here* "for the ward," *specifying such ward*] at the next ensuing parish council election in the parish of [*specify parish*].

Given under our hand this [*insert date*].

*A.B.*_____

*C.D.*_____

to be signed also by—

× Candidate.

or by—

× A person duly authorised

_____

Returning Officer.

## SCHEDULE III.

The intimation or nomination of *E.F.* [*here insert name and place of abode of candidate as in the parish council register for the parish*] for election as a parish councillor [*when the parish is divided into wards, add here* "for the ward," *specifying such ward*] at the next ensuing parish council election in the parish of [*specify parish*] is hereby withdrawn.

Given under my hand this [*insert date*].

to be signed by—

× Candidate.

or by—

× A person duly authorised

To _____

Returning Officer.

## SCHEDULE IV.

) ) Expressions occurring in the adoptive sections of the Burgh Police (Scotland) Act, 1892, in such sections as adopted, when not inconsistent with the context, have the meanings ned to them respectively in that Act as read along with this Schedule: Provided that any ence to the burgh surveyor or to the private improvement assessment shall be excluded.

) ) In place of the expressions occurring in the said sections specified in the first column of ist appended hereto, there shall be substituted in such sections as adopted the expressions ctively specified in the second column thereof.

) ) The consent of the Board shall be required to any bye-law made by a district committee r a county council in terms of the said sections as adopted.

) ) Section ninety-four of the principal Act shall apply to any offence against the provisions e said sections as adopted or any byelaw made thereunder, with the substitution (except e a county is not divided into districts) of the expression "district clerk" for the expres- "county clerk" occurring therein.

*List.*

| | |
|---|---|
| nissioners, . . . . . | District committee. |
| h, . . . . . | Special district. |
| avement, . . . . . | Footway. |
| Act, . . . . . | The adopted section or sections of the Burgh Police (Scotland) Act, 1892. |
| ctor of cleansing, . . . . . | Sanitary inspector. |
| strate, . . . . . | Sheriff or any two justices of the peace. |
| h general assessment, . . . . . | Assessment levied in terms of section forty-four of the Local Government (Scotland) Act, 1894. |
| pecial order as herein defined, | With consent of the county council. |

# ACT OF PARLIAMENT

TO

*mend and explain the Local Government (Scotland) Act*, 1894.—

[58 *Vict., cap.* 1.—14*th March* 1895.]

Whereas it is desirable to amend the Local Government (Scotland) Act, 894, and to remove doubts which have arisen as to the construction of the id Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with e advice and consent of the Lords Spiritual and Temporal, and Commons, this present Parliament assembled, and by the authority of the same, as llows:

1. *Short title.*—This Act may be cited as the Local Government (Scotland) ct, 1894, Amendment Act, 1895.

2. *Polling place for parish ward not required to be within the ward.*—57 *and* 58 *Vict., c.* 58.—Whereas doubts have arisen with regard to the construction subsection (4) of section fifty-six of the Local Government (Scotland) Act, 894, it is hereby enacted that, where any parish has been divided into wards r the purpose of the election of a parish council, it shall not be necessary at the polling place at the first or any other election of parish councillors for ny such ward shall be situated within the ward.

# POOR LAW ACTS.

[*By the Local Government (Scotland) Act*, 1894, *the Board of Supervision ceased to exist on the establishment of the Local Government Board* (*which took place on* 26*th September* 1894), *and all the powers and duties vested in or imposed on the Board of Supervision by any Act of Parliament were vested in, transferred to, or imposed on the Local Government Board. From and after* 15*th May* 1895, *all Parochial Boards cease to exist, and Parish Councils come in place of such boards.*]

## ACT OF PARLIAMENT

FOR THE

*Amendment and better Administration of the Laws relating to the relief of the Poor in Scotland.*—[8 *and* 9 *Vict., cap.* 83.—4*th August* 1845.]

1. *Interpretation of words and expressions used in the Act.*—Whereas it i expedient that the laws relating to the relief of the poor in Scotland should be amended, and that provision should be made for the bette administration thereof: Be it enacted by the Queen's most Excellent Majesty, b and with the advice and consent of the Lords Spiritual and Temporal, an Commons, in this present Parliament assembled, and by the authority of th same, that the following words and expressions, when used in this Act, shall in th construction thereof be interpreted as follows, except where the nature of the pro vision or the context of the Act shall exclude or be repugnant to such construc tion; (that is to say) the word "burgh" shall include and apply to cities, burgh and towns which are royal burghs, or which send or contribute to send a membe to Parliament; "sheriff" shall include and apply to sheriff-substitute and stewart substitute; the words "lands and heritages" shall extend to and include a lands, fishings, freshwaters, ferries, quays, wharfs, docks, canals, railways, mines minerals, quarries, coal works, lime works, brickworks, ironworks, gasworks factories, and manufacturing establishments, houses, tenements, shops, ware houses, mills, cellars, stalls, stables, gardens, yards, and all buildings an pertinents thereof; the word "oath" shall include the affirmation of a Quaker Separatist, or Moravian; "owner" shall apply to liferenters as well as fiars, an to tutors, curators, commissioners, trustees, adjudgers, wadsetters, or othe persons who shall be in the actual receipt of the rents and profits of lands an heritages; "persons" shall extend to a body politic, corporate, or collegiate; an every word importing the singular only shall extend to several persons or things a well as one person or thing; and every word importing the plural shall be applie to one person or thing as well as several persons or things; and every wor importing the masculine gender shall extend to a female as well as a male.*

2. *Board of Supervision for relief of the poor established.*—And be it enacte that a Board of Supervision shall be and is hereby established for the purposes o this Act, and the said board shall consist of the following persons; (*videlicet*) th

* By 49 Vict., cap. 15, § 5, "lands and heritages," shall include shootings and deer forests.

l Provost of Edinburgh, the Lord Provost of Glasgow, the Solicitor-General cotland, the Sheriff-Depute of the county of Perth, the Sheriff-Depute of the ity of Renfrew, the Sheriff-Depute of the county of Ross and Cromarty, all for time being, together with three other persons, whom it shall be lawful for Her esty, her heirs and successors, by warrant under the sign manual, to appoint; it shall also be lawful for Her Majesty, her heirs and successors, to supply vacancy which may occur in the said board by removal, by death, or otherof any of the said three persons; and the said board shall be styled "The rd of Supervision for Relief of Poor in Scotland;" and the said board may rom time to time and at such places as they shall deem expedient.*

*Members of board to derive no emolument. Their expenses to be paid.*—And be acted, that the members of the said board shall derive no profit or emolument he discharge of the duties of their office, except as hereinafter mentioned, and not be personally responsible for anything done *bonâ fide* in the execution of this or in the exercise of the powers therein contained: Provided always, that any ssary expenses incurred by the board or by members thereof, or committees mmissioners authorised or appointed by the board as hereinafter provided, l be deemed as part of the incidental expenses attending the execution of this and be paid accordingly; and an account of all expenses of the said board l be annually laid before Parliament.*

*One paid member and secretary to the board.*—And be it enacted, that it shall awful for Her Majesty, her heirs and successors, to nominate one of the three bers of the said Board of Supervision to be appointed by Her Majesty as afore- who shall be paid, and also to appoint a fit person to be secretary to the said d, who shall also be paid, and to supply any vacancy which may occur in said office of secretary; and such paid member of the Board of Supervision such secretary shall each receive an adequate salary of such amount as shall time to time be regulated and approved by the Lord High Treasurer or the missioners of Her Majesty's Treasury of the United Kingdom of Great ain and Ireland, or any three or more of them; and such secretary shall find cient security for his intromissions and management to the satisfaction of the board, and shall be liable to be removed by Her Majesty on the recommenda- of the said board; and the sheriffs of the said three sheriffdoms of Perth, frew, and Ross and Cromarty shall each receive the sum of one hundred nds sterling per annum, in addition to their present salaries, so long as they inue to act as members of the said board.†

*Meetings of the board. Paid member of board of supervision to attend regu-*.—[And be it enacted, that the said Board of Supervision shall meet at Edinh in the court room of the First Division of the Court of Session upon the ntieth day of August next, or upon the first convenient day within ten days eafter, of which due notice shall be given by the secretary to each of the bers, and shall thereafter hold two general meetings in each year, one upon first Wednesday in February, and the other upon the first Wednesday in ust; and at such first meeting, and at all other meetings to be held in pursue of this Act, three shall be sufficient to act; and the said board shall have er to adjourn for such time and to such place as they shall see fit; and it l be lawful for the said board to hold special or *pro re natâ* meetings, which be called by the secretary, provided that such notice shall be given in ing by the secretary as the board shall direct; and that all notices of special *ro re natâ* meetings shall specify the business or matter on which such

* §§ 2 and 3 repealed by the Local Government Act, 1894.
† § 4 repealed by said Act, except so far as it relates to the secretary.

meetings are called; and it shall be the duty of the paid member of the said board not only to attend at the general and the special or adjourned meetings but to give regular attendance for the purpose of conducting the business of the said board; and] the board shall have chambers in Edinburgh at which the ordinary business of the board shall be conducted, and at which the meetings of the board may be held.*

6. *Board may name committees.*—And be it enacted, that the said board shall have power, as often as they may deem fit, to appoint any two or more of their number as a committee for the purposes of this Act, and if more than two to fix the number of such committee that shall be sufficient to transact business; and it shall be lawful for such committee, in transacting the business committed to them, to exercise all the powers necessary for that purpose which are by this Act given to the Board of Supervision; and such committee shall be bound to report to the board at such time or times as the board shall direct, and failing such direction shall report to the said board at its next general statutory meeting.†

7. *Board may make general rules.*—And be it enacted, that it shall be lawful for the said board from time to time, as they shall see occasion, to make general rules and regulations for conducting the business of the said board, and for exercising the powers and authorities thereof, and to alter such rules and regulations: Provided always, that such rules and regulations and alterations, or a copy thereof, shall be transmitted to one of Her Majesty's principal Secretaries of State for his sanction and approval, and for such additions or alterations as he may deem necessary; and no rules or regulations or alterations as aforesaid shall be effectual except such as shall have been approved of by the said Secretary of State, who shall be understood to have approved of all such rules and regulations and alterations aforesaid as shall have been transmitted for his sanction and approval if no intimation to the contrary be made to the Board of Supervision within twenty-one days from the date of such transmission; and a copy, signed and certified by the secretary of the Board of Supervision, of the rules and regulations and alterations approved as aforesaid, shall be evidence of such rules, regulations, and alterations in any court of law or justice.†

8. *Board to record their proceedings, and make annual reports on the state of the poor.*—[And be it enacted, that the said Board of Supervision shall make a record of their proceedings, in which shall be entered minutes of all meetings held by them, or any committee appointed by them, and all resolutions passed and orders made by them, and all other matters which the board may judge proper; and the said board shall once in every year submit to one of Her Majesty's principal Secretaries of State a general report of their proceedings, which report shall contain in particular a full statement as to the condition and management of the poor throughout Scotland, and the funds raised for their relief; and every such report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such principal Secretary of State, if Parliament be then sitting, or if Parliament be not sitting, then within six weeks of the next meeting thereof.‡

9. *Powers of the Board of Supervision to require returns and examine witnesses.*—And be it enacted, that it shall be lawful for the said Board of Supervision to inquire into the management of the poor in every parish or burgh in Scotland, and for this purpose the said board is hereby empowered to make inquiries, and require answers or returns to be made to the said board, upon any question or matter

* § 5. The words in brackets repealed by the Local Government Act, 1894.
† §§ 6 and 7 repealed by said Act.
‡ § 8. The words in brackets repealed by said Act.

ected with or relating to the relief of the poor, and also by a summons, signed ne of their number, or by the secretary, to require the attendance of all such ons as they may think fit to call before them upon any such question or er, and to administer oaths to and examine upon oath all such persons, and quire and enforce the production, upon oath, of all books, contracts, agree- s, accounts, and writings, or copies thereof respectively, in anywise relating y such question or matter, or in lieu of requiring such oath as aforesaid the board may, if they think fit, require any such person to make and subscribe laration of the truth of the matters respecting which he shall have been or be so examined.

. *Board may authorise special inquiries to be made.*—And be it enacted, it shall and may be lawful for the said board, whenever it may seem fitting to , to authorise and empower for a limited time one of the members thereof to uct any special inquiry in any part of Scotland, and to report thereon to the l; and such member, so authorised and empowered, shall be entitled to non and examine on oath witnesses and havers, and to exercise all such other e powers by this Act given to the Board of Supervision as may be necessary nducting such inquiry, and such member shall be reimbursed by the said l for all expenses necessarily incurred by him in conducting such inquiry, and expenses shall be deemed part of the expenses attending the execution of this and be paid accordingly.

. *Board may appoint commissioners for conducting special inquiries.*—And be acted, that it shall and may be lawful for the said Board of Supervision, ever it may seem fitting to them, with the consent of one of Her Majesty's ipal Secretaries of State, or of Her Majesty's Advocate for Scotland, or when- the said board may be thereunto required by one of Her Majesty's said Secre- of State, or Her Majesty's said Advocate, to appoint some person, not being mber of the board, but being a member of the Faculty of Advocates, or a qualified medical practitioner, or an architect or surveyor, or two or more of persons, to act as a commissioner or commissioners for the purpose of con- ng any special inquiry for a period not exceeding forty days, and to report on; and the said board shall delegate to every person so appointed for the se of conducting such inquiry all such of the powers of the said board as they deem necessary or expedient for summoning or examining witnesses and s, and otherwise conducting such inquiry; and every such appointment shall bject to the approval of one of Her Majesty's said Secretaries of State, or of Majesty's said Advocate; and every person so appointed as aforesaid to con- any special inquiry shall, before he enter on the execution of his duties, take th *de fideli administratione officii*, which oath may be administered to him by member of the board, or any one of the judges of the Court of Session, or the f of any county; and it shall not be necessary to notify the appointment of uch commissioner otherwise than by intimating the same by letter under the of the secretary, or of any member of the board, to the sheriff of the county n which the inquiry in question is to be made; and every such commissioner be reimbursed by the said board for all expenses necessarily incurred by him nducting such inquiry, and shall also receive such reasonable remuneration s time and trouble as may have been agreed upon between him and the said , and approved of by Her Majesty's said Secretary of State or Advocate; ailing of any such agreement, the amount of the remuneration shall be fixed e Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or ch person or persons as he or they shall name.*

11 repealed by the Local Goverment Act, 1894, in so far as it requires the consent of a ary of State or the Lord Advocate to the appointment and remuneration of com- ners

12. *Board may allow expenses of witnesses, &c.*—And be it enacted, that it sha be lawful for the said Board of Supervision, in any case where they see fit, to ord and allow such expenses of witnesses, and such expenses of or concerning the pr duction of any books, contracts, agreements, accounts, or writings, or copi thereof, to or before the said board or committee thereof or commissioner, as suc board may deem reasonable; and such expenses so ordered and allowed shall b deemed part of the incidental expenses attending the execution of this Act, an be paid accordingly.

13. *Penalties on parties giving false evidence, or refusing to obey summons of t board.*—And be it enacted, that if any person, upon any examination on oa under the authority of this Act, shall wilfully give false evidence, he shall deemed guilty of perjury, and shall be liable to the pains and penalties thereo and in case any person shall wilfully refuse to attend in obedience to any summo of the said Board of Supervision or committee thereof, or member or commissione authorised or appointed by the board as aforesaid, or to give evidence, or sh wilfully refuse to produce any books, contracts, agreements, accounts, and wr ings, or copies of the same, which may be required to be produced before the sa board or committee, or member or commissioner, or shall wilfully neglect or d obey any of the orders of the said board or committee, or member or comm sioner, or be guilty of any contempt of the said board or committee, or mem or commissioner, such person being thereof lawfully convicted, shall forfeit a pay for the first offence any sum not exceeding five pounds, for the second a every subsequent offence any sum not exceeding twenty pounds nor less than f pounds.

14. *Power of board to appoint clerks, &c.*—And be it enacted, that the s Board of Supervision shall be and is hereby empowered from time to time appoint all such clerks, messengers, and officers as they shall deem necessary, a from time to time, at the discretion of the said board, to remove such cler messengers, and officers, or any of them, and to appoint others in their stead; p vided that the amount of the salaries of such clerks, messengers, and officers sh from time to time be regulated by the Lord High Treasurer, or the Commission of Her Majesty's Treasury, or any three or more of them; and the name of ev person so appointed or removed as aforesaid shall forthwith be intimated to of Her Majesty's principal Secretaries of State for his approval, who shall understood to approve of such appointment or removal if no notice to the contr be received by the said board within twenty-one days from the day of the dat such intimation.

15. *Members of Board of Supervision may attend meetings of Parochial Boa* —And be it enacted, that it shall be lawful for any of the members or the se tary of the said Board of Supervision, or for any clerk or officer of the said bo provided that such clerk or officer shall be duly authorised by a writing signe two at least of the members of the said Board of Supervision, to attend an present at the meetings of any Parochial Board for the management of the p and to take part in the discussions, but not to vote at such board.

16. *Parishes may be combined. Board of Supervision may add other paris* —And be it enacted, that in every case it which it may appear to the Boar Supervision, on application by the Parochial Boards of any one or more adjoi parishes, or from a regard to the relative situation of two or more such paris or from any other circumstances, that the administration of the affairs of the p therein might be carried on with greater advantage to the said parishes, an the poor therein, by the said parishes being combined for the purposes of this then the Parochial Boards of such parishes shall meet, on requisition to that e

e Board of Supervision, for the purpose of considering the proposed combina-
and in every case where the Parochial Boards of two or more such parishes
resolve that it is expedient and proper that such parishes shall be combined
l purposes connected with the management of the poor, and the administra-
of the laws relating to their relief, and for the purposes of raising the neces-
unds for the relief and support of the poor, and also for the purposes of
ment, and where it shall be established to the satisfaction of the Board of
vision that it is expedient and proper that such parishes shall be so combined,
ll be lawful for the said Board of Supervision to resolve and declare that
parishes shall thenceforward be combined for the purposes aforesaid, and
be considered as one parish so far as regards the support and management of
oor, and all matters connected therewith ; and all expenditure in respect to
oor belonging to such combination of parishes shall be deemed and held to
e common expenditure of such combination of parishes, and be charged upon
aid out of the common and general fund to be raised for the relief of the
over the whole of such parishes : Provided always, that, upon application by
arochial Board of any parish adjacent to any such combination, it shall be
l for the said Board of Supervision, if they see fit, due regard being had to
rcumstances of the case, to resolve and declare that such parish shall be for
urposes of this Act added to such combination from and after a date to be
ied in the resolution of the said Board of Supervision, and such parish shall,
and after such date, be held in law to be a part of such combination in all
rs relative to the relief of the poor, and subject in every respect to the pro-
as and regulations hereby made and provided in relation to combinations of
nes ; and such resolution shall be forthwith published in such manner as the
Board of Supervision shall direct.

*Parochial Board of managers of the poor in burghal parishes or combinations.* d be it enacted, that in every burghal parish or combination of parishes shall be a Parochial Board of managers of the poor ; and the whole adminis-
n of the laws for the relief of the poor shall be under the direction and con-
f such Parochial Board, on whom shall devolve all the powers and authorities
rto exercised by or vested in the magistrates of burghs in that behalf, or any body or persons administering or entitled to administer the laws for the of the poor in any burgh or burghal parish ; [and until it shall have been ved, as hereinafter provided, to raise the funds requisite for the relief of the of such parish or combination by assessment, the board shall, in the case of a nal parish, where there is no combination of parishes, consist of the persons if this Act had not been passed, would have been entitled to administer the for the relief of the poor in such parish, and shall, in the case of a combina-
of parishes, consist of the persons who, if this Act had not been passed, would been entitled to administer the laws for the relief of the poor in the several hes of which the combination is composed, or of such committees of their er as they may think proper to appoint ; and when in any burghal parish or ination in which it shall have been resolved, as hereinafter provided, to raise unds requisite for the relief of the poor by assessment, the Parochial Board ch parish or combination shall be constituted and chosen as follows ; (that is y,) the person assessed for the support of the poor within the parish or com-
ion shall elect, in manner after-mentioned, to be members of the Parochial d, such number of managers, not being more than thirty, as the said Board pervision, having due regard to the population and other circumstances of such parish or combination, may from time to time fix, and possessing such fication by the ownership or occupancy of lands and heritages of a certain al value within the parish or combination as the said Board of Supervision, ng due regard to the population and other circumstances of every such parish ombination, may from time to time fix, such qualification being in no case

fixed at a higher annual value than fifty pounds, to be ascertained in manner hereinafter provided in regard to the qualification of voters; and the magistrates of the burgh shall nominate four persons to be members of the Parochial Board, and the kirk session of each parish shall nominate not exceeding four members of such kirk session to be members of the Parochial Board: Provided always, that those parishes only shall be held to be separate parishes which at the date of this Act are separate parishes for the purposes of settlement and relief of the poor, and that where there shall be in any such parish two or more kirk sessions the members of such several kirk sessions shall meet together and nominate not exceeding four of their number to be members of the Parochial Board.]*

18. *Board of Supervision to fix the day for the first election of managers.*—And be it enacted, that where in any burghal parish or combination it shall have been so resolved to raise the funds requisite for the relief of the poor by assessment, and where the persons from whom such assessment is to be levied, and the amount payable by each, shall have been ascertained or determined as hereinafter provided, the Board of Supervision shall fix a day for the persons so assessed to elect such number of managers, duly qualified, to be members of the Parochial Board as shall be regulated by the Board of Supervision as aforesaid, and shall also fix a day or days for the magistrates and the kirk session or kirk sessions to nominate the persons to be by them respectively nominated to be members of the Parochial Board; and such managers and members, being elected or nominated, shall be entitled to act for the period of one year, and may be re-elected or re-appointed.†

19. *Mode of voting in burghal parishes or combinations.*—And be it enacted that in all cases of the election of managers of the poor of any burghal parish or combination under this Act the votes shall be given or taken, collected and returned, in such manner and under such regulations as the Board of Supervision shall direct; and in every such election every person assessed for the support of the poor in such parish or combination shall be entitled to vote, whether such assessment be made in respect of ownership or occupancy of lands and heritages or in respect of means and substance; and it is hereby declared that the owners of lands and heritages, the annual value of which shall be under twenty pounds, shall have each one vote; the owners of lands and heritages, the annual value of which shall be twenty pounds but under forty pounds, two votes; the owners of lands and heritages, the annual value of which shall be forty pounds but under sixty pounds, three votes; the owners of lands and heritages, the annual value of which shall be sixty pounds but under one hundred pounds, four votes; the owners of lands and heritages, the annual value of which shall be one hundred pounds but under five hundred pounds, five votes; the owners of lands and heritages, the annual value of which shall be five hundred pounds and upwards, six votes; and that all persons assessed as the occupants of lands and heritages, or assessed on means and substance, shall each have the same number of votes as the owner of lands and heritages assessed to the same amount for the support of the poor would have; and when any occupant shall also be the owner of lands and heritages, and assessed in both capacities, he shall be entitled to vote as well in respect of his ownership as of his occupancy; and when any person who is assessed on his means and substance shall also be an owner of lands and heritages, and assessed as such, he shall be entitled to vote as well in respect of his ownership as of his means and substance: Provided always, that no person shall for himself have more than six votes in all, and that no person shall be entitled to vote who shall have been exempted from payment of his rates or assessment for relief of

* § 17, the words in brackets repealed by the Local Government Act, 1894, after 15th May 1895.

† § 18 repealed by said Act after 15th May 1895.

on the ground of inability to pay, or who shall not have paid all such rates ssessments assessed upon and due from him at the time of so voting.*

. *Board of Supervision may divide burghal parishes or combinations into or divisions for elections.*—And be it enacted, that for the purpose of con- g the election of managers of the poor it shall be lawful for the Board of vision to divide any burghal parish or combination into such and so many or divisions as they may deem expedient, and to determine and apportion mber of managers to be elected by every such ward or division, having due l to the population and the value of property therein: Provided always, o person shall be entitled to vote for the managers of the poor in any such or division unless he reside therein, or have a right to vote in respect of his ship or occupancy of lands and heritages within such ward or division; nor any person give in any one ward or division, in respect of ownership or ancy of lands and heritages, a greater number of votes than he is entitled to pect of lands and heritages in such ward or division; nor shall any person n the whole of the wards or divisions into which a parish may be divided a r number of votes than he would be entitled to have given if the parish had een so divided.*

. *Right of voting how to be ascertained.*—And be it enacted, that for the pur- f ascertaining the number of votes to which each person is entitled the of the collector of the assessment for the poor shall be taken as the evidence of nnual value of the lands and heritages assessed, and of the amount for which erson is assessed.*

. *Parochial Board in parishes not burghal or combined.*—And be it enacted, n every parish not being a burghal parish, and not being part of any com- on as aforesaid, there shall be in like manner a Parochial Board for the gement of the poor of such parish, and the whole administration of the laws e relief of the poor shall be under the direction and control of such Parochial l, who shall have and exercise all the powers and authorities hitherto exer- by or vested in the heritors and kirk session, or in the heritors, kirk session, nagistrates, or any other body or persons administering or entitled to nister the laws for the relief of the poor in such parish, by virtue of any law ge; and such Parochial Board shall be constituted as follows: (that is to n every such parish as aforesaid in which the funds requisite for the relief of oor shall be provided without assessment the Parochial Board shall consist of ersons who, if this Act had not been passed, would have been entitled to nister the laws for the relief of the poor in such parish; and in every such as aforesaid in which it shall have been resolved, as hereinafter provided, se the funds requisite for the relief of the poor by assessment, the Parochial l shall consist of the owners of lands and heritages of the yearly value of y pounds and upwards, and of the provost and bailies of any royal burgh, , in such parish, and of the kirk session of such parish, and of such number cted members, to be elected in manner after-mentioned, as shall be fixed by oard of Supervision: Provided always, that no provost or bailie or elder of irk session shall, as such, be a member of such Parochial Board unless he is ed for the poor; and provided also, that not more than six members of the session shall, as such, be members of such Parochial Board; and if the kirk n shall consist of more than six members it shall be lawful for such kirk n from time to time to nominate six of its members to be members of the hial Board, for such time as to the kirk session shall seem fit; and it shall mpetent for any heritor, being a member of the Parochial Board, to appoint,

* §§ 19, 20, and 21 repealed by the Local Government Act, 1894, after 15th May 1895.

as heretofore, by a writing under his hand, any other person to be his agent
mandatory to act and vote for him at such board; and such appointment sha
remain in force till recalled; and such writing of appointment is hereby declar
to be valid and lawful, although the paper whereon it is written should not
stamped.*

23. *Elected members.*—And be it enacted, that in every such parish as aforesa
in which it shall have been resolved to raise the funds for relief of the poor
assessment, and in which the persons from whom such assessment is to be levie
and the amount payable by each, have been ascertained or determined as herei
after provided, it shall and may be lawful for the persons so assessed, not bei
owners of lands and heritages of the yearly value of twenty pounds, or provost
bailies of any royal burgh in such parish, or members of the kirk session, and
such members of the Parochial Board, to elect so many of their own number to
members of the Parochial Board of such parish as shall be regulated and fix
from time to time by the Board of Supervision, due regard being had to t
amount of the population, the number and residence of the other members of t
Parochial Board, and the special wants and circumstances of each particu
parish; and the said Board of Supervision shall also fix a day for the said perso
to meet and choose such number of elected members of the Parochial Board
shall have been fixed by the Board of Supervision as aforesaid; and such elect
members, being so appointed, shall be entitled to act for the period of one ye
and may be re-elected: Provided always, that no person shall be entitled to
as an elected member unless he be assessed to the poor, and pay assessment to t
parish.*

24. *Elected members how to be appointed.*—And be it enacted, that on the d
so to be fixed by the Board of Supervision as aforesaid, and on the same day
each succeeding year, or on a day, as soon thereafter as may be, to be fixed by
Board of Supervision, the persons assessed as aforesaid shall meet for the purp
of appointing elected members of the Parochial Board; and if they shall not ag
in the choice of elected members, then it shall and may be lawful for the inspec
of the poor appointed in manner after-mentioned, or in case of his absence
inability for any person appointed by the Parochial Board to act for the occasi
to take in writing and collect the votes of the persons entitled to vote at su
meeting, and to declare (according to the number prescribed by the Board
Supervision) those persons to be elected members who shall appear to have
majority of votes, and in the event of an equality the person paying the larg
amount of assessment shall be preferred; and at every such meeting owners
lands and heritages within the parish under twenty pounds of yearly value sh
each have one vote, and tenants or occupants of lands and heritages, and pers
assessed upon means and substance, if assessed to an amount less than is asses
upon an owner of lands and heritages of the yearly value of twenty pounds, sh
each have one vote; and if assessed to an amount equal to that assessed upon
owner of lands and heritages of the yearly value of twenty pounds but under fo
pounds, shall each have two votes; and if equal to that assessed on an owner
lands and heritages of the yearly value of forty pounds but under sixty poun
shall each have three votes; and if equal to that assessed on an owner of la
and heritages of the yearly value of sixty pounds but under one hundred pou
shall each have four votes; and if equal to that assessed on an owner of la
and heritages of the yearly value of one hundred pounds but under five hund
pounds, shall each have five votes; and if equal to that assessed on an owne
lands and heritages of the yearly value of five hundred pounds or more, sh

* §§ 22 and 23 repealed by the Local Government Act, 1894, after 15th May 1895.

ave six votes; and the books of the collector of the assessment in each s shall be binding and conclusive for the purpose of ascertaining the number es to which any person shall be entitled in respect of the ownership, occu- or means and substance upon which he is assessed; and where any person assessed as owner is assessed also as occupier, or on means and substance, ll be entitled to vote as well in respect of such occupancy, or means and nce, as of his being such owner: Provided always, that no person shall have han six votes, and that no owner of lands and heritages of the yearly value enty pounds or upwards, and no provost, bailie, or member of the kirk n, being a member of the Parochial Board, and no person who shall have exempted from the payment of his rates or assessments for the relief of the n the ground of inability to pay, or who shall not have paid all such rates sessments assessed upon and due from him, shall be entitled to vote; and e purpose of conducting the election it shall be lawful for the Board of vision to divide any parish into such and so many districts or divisions as nay deem expedient, and to determine and apportion the number of elected ers to be elected by every such district or division, subject to the like con- s and restrictions as are hereinbefore provided in regard to the election of gers in burghal parishes or combinations.*

*In cases of corporations or joint stock companies, who entitled to vote.*—And nacted, that in cases of lands and heritages being owned or occupied by any ration, or any joint stock or other company, or by joint owners or joint occu- no member of such corporation or proprietor of or interested in such joint or other company, and no such joint owner or joint occupant, shall, as such, itled to vote at the election of any member of a Parochial Board of any or combination; but any member or officer of such corporation, joint stock er company, or any one of such joint owners or joint occupants whose name be entered by order of such corporation or company, or the governing body of, or of such joint owners or joint occupants, in the books of the parish or nation, in the manner that may be directed by the Board of Supervision, who shall have complied with the regulations regarding voting, shall be ed to vote in the same manner as if he were the owner or occupant of ands and heritages.*

*Husbands may vote in right of their wives.*—And be it enacted, that in all ngs and matters under this Act the husbands of owners of lands and heri- s shall be entitled to vote and act in right of their wives.*

*Disputes as to elections, how to be determined.*—And be it enacted, than any te which may arise as to the validity of the election of any person to be a er of the Parochial Board of any parish or combination shall be determined e sheriff of the county in which such parish or combination, or the greater on of them, may be situate, upon petition in a summary manner; and the sheriff shall hear the parties, and investigate the matter in such way as ay think proper, and shall have power to call for such evidence, and for the uction of such documents, as he may think necessary, provided that no en pleadings shall be allowed, and no record shall be made of the proceed- ; and the decision by the said sheriff shall be final, and shall not be liable to l, or to suspension, advocation, or reduction, or any other form of review; it shall be lawful for the said sheriff to order the expenses of all such edings to be paid by such parties and in such manner as to him may equitable: Provided always, that it shall not be lawful for any person

* §§ 24, 25, and 26 repealed by the Local Government Act, 1894, after 15th May 1895.

to question the validity of any election under this Act, unless a notice writing of his intention so to do be served on the returning officer at time of making the return, or within forty-eight hours from the time such return shall have been made.*

28. *Party returned may act in the meantime.*—And be it enacted, that in event of any disputed election of any Parochial Board, or of any membe members of any Parochial Board, the persons whose names are returned by returning officer as having the majority of votes shall be entitled to sit and as elected members of such board in the meantime and until the question reg ing the validity of their election shall have been tried and determined; and acts and deeds done by them in their character of members of such board managers for the poor shall be valid and effectual; and no defect in the quali tion, election, or appointment of any person acting in the character of a mem of a Parochial Board shall vitiate or make void any proceedings of such board which he may have taken a part.*

29. *Penalty on officer making false return.*—And be it enacted, that if returning officer be guilty of wilfully making a false return he shall be liable penalty of fifty pounds, to be recoverable by action in the Court of Session, payable to the party or parties aggrieved by such false return.*

30. *Meetings of Parochial Boards and committees.*—And be it enacted, tha shall be lawful for every Parochial Board to fix certain days and places on an which the general meetings of the board shall be held, and to adjourn meetings from time to time and to such places as they shall see fit; provi always, that every Parochial Board shall be bound to hold at least two gen meetings in every year, one on the first Tuesday of February, or as soon th after as may be, and the other on the first Tuesday of August, or as soon th after as may be, or at such other stated times as may be approved of by Board of Supervision, and at such meetings to revise and adjust the ro paupers, and their allowances; [and it shall also be lawful for every Paroc Board to hold special meetings as occasion may require, upon summonses t issued by the inspector of the poor or by the chairman of the board; and it s be lawful for every Parochial Board to nominate and appoint committees to ac behalf of the whole board, and such committees in transacting the business c mitted to them shall exercise all the powers necessary for that purpose w belong to the Parochial Board.]†

31. *Parochial Board to elect a chairman annually.*—And be it enacted, every Parochial Board shall annually elect one of their number to be chairma the year ensuing, and such chairman shall preside at all meetings of the bo and shall have both an original and a casting vote in case of equality; and in event of the absence of the chairman of the board at any meeting the mem present shall elect a chairman *pro tempore*, who shall act as chairman of meeting, and such chairman shall have a casting as well as an original vote.*

32. *Parochial Boards to meet and make up roll of the poor; and appoint inspector of the poor.*—And be it enacted, that each Parochial Board shall, on third Tuesday of September in this present year, or on such day thereafter as be fixed by the Board of Supervision, meet for the purpose of making up or cau to be made up a roll of the poor persons claiming and by law entitled to r from the parish or combination, and of the amount of relief given or to be g

* §§ 27, 28, 29, and 31 repealed by the Local Government Act, 1894, after 15th May 1895.
† § 30. The words in brackets repealed by same Act.

ch of such persons, and for the purpose of appointing an inspector or inspectors e poor in such parish or combination, and fixing the amount of remuneration given to every such inspector; and such meeting shall make up or cause to ade up such roll as aforesaid with the least possible delay, and shall nominate appoint a fit and qualified person or persons to be inspector or inspectors of oor in such parish or combination, and shall fix the amount of the remunera- to be given to every such inspector, and shall forthwith report to the Board upervision the name and address of such inspector, and the amount of remuneration to be given to him, and shall at the same or at another ing, to be held on a day not more than fourteen days thereafter, consider determine as to the mode of raising the funds requisite for the relief of the in the parish or combination.

. *Parochial Boards may resolve that the funds shall be raised by assessment.*— be it enacted, that it shall be lawful for the Parochial Board of any h or combination assembled at such meeting, or at any adjournment thereof or the Parochial Board of any parish or combination at any meeting of such l called for that purpose, and of which due notice shall have been given, by , advertisement, or otherwise, to all the persons entitled to attend] to resolve the funds requisite for the relief of the poor persons entitled to relief from arish or combination, including the expenses connected with the manage- and administration thereof, shall be raised by assessment; and if the rity of such meeting shall resolve that the funds shall be raised by assess- , such resolution shall be final, and shall be forthwith reported to the Board pervision, and it shall not be lawful to alter or depart from such resolution out the consent and authority of the Board of Supervision previously had and ned.*

. *Modes of imposing assessment.*—And be it enacted, that when the Parochial d of any parish or combination shall have resolved to raise by assessment the s requisite, such board shall, either at the same meeting or at an adjourn- thereof, or at a meeting to be called for the purpose, resolve as to the ner in which the assessment is to be imposed; and it shall be lawful for any board to resolve that one half of such assessment shall be imposed upon the rs, and the other half upon the tenants or occupants of all lands and ages within the parish or combination rateably according to the annual of such lands and heritages, or to resolve that one half of such assess- shall be imposed upon the owners of all lands and heritages within the h or combination, according to the annual value of such lands and heritages, the other half upon the whole inhabitants, according to their means and tance, other than lands and heritages situated in Great Britain or Ireland, resolve that such assessment shall be imposed as an equal percentage upon nnual value of all lands and heritages within the parish or combination, and the estimated annual income of the whole inhabitants from means and tance, other than lands and heritages situated in Great Britain or Ireland; when the Parochial Board shall have resolved on the manner in which the sment is to be imposed, such resolution shall be forthwith reported to the d of Supervision for approval; and if the manner of assessment so resolved shall be approved by the Board of Supervision, the same shall be adopted acted upon in such parish or combination, and shall not be altered or rted from without the sanction of the Board of Supervision; and if the d of Supervision shall disapprove of the manner of assessment so resolved as aforesaid, the Parochial Board shall, upon such disapproval being

* 33. The words in brackets repealed by the Local Government Act, 1894, after 15th May

intimated, forthwith meet and resolve upon another mode of imposing th assessment consistent with law, and shall report such resolution to the Boa of Supervision; and the manner of imposing the assessment so resolved up shall be adopted and acted upon in such parish or combination, and shall not b altered or departed from without the sanction of the Board of Supervision.*

35. *Assessment may be imposed according to local Act or established usage.*—And be it enacted, that if at the date of this Act an assessment for the poor sha in any parish or parishes be imposed according to the provisions of any local Ac or according to any established usage, it shall be lawful for the Parochial Boa or boards of such parish or parishes to resolve that the assessment in such pari or parishes shall be imposed according to the rule established by such local Act usage; and such resolution, if approved of by the Board of Supervision, sha continue to be acted upon in such parish or parishes, and shall not be altered departed from without the sanction of the Board of Supervision.

36. *Parochial Boards may classify lands.*—And be it enacted, that where th one half of any assessment is imposed on the owners, and the other half on th tenants or occupants of lands and heritages, it shall be lawful for the Parochi Board, with the concurrence of the Board of Supervision, to determine and dire that the lands and heritages may be distinguished into two or more separa classes, according to the purposes for which such lands are used and occupie and to fix such rate of assessment upon the tenants or occupants of each cla respectively, as to such boards may seem just and equitable.

37. *Annual value defined.*—And be it enacted, that in estimating the annu value of lands and heritages, the same shall be taken to be the rent at which o year with another such lands and heritages might in their actual state be reasonab expected to let from year to year, under deduction of the probable annual avera cost of the repairs, insurance, and other expenses, if any, necessary to maintain su lands and heritages in their actual state, and all rates, taxes, and public charg payable in respect of the same: Provided always, that no mine or quarry shall assessed unless it has been worked during some part of the year preceding the d on which the assessment may be ordered to be levied.

38. *Roll of persons liable to assessment to be made up.*—And be it enacted, th when the Parochial Board of any parish or combination shall have resolved aforesaid to raise by assessment the funds requisite, and when the manner which the assessment is to be imposed shall have been fixed, and the sum to be raised for the year or half-year then ensuing shall have been ascertained, su Parochial Board shall make up or cause to be forthwith made up a book contai ing a roll of the persons liable in payment of such assessment, and of the sums be levied from each of such persons, distinguishing the sums assessed in respe of ownership or occupancy [or means and substance;] and the book or roll made up shall be the rule for levying the assessment for the year or half-year th ensuing; and the Parochial Board shall appoint one or more fit and qualifi persons to be coilector or collectors of the assessments, and shall fix the amou of remuneration to be given to every such collector; and it shall be competent nominate and appoint the same person who is an inspector of the poor to collector of the assessment, and to fix the amount of remuneration to be giv to such person for the performance of the additional duties of collector of t assessment.†

* § 34, by 24 and 25 Vict., cap. 37, the mode of assessment on means and substance abolished.

† § 38. The words in brackets repealed by the Local Government Act, 1894.

). *Amount of assessment payable by each person to be intimated.*—And be it ted, that as soon as may be after such book or roll is made up as aforesaid collector shall intimate to each person the amount of the sum to be levied n him, and the time when the same is payable.

). *Parochial Boards to fix annually the amount of assessment, and make up of ratepayers. Power to correct errors.*—And be it enacted, that before the ration of one year from the date at which the first assessment under the pro- ons of this Act shall have been imposed as aforesaid in any parish or com- ition, and yearly or half-yearly thereafter, the Parochial Board of every such sh or combination shall fix and determine the amount of assessment for the or half-year then next ensuing, and shall make up or cause to be made up a book aining a roll of the persons liable in payment of such assessment, and of the s to be levied from each of such persons; and the roll so made up shall he rule for levying the assessment for the year or half-year then next ensuing; the collector shall forthwith intimate to each person the amount of the sum e levied from him, and the time when the same is payable: Provided always, it shall be lawful for the Parochial Board of any such parish or combination, ere shall have been found to exist any error in the sum or sums to be levied way of assessment, or any omissions or surcharges in respect of the persons e to pay the same, to cause such error, omission, or surcharge to be corrected heir next or any subsequent meeting after such error, omission, or surcharge l have been discovered: Provided also, that nothing herein contained shall lude any person who considers himself aggrieved by such assessment from his edy by law in the like form and on the same grounds as, at the date of the ing of this Act, was competent to any party who considered himself aggrieved ssessment imposed under the statutes then in force for relief of the poor, but he extent and effect only of exempting himself from payment of any sur- ge which may have been made upon him.

1. *Power to impose additional assessments.*—And be it enacted, that if the ssment imposed for any year or half-year shall, from any unforeseen or other mstances, prove insufficient, it shall be lawful for the Parochial Board of such sh or combination to meet and impose such further and additional assessment ay be sufficient to raise the sum required.

2. *Power to Parochial Boards to exempt on ground of inability.*—And be it ted, that it shall be lawful for the Parochial Board of any parish or combina- to exempt from payment of the assessment or any part thereof, to such an nt as may seem proper and reasonable, any persons or class of persons on the nd of inability to pay.

3. *Power to levy from tenants the assessment on owners.*—And be it enacted, where the one-half of any assessment is imposed on the owners, and the other on the tenants or occupants, of lands and heritages, it shall be competent for collector of such assessment to levy the whole thereof from the tenants or pants, who shall be entitled to recover one-half thereof from the owners, or to in the same out of their rents, on production of a receipt granted by the col- or of such assessment.

4. *Long leaseholders to be considered owners.*—And be it enacted, that in all ward as well as all burghal parishes and combinations where houses have been hall be built by the tenant of any land held under a building lease upon such l, the tenant and his heirs and assignees in such lease shall for the purposes of Act be deemed and taken to be the owners of such houses.

45. *Canals and railways, how to be assessed.*—And be it enacted, that in case where any canal or railway shall pass through or be situate in more than one parish or combination, the proportion of the annual value thereof on which such assessment shall be made for each such parish or combination shall be according to the number of miles or distance which such canal or railway passes through or is situated in each parish or combination in proportion to the whole length.

46. *The same property not to be assessed in two parishes.*—And be it enacted that the owners and occupiers of lands and heritages shall not be liable to be assessed in respect of such lands and heritages for the relief of the poor in more than one parish or combination.

47. *Companies or individuals to be assessed in certain cases. Means and substance not to be assessed in more than one parish.*—And be it enacted, that if in any parish or combination in which an assessment is imposed on means and substance any company or any individual shall occupy any lands and heritages, or shall carry on any trade or business in any premises within such parish or combination, such company and the partners thereof, and such individual, shall be liable to be assessed in such parish or combination on their or his means and substance derived from or relating to such occupancy, trade, or business, although none of the partners of such company, nor such individual, should be actually resident in such parish or combination; and such company and partners, and such individual, shall not be liable to be assessed on the same means and substance in any other parish or combination; and if any person shall be assessed in any parish or combination upon his means and substance, other than means and substance derived from or relating to the occupancy of lands and heritages within such parish or combination, or the carrying on of trade or business in premises within such parish or combination, such person shall not be assessed upon the same means and substance in any other parish or combination; and if any person shall reside in and be liable to be assessed as an inhabitant of more than one parish, it shall be optional to such person to determine in which of such parishes he shall be assessed on his means and substance, other than means and substance derived from any relating to the occupancy of lands and heritages, or the carrying on of trade or business in premises within any particular parish.*

48. *Means and substance under thirty pounds not to be assessed.*—And be it enacted, that no person shall be liable to be assessed in any parish or combination on his means and substance unless the estimated annual value thereof in which shall exceed thirty pounds.*

49. *Stipends may be assessed.*—And be it enacted, that clergymen shall be liable to be assessed for the poor in respect of their stipends.

50. *Certain privileges of exemption to cease.*—And be it enacted and declared that the privileges of exemption from payment of assessments in the city of Edinburgh, possessed and enjoyed by members of the College of Justice and officers of the Queen's Household, shall not be applicable to assessments imposed and levied for the relief of the poor under the authority of this Act.

51. *Assessment not to be void from error or misnomer.*—And be it enacted, that where any assessment shall have been imposed by the Parochial Board of any parish or combination, such assessment shall be payable at the time or times and in the proportions to be appointed by the Parochial Board; and no assessment shall be rendered void or affected by reason of any mistake or variance in

* §§ 47 and 48 repealed by the Local Government Act, 1894, after 15th May 1895.

stian or surname or designation of any person chargeable therewith, but all ssments shall be valid and effectual against the person intended to be charged, *bonâ fide* liable in payment of the same.

*Parish property vested in new Parochial Boards.*—And be it enacted, that re any property whatsoever, whether heritable or moveable, or any revenues, l at the time of the passing of this Act belong to or be vested in the heritors kirk session of any parish, or the magistrates, or magistrates and town council ny burgh, or commissioners, trustees, or other persons on behalf of the said tors and kirk session, or magistrates, or magistrates and town council, under Act of Parliament, or under any law or usage, or in virtue of gift, grant, uest, or otherwise, for the use or benefit of the poor of such parish or burgh, it l, from and after a time to be fixed by the Board of Supervision, be lawful for Parochial Board of each such parish, or of the combination in which such sh or burgh may be respectively, to receive and administer such property and nues, and the right thereto shall be vested in such Parochial Board; and the heritors and kirk session, magistrates, town council, commissioners, trustees, ther persons are hereby authorised and required either to continue to hold all property and revenues for the behoof of such Parochial Board, or to make, t, subscribe, and deliver such dispositions, assignations, and conveyances of all property and revenues as may be necessary to enable such Parochial Board dminister the same for behoof of the poor of such parish or combination.

*Funds to be invested.*—And be it enacted, that all and every sums or sum of ey or other funds which have been or may hereafter be given, mortified, or ueathed for the use of the poor, and which shall become vested in the Parochial rd of any parish or combination, and whereof the annual proceeds are to be ied for behoof of the poor, shall, if not specially directed to be otherwise in- ed, be, without delay, either lodged in a chartered bank, or placed at interest overnment or heritable security, or in the stock of one or more of the char- l banks in Edinburgh; and the Board of Supervision is hereby authorised and owered to require returns to be made to them from time to time, as they shall n expedient, as to all such money or funds.

*Church collections in assessed parishes.*—And be it enacted, that in all shes in which it has been agreed that an assessment should be levied for the f of the poor, all monies arising from the ordinary church collections shall, and after the date on which such assessment shall have been imposed, belong nd be at the disposal of the kirk session of each parish: Provided always, that ning herein contained shall be held to authorise the kirk session of any parish pply the proceeds of such church collections to purposes other than those to h the same are now in whole or in part legally applicable, or to deprive the tors of their right to examine the accounts of the kirk session, and to inquire the manner in which the funds have been applied: Provided also, that the on clerk or other officer to be appointed by the kirk session shall be bound to rt annually, or oftener if required, to the Board of Supervision, as to the ication of the monies arising from church collections, and if such session clerk ther officer shall refuse to make such report when required he shall be liable penalty not exceeding five pounds.

*Duties of inspector of the poor. Assistant inspectors in populous parishes.*— be it enacted, that the inspector of the poor in each parish or division of a parish which he may be appointed shall have the custody of and be responsible for all s, writings, accounts, and other documents whatsoever relating to the manage- t or relief of the poor in such parish or division of a parish, and it shall be the of the said inspector to inquire into and make himself acquainted with the

particular circumstances of the case of each individual poor person receiving reli from the poor funds, and to keep a register of all such persons and of the sun paid to them, and of all persons who have applied for and been refused relief, an the grounds of refusal, and to visit and inspect personally, at least twice in th year, or oftener if required by the Parochial Board or Board of Supervision, their places of residence, all the poor persons belonging to the parish or divisio of the parish in the receipt of parochial relief, provided that such poor persons resident within five miles of any part of such parish or division of a parish, and report to the Parochial Board and to the Board of Supervision upon all matte connected with the management of the poor, in conformity with the instructio which he may receive from the said boards respectively, and to perform such oth duties as the said boards may direct: Provided always, that in populous and e tensive parishes or divisions of parishes the duties of inspecting and visiting th poor may be performed by assistant inspectors or other competent persons, to appointed and paid by the Parochial Board for these duties, and for whose co duct and accuracy the inspector of the poor shall be responsible to the Board Supervision.

56. *Board of Supervision may dismiss or suspend inspectors.*—And be it enacte that if any inspector of the poor shall fail or neglect or refuse to perform the dut of his office, or shall, in the opinion of the Board of Supervision, be unfit or inco petent to discharge the duties of his office, then it shall and may be lawful for t said Board of Supervision, by a minute or order, to suspend or dismiss such spector; and the Parochial Board of the parish or combination for which su person is inspector shall forthwith proceed to appoint another person to perfo the duties of inspector of the poor in the room of the inspector so suspended dismissed.

57. *Inspectors may pursue and defend actions.*—And be it enacted, that case it shall be necessary to commence or institute any action by or on behalf any parish or combination, or Parochial Board for the relief of the poor, su action may be brought in the name of any inspector of the poor of such parish combination as pursuer; and in any action to be brought against any Paroch Board it shall not be necessary to call the individual members of the Paroch Board as defenders, but it shall be lawful for the pursuer in such action to any inspector of the poor of any such parish or combination, and such inspec shall be bound to appear and answer on behalf of the Parochial Board; and summonses, notices, diligences, decree, or other proceedings served or obtained had against any inspector of the poor shall be binding on and conclusive agai the Parochial Board of the parish or combination for which he is an inspect aud the Parochial Board shall have the entire direction and control of every s action, although the same may be carried on in name of the inspector.

58. *Actions transferred.*—And be it enacted, that all actions brought by against any inspector of the poor in his official character shall be continued by against his successors in office, notwithstanding the death, resignation, suspens or removal of such inspector, upon notice given to such successor, without action of transference.

59. *Lunatic paupers to be placed in asylums. Board of Supervision may di removal in certain cases.*—And be it enacted, that in every case in which any person who shall have become chargeable in any parish or combination shall insane or fatuous, the Parochial Board of such parish or combination shall, wit fourteen days from the time when such person is declared or known to be ins or fatuous, provide that such insane or fatuous person be conveyed to and lod in an asylum or establishment legally authorised to receive lunatic patie

the inspectors of the poor in every parish or combination shall and are hereby ired to report without delay to the Board of Supervision all cases of insane or ous persons chargeable as paupers in their respective parishes; and the said d of Supervision is hereby authorised and empowered, on any Parochial d refusing or neglecting to provide for the removal of an insane or fatuous person to an asylum or establishment as aforesaid within the time herein- re specified, to take such measures as may be necessary for removing such ne or fatuous poor person to a lunatic asylum or establishment; and the whole nse of such removal and all subsequent expenses shall be recoverable from and ayed by such Parochial Board: Provided always, that under special circum- ces in particular cases it shall be lawful for the Parochial Board, with the con- of the Board of Supervision, to dispense with the removal of insane or fatuous persons to a lunatic asylum or establishment, and to provide for them in such r manner and under such regulations as to inspection and otherwise as shall anctioned by the Board of Supervision.] *

). *Provision as to poorhouses.*—And whereas for more effectually administering ne wants of the aged and other friendless impotent poor, and also for provid- for those poor persons who from weakness or facility of mind, or by reason of pated and improvident habits, are unable or unfit to take charge of their own rs, it is expedient that poorhouses should be erected in populous parishes; be acted, that in every case in which a parish or combination of parishes contains e than five thousand inhabitants, according to the enumeration of the popula- then last published by authority of Parliament, it shall be lawful for the ochial Board of any such parish or combination to take into consideration the riety of erecting a poorhouse for such parish or combination, or of altering or rging any existing poorhouse; and if after full time and opportunity given for berate consideration the said Parochial Board shall be satisfied of the propriety recting a poorhouse, or of enlarging any existing poorhouse, and shall come to solution to that effect, such resolution shall be forthwith reported to the Board upervision, and if approved of by the Board of Supervision the same shall be ied into execution by the said Parochial Board.

1. *Parishes may unite for the purpose of building poorhouses.*—And be it cted, that, with the concurrence of the Board of Supervision had and obtained eto, it shall be lawful for the Parochial Boards of any two or more contiguous shes to agree to build a common poorhouse for such two or more parishes; the expense of maintaining and erecting such poorhouse shall be borne by a parishes in such proportions as shall be agreed on by the Parochial Boards of said parishes respectively: Provided always, that if any such agreement for purpose of building a poorhouse has once been effected, it shall not be lawful any one or more of the parishes to withdraw from such agreement without the sent of the Board of Supervision previously had and obtained.

2. *Power to borrow money for building poorhouses.*—And be it enacted, that the purpose of erecting new poorhouses, and for enlarging, altering, or repair- any existing poorhouse, the Parochial Board in any parish or combination is eby authorised and empowered to borrow money; and for the more effectually uring the repayment of the sum borrowed, with interest, it shall be lawful for said Parochial Board to burden or charge the future assessments for the poor such parish or combination with the amount of the money so borrowed: Pro- ed always, that the principal sum so borrowed shall in no case exceed three es the amount of the assessment raised for the relief of the poor during the r immediately preceding that in which the money is borrowed; and that any

* § 59. Parts within brackets repealed 1875.

loan of money borrowed for the purposes aforesaid shall be repaid by annu instalments of not less in any one year than one-tenth of the sum borrowe exclusive of the payment of the interest on the same: Provided also, that n further or other sum shall be borrowed or chargeable on the poor assessment fo the purposes aforesaid until the whole of the money last borrowed, with intere on the same, shall have been paid off.*

63. *Plans for poorhouses to be approved by Board of Supervision.*—And be enacted, that from and after the passing of this Act no new poorhouse shall b built, nor shall any existing poorhouse be enlarged or altered, nor shall it be lawf to impose an assessment or borrow money for such purposes, unless the plan such new poorhouse, or of such proposed enlargements or alterations, shall ha been submitted to and approved by the Board of Supervision, and signed, su scribed, or endorsed by at least three of the members of the said Board in attest tion of their approval.

64. *Parochial Boards to frame rules for regulation of poorhouses.*—And be enacted, that in every case in which a poorhouse already exists, or shall be bu or enlarged or altered under the provisions of this Act, the Parochial Board Boards shall frame rules and regulations for the management of such poorhous and for the discipline and treatment of the inmates thereof, and for the admissio of any known minister of the religious persuasion of any inmate of such poorhou at all reasonable times, on the request of such inmate, for the purpose of affordi religious assistance to such inmate, and shall submit such rules and regulations the Board of Supervision for approval; and no rules or regulations shall effectual, or shall be acted upon, except such as shall have been approved by th Board of Supervision.

65. *Poor persons from other parishes may be received into poorhouses.*—And it enacted, that it shall be lawful for the Parochial Board of any parish or com bination in which a poorhouse has been or shall hereafter be erected to recei and accommodate in such poorhouse poor persons belonging to any other parish, an to charge such rates for the maintenance of such poor persons as shall be approv by the Board of Supervision, and such poor persons shall be in all respects subje to the same discipline and treatment as the other inmates of the poorhouse which they are so accommodated.

66. *Medical attendance in poorhouses.*—And be it enacted, that in all cases which poorhouses shall be erected or enlarged or altered, under the provisions this Act, there shall be proper and sufficient arrangements made for dispensi and supplying medicines to the sick poor, under such regulations as the Parochi Board shall make, and the Board of Supervision shall approve; and there shall provided by the Parochial Board proper medical attendance for the inmates every such poorhouse, and for that purpose it shall be lawful for the Parochi Board to nominate and appoint a properly qualified medical man who shall gi regular attendance at such poorhouse, and to fix a reasonable remuneration to paid to him by such Parochial Board: Provided always, that if it shall appear the Board of Supervision that such medical man is unfit or incompetent or neglec his duty, it shall be lawful for the Board of Supervision to suspend or remo such medical man from his appointment and attendance.

67. *Parishes may subscribe to hospitals, &c.*—And be it enacted, that it shall lawful for the Parochial Board in any parish or combination, for the benefit

* § 62 amended by 19 & 20 Vict. cap. 117, § 3, to the effect that the annual instalments ne not exceed one-thirtieth; and farther amended by 49 & 50 Vict. c. 51. § 3.

poor of such parish or combination, to contribute annually, or otherwise, such s of money as to them may seem reasonable and expedient, from the funds d for the relief of the poor, to any public infirmary, dispensary, or lying-in ital, or to any lunatic asylum, or asylum for the blind or deaf and dumb.

. *Funds raised by assessment applicable to relief of occasional poor.*—And be acted, that from and after the passing of this Act all assessments imposed and d for the relief of the poor shall extend and be applicable to the relief of sional as well as permanent poor: Provided always, that nothing herein con- ed shall be held to confer a right to demand relief on able-bodied persons out nployment.

. *Medical relief, clothing, and education.*—And be it enacted, that in every sh or combination it shall and may be lawful for the Parochial Board and are hereby required, out of the funds raised for the relief of the poor, to ide for medicines, medical attendance, nutritious diet, cordials, and clothing such poor, in such manner and to such extent as may seem equitable and dient; and it shall be lawful for the Parochial Board to make provision for education of poor children who are themselves or whose parents are objects of chial relief.

. *Destitute persons to be relieved, althouyh having no settlement in the parish to h they apply.*—And be it enacted, that in every case in which a poor person ny parish or combination shall apply for parochial relief, the inspector of the , or other officer of such parish or combination whose duty it shall be to nd to such applications, shall be bound to make inquiry forthwith into the umstances of the applicant, and shall, notwithstanding such poor person may have a settlement in the parish or combination, if he be in other respects lly entitled to parochial relief, be bound to furnish him with sufficient means ubsistence until the next meeting of the Parochial Board, and such board shall inue to afford to such poor person such interim maintenance as may be dged necessary until the parish or combination to which such poor person ngs be ascertained, and his claim upon such parish or combination admitted otherwise determined, or until he shall be removed; and every inspector of the , or other officer to whom application shall be made by or on behalf of any person for parochial relief, shall be bound to return an answer to such appli- on within twenty-four hours from the time when it was made: Provided ys, that if the necessary means of support are afforded to the applicant in the ntime, such inspector or other officer may delay giving a final answer to such ication for any period which to him may seem necessary for prosecuting his uiries: Provided also, that such poor person shall be bound to give to the ector and Parochial Board of the parish or combination to which he has ied for relief all information and assistance which it is in his power to give for purpose of ascertaining the parish or combination to which he belongs, and y other matter regarding his case which the inspector may desire to ascertain, shall be bound to answer upon oath, if required, all such questions as may be to him before any Justice of the Peace or Magistrate, and in case of false aring shall be liable to be prosecuted for perjury.

. *Expenses may be recovered from parish of settlement.*—And be it enacted, where in any case relief shall be afforded to a poor person found destitute in rish or combination, it shall be lawful for the Parochial Board of such parish ombination to recover the monies expended in behalf of such poor person from parish or combination within Scotland to which he may ultimately be found to ng, or from his parents or other persons who may be legally bound to maintain : Provided always, that in all cases in which relief shall be afforded by one

parish or combination to a poor person having a settlement in another parish o combination, written notice of such poor person having become chargeable sha be given to the Inspector of the poor of the parish or combination to which suc poor person belongs; and the parish or combination affording relief shall not b entitled to recover for any charges or expenses incurred in respect of such poo person, except from and after the date of such notice.

72. *Where parishes do not provide for removal of their poor from other parishes afte notice.*—And be it enacted, that if within a reasonable time after notice the paris or combination to which such poor person shall as aforesaid have been ascertaine to belong shall not remove such poor person, or shall not make provision to th satisfaction of the parish or combination which has given the notice for the con stant weekly subsistence of such poor person, it shall be lawful for the parish o combination which has given the notice to cause such poor person to be remove to the parish or combination to which he belongs, at the expense of such las mentioned parish or combination, unless such poor person shall, owing to sickne or infirmity, be incapable of being removed, in which case the parish or combina tion in which he is shall be bound to relieve him, and shall be entitled to recov from the parish or combination to which he belongs the amount so expende provided that such amount does not exceed the rate expended for relief of oth poor persons in the parish so relieving such poor person.

73. *Party refused may apply to sheriff.*—And be it enacted, that if relief sha be refused to any poor person who shall have made application for relief, it sha and may be lawful for such poor person to apply to the sheriff of the county w which the parish or combination from which such poor person has claimed relie or any portion of such parish or combination, is situate, and the said sheriff sha forthwith, if he be of opinion that such poor person is, upon the facts state legally entitled to relief, make an order upon the inspector of the poor, or oth officer of such parish or combination, directing him to afford relief to such po person in the meantime until such inspector or other officer shall, on or before day to be appointed by the said sheriff, and to be intimated in the same ord give in a statement in writing showing the reasons why the application of su poor person for relief was refused, which statement the said sheriff shall afterwar appoint to be answered, and shall, if required, nominate an agent to appear a answer on behalf of such poor person, and shall further, if necessary, direct record to be made up, and a proof to be led by both parties; and it shall be lawf for the sheriff, if he shall see fit, to direct the interim support to such poor pers to be continued until a final judgment shall have been pronounced on the mer of the case: Provided always, that nothing herein contained shall be construed enable the said sheriff to determine on the adequacy of the relief which may afforded, or to interfere in respect of the amount of relief to be given in a individual case.

74. *Proceedings when amount of relief considered inadequate.*—And be it e acted, that in every case in which any poor person shall consider the relief grant him to be inadequate, such poor person shall lodge or cause to be lodged a complai with the Board of Supervision, which board shall and is hereby required, witho delay, to investigate the nature and grounds of the complaint; and if, up inquiry, it shall appear that the grounds of such complaint are well founded, a if the same shall not be removed, then the said board shall by a minute decl that in the opinion of the board such poor person has a just cause of acti against the parish or combination from which he claims relief, and a copy of su minute, certified and signified by the secretary, shall, if required, be delivered such poor person, and upon the production or exhibition of such minute or certifi copy thereof such poor person shall forthwith, and without any further proce

be entitled to the benefit of the poor's roll in the Court of Session; and it be lawful for the Board of Supervision, after any action has actually been enced by or on behalf of such poor person, to award to him such interim at as to the said board shall seem just during the dependency of such action, award the Parochial Board of every such parish or combination shall be to obey.

*No action to lie relative to relief, unless by consent of Board of Supervision.* vided always, and be it enacted, that it shall not be competent for any of Law to entertain or decide any action relative to the amount of relief ed by Parochial Boards, unless the Board of Supervision shall previously declared that there is a just cause of action as hereinbefore provided.

*Settlement by residence for five years.*—And be it enacted, that from and the passing of this Act no person shall be held to have acquired a settlement parish or combination by residence therein unless such person shall have d for five years continuously in such parish or combination, and shall have ained himself without having recourse to common begging, either by himself family, and without having received or applied for parochial relief; and no who shall have acquired a settlement by residence in any parish or com- on shall be held to have retained such settlement if during any subsequent of five years he shall not have resided in such parish or combination con- usly for at least one year: Provided always, that nothing herein contained be held to affect those persons who, previous to the passing of this Act, shall acquired a settlement by virtue of a residence of three years, and shall have ne proper objects of parochial relief.

*Removal of English and Irish paupers.*—And be it enacted, that if any poor n born in England, Ireland, or the Isle of Man, and not having acquired a ment in any parish or combination in Scotland, shall be in the course of ving parochial relief in any parish or combination in Scotland, then and in case it shall be lawful for the sheriff or any two justices of the peace of the y in which such parish or any portion thereof is situate [and they are hereby orised and required, upon complaint made by the inspector of the poor, or officer appointed by the Parochial Board of such parish or combination, that poor person has become chargeable to such parish or combination by himself s family, to cause such person to be brought before them, and to examine person or any witness, on oath, touching the place of the birth or last legal ement of such person, and to take such other evidence or other measures as by them be deemed necessary for ascertaining whether he has gained any ement in Scotland; and if it shall be found by such sheriff or justices that erson so brought before them was born either in England or Ireland or the of Man, and has not gained any settlement in Scotland, and has actually me chargeable to the complaining parish or combination by himself or his ly, then such sheriff or justices shall and they are hereby empowered, by an of removal under their hands, which order may be drawn up in the form of schedule (A.) hereunto annexed,] to cause such poor person, his wife, and such s children as may not have gained a settlement in Scotland, to be removed a or land, by and at the expense of the complaining parish, to England or nd or the Isle of Man respectively, according as such poor person shall belong ngland, Ireland, or the Isle of Man: [Provided always, that no person shall removed until there has been obtained a certificate, on soul and conscience, regular medical practitioner, setting forth that the health of such person, his and children as aforesaid, is such as to admit of such removal:] Provided [also,] nothing herein contained shall prevent any Parochial Board or their inspector making arrangements for the due and proper removal of such poor persons

either by land or water, provided the arrangement be made with the consent such poor persons themselves.*

78. *Removing officer to have powers of a constable.*—And be it enacted, every officer, constable, or other person to whom any such order of removal s be delivered for the purpose of being carried into execution shall and may virtue thereof detain and hold in safe custody every poor person mentioned any such order until such poor person shall have arrived at the place to which is ordered to be removed, and shall and may for that purpose, in every county place through which he shall pass in the due execution of such order, have exercise the powers with which a constable is by law invested, notwithstand such person may not otherwise be empowered to act as a constable for the cou or place respectively through which he may have occasion to pass in carrying order into execution, and although such order may not have been granted backed by any judge or magistrate of such county or place.

79. *Persons again becoming chargeable to be punished.*—And be it enacted, if any person who has been removed to England or Ireland or the Isle of from any parish or combination in Scotland, under any order of removal, s afterwards return to Scotland and apply for relief, or again become charge by himself or his family to the same parish or combination without ha obtained a settlement therein, such person shall be deemed to be a vagab under the provisions of an Act of the Scottish Parliament passed in the year thousand five hundred and seventy-nine, intituled An Act for Punishment Strang and Idle Beggars, and Reliefe of the Pure and Impotent, and may be ap hended and prosecuted criminally before the sheriff of the county in which parish or any portion thereof is situate, at the instance of the inspector of poor of the parish to which he shall have so applied for relief or become cha able, and shall upon conviction be punishable by imprisonment, with or wit hard labour, for such a period as the said sheriff shall think proper, not excee two months.

80. *Punishment for desertion of wives, and refusal to maintain illegiti children.*—And be it enacted, that every husband or father who shall dese neglect to maintain his wife or children, being able so to do, and every mo and every putative father of an illegitimate child, after the paternity has admitted or otherwise established, who shall refuse or neglect to maintain child, being able so to do, whereby such wife or children or child shall bec chargeable to any parish or combination, shall be deemed to be a vagabond u the provisions of the aforesaid Act of the Scottish Parliament passed in the one thousand five hundred and seventy-nine, and may be prosecuted crimi before the sheriff of the county in which such parish or combination or any por thereof is situate, at the instance of the inspector of the poor of such paris combination, and shall upon conviction be punishable by fine or imprisonm with or without hard labour, at the discretion of the said sheriff.

81. *Penalties, how to be recovered.*—And be it enacted, that every penalt forfeiture imposed by this Act, the recovery of which is not otherwise prov for, may be recovered by summary proceeding upon complaint in writing mad the name of the secretary to the Board of Supervision, or of any agent t appointed by a minute of the said board, to the sheriff of the county in which offence shall have been committed, or to the sheriff of any county in which offender may be found; [and on such complaint being made such sheriff

* § 77 repealed by 25 & 26 Vict., cap. 113, § 8, as far as inconsistent with that Act. words in brackets repealed.—S. L. R. Act, 1892.

warrant for bringing the party complained against before him, or shall n order requiring the party complained against to appear on a day and at and place to be named in such order; and every such order shall be served party offending either in person or by leaving with some inmate at his place of abode a copy of such order, and of the complaint whereupon the has proceeded;] and either upon the appearance or upon the default to of the party offending it shall be lawful for the sheriff to proceed to the g of the complaint, and upon proof of the offence [either by the confession party complained against or other legal evidence, and without any written ngs or record of evidence, to convict the offender, and upon such conviction] ern and adjudge the offender to pay the penalty or forfeiture incurred, as s such expenses as the sheriff shall think fit, and to grant warrant for im- ring the offender until such penalty or forfeiture and expenses shall be paid: ded always, that such warrant shall specify the amount of such penalty or ure and expenses, and shall also specify a period at the expiration of which rty shall be discharged, notwithstanding such penalty or forfeiture or ex- ; shall not have been paid, and shall in no case exceed three calendar s.]*

*Application of penalties. To be prosecuted for within six months.*—And be it d, that the sheriff by whom any penalty or forfeiture shall be imposed by of this Act, the application whereof is not herein otherwise provided for, award such penalty or forfeiture to the poor of the parish or combination in the offence shall have been committed, and shall order the same to be paid o the inspector of the poor or other officer for that purpose: [Provided that rson shall be liable to the payment of any penalty or forfeiture imposed by e of this Act unless such penalty or forfeiture shall have been prosecuted for n six months after the commission of the offence for which it has been red.]*

*Ratepayers competent witnesses.*—And be it enacted, that no inhabitant or person liable to be assessed for the relief of the poor in any parish shall be ed an incompetent witness in any proceeding for the recovery of any penalty feiture inflicted or imposed for any offence against this Act, notwithstanding penalty, when recovered, shall be applicable as aforesaid.†

*Penalty on witnesses making default.*—And be it enacted, that if any person shall be summoned as a witness to give evidence before any sheriff in any er in which such sheriff shall have jurisdiction under the provisions of this shall, without reasonable excuse, refuse or neglect to appear at the time and appointed for that purpose, or appearing shall refuse to be examined upon or to give evidence before such sheriff, every such person shall forfeit a sum exceeding five pounds for every such offence, over and above any other shment to which such person may by law be liable for every such refusal.‡

*Informalities.*—And be it enacted, that no proceeding for the recovery of lties or forfeitures in pursuance of this Act shall be [set aside for want of , or on the ground of no record having been made, nor shall the same be] oved by suspension, [advocation,] appeal, or otherwise into or be in any manner ect to review or reduction by any superior Court.‖

* §§ 81 and 82. The words in brackets repealed—S. L. R. Act, 1892.
† § 83 repealed—S. L. R. Act, 1875.
‡ § 84 repealed—S. L. R. Act, 1892.
‖ § 85. The words in brackets repealed—S. L. R. Act, 1892.

86. *Limitation of actions. Tenders of amends.*—And be it enacted, that actions on account of anything done in the execution of this Act shall be brou before the Sheriff Court, and every such action shall be commenced within th calendar months after the fact committed, and notice in writing of such act and of the cause thereof, shall be given to the defender one calendar month least before the commencement of the action; and no pursuer shall recover in action for irregularity or wrongful proceedings if tender of sufficient amends sh be made by or on behalf of the party who shall have committed or caused to committed any such irregularity or wrongful proceedings before such action sh have been brought, or if during the dependence of such action a tender shall made of sufficient amends, and of all charges and expenses which the pursuer m already at the time of such tender being made have incurred in prosecuting s action.

87. *Provision for refusal or neglect of Parochial Boards.*—And be it enact that in case any Parochial Board shall refuse or neglect to do what is herein otherwise by law required of them, or in case any obstruction shall arise in execution of this Act, it shall be lawful for the said Board of Supervision to ap by summary petition to the Court of Session, or, during the vacation of the Court, to the Lord Ordinary on the Bills, which Court and Lord Ordinary hereby authorised and directed in such case to do therein as to such Court or L Ordinary shall seem just and necessary.

88. *Assessments for the poor may be recovered summarily as land and asse taxes.*—And be it enacted, that the whole powers and right of issuing summ warrants and proceedings, and all remedies and provisions enacted for collect levying, and recovering the land and assessed taxes, or either of them, and ot public taxes, shall be held to be applicable to assessments imposed for the relie the poor; and the sheriffs, magistrates, justices of the peace, and other juc may grant the like warrants for the recovery of all such assessments in the s form and under the same penalties as is provided in regard to such land assessed taxes and other public taxes: Provided always, that it shall neverthe be competent to prosecute for and recover such assessments by action in Sheriff's Small Debt Court; and all assessments for the relief of the poor shal case of bankruptcy or insolvency, be paid out of the first proceeds of the est and shall be preferable to all other debts of a private nature due by the par assessed.

89. *Parochial Board may borrow money on security of assessment remaining* —And be it enacted, that if the Parochial Board of any parish or combina shall find it necessary in any year or half year to make disbursements for the re of the poor beyond the amount received of the assessment applicable to the penditure of such year or half year, it shall be competent for such board to bor money on the security of such part of the assessment as is still due and unrecei but not to an amount greater than one half of such part of such assessment; when any money has been so borrowed as aforesaid on the security of assessm it shall not be competent to borrow on the security of any future assessment u the money borrowed as aforesaid shall have been paid off.

90. *Notices, how to be given.*—And be it enacted, that in all cases in which the provision of this Act notice or intimation is required to be given without scribing the particular form of the notice, or the manner in which the same i be given, it shall be lawful for the Board of Supervision from time to time to the form of such notice or intimation, and the manner in which the same is to given.

*Former Acts repealed which are at variance with this Act.*—[And be it enacted that all laws, statutes, and usages shall be and the same are hereby repealed, as far as they are at variance or inconsistent with the provisions of this Act; Provided always, that the same shall continue in force in all other respects: Provided also, that] nothing herein contained shall be held to affect or repeal an Act passed in the seventh year of Her present Majesty, entituled An Act for the Liquidation of the debt owing by the Charity Workhouse of the City of Edinburgh, in so far as such Act relates to that debt, and the powers thereby conferred for paying the same.*

*Alteration of Act.*—And be it enacted, that this Act may be amended or repealed by any Act to be passed during the present session of Parliament.†

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SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)‡

*Order for Removal to England, &c.*

I, *A.B.*, the sheriff [*or* We, *C.D.* and *E.F.*, two of the justices of the peace,] of the county of , do hereby order and adjudge *G.H.*, who has become and is now actually chargeable to the parish of , to be removed, with *J.H.*, his wife, and *K.L.M.*, his children, and conveyed to England, &c., in pursuance of the provisions of an Act made and passed in the eighth and ninth years of the reign of Queen Victoria, intituled [*Title of this Act*].

(Signed)

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* § 91. The words in brackets repealed—S. L. R. Act, 1875.
† § 92 repealed—S. L. R. Act, 1875.
‡ Repealed—S. L. R. Act, 1892.

[NOTE.—*This Act partly extended to Ireland by* 17 *and* 18 *Vict. cap.* 103, *and amended by* 34 *and* 35 *Vict., cap.* 70, § 2.]

## ACT OF PARLIAMENT

TO

*Amend the Laws relating to the removal of Poor Persons from England and Scotland.*—[10 *and* 11 *Vict., cap.* 33.—21*st June* 1847.]

1. *Guardians, &c., in England may take persons removeable therefrom under the first-recited Act before two justices without summons.*—Whereas an Act passed in the ninth year of the reign of Her Majesty, for the removal from land of poor persons who, though born in Scotland, Ireland, or the islands Man, Scilly, Jersey, or Guernsey, and not settled in England, are chargeable some parish in England; and by another Act passed in the same year provi was made for the removal from Scotland of poor persons who, though bor England, Ireland, or the Isle of Man, and not settled in Scotland, receive r from some parish or combination in Scotland: And whereas it is expedient certain provisions of the said Acts should be amended: Be it enacted by Queen's most Excellent Majesty, by and with the advice and consent of the L Spiritual and Temporal, and Commons, in this present Parliament assemb and by the authority of the same, that it shall be lawful for any guard relieving officer, or overseer of any parish or union in England to take convey before two justices of the peace, without summons or warrant, every person who shall become chargeable to any parish in England, and who he have reason to believe is liable to be removed from England under the first-rec Act; and the justices before whom any such person shall be so brought shall and examine and proceed in the same manner in all respects as if such pe had been brought before them under and in the manner directed by that Act.

2. *Inspectors of the poor in Scotland to take persons removeable therefrom under secondly-recited Act before sheriff or two justices, without previous complaint, &c.*—And be it enacted, that it shall be lawful for any inspector of the poor, or o officer appointed by the Parochial Board of any parish or combination in S land, to take and convey before the sheriff or any two justices of the peace of county in which the parish or combination for which such inspector or officer or any portion thereof is situated, without previous complaint or warran that behalf, every poor person who shall be in the course of receiving paroc relief in any parish or combination in Scotland, and who he may have re to believe is liable to be removed from Scotland under the secondly-rec Act; and the sheriff or justices before whom any such person shall be so bro shall make such examination, and proceed in the same manner in all respects such person had been brought before him or them under and in the ma directed by that Act.*

* § 2 repealed—S. L. R. Act, 1892.

*Persons taking paupers before justices to have powers of constables.*—And be it d, that every person who by this Act is authorised to take and convey any erson before any sheriff or justices shall, in the execution of this Act, in that have and exercise all the rights, privileges, powers, and immunities with a constable is by law invested.

*Interpretation of Act.*—And be it enacted, that in the construction of this he singular number or masculine gender shall, except when the context es such construction, be understood to include and shall be applied to l persons, matters, or things, as well as to one person, matter, or thing, and ales as well as males respectively; and that the words "justices of the " shall be understood to include and extend to a justice of the peace or rate of a county, county of a city, or county of a town, or of any city or orporate.

*Act may be amended, &c.*—And be it enacted, that this Act may be amended ealed by any Act to be passed in this session of Parliament.*

* § 5 repealed—S. L. R. Act, 1875.

## ACT OF PARLIAMENT

TO

*mend the Law relating to the Relief of the Poor in Scotland.*—[19 *and* 20 *Vict., cap.* 117.—29*th July* 1856.]

ereas an Act was passed in the eighth and ninth years of the reign of Her it Majesty, intituled an Act for the Amendment and better Administration of aws relating to the Relief of the Poor in Scotland, and it is expedient that the Act should be amended: Be it therefore enacted by the Queen's most lent Majesty, by and with the advice and consent of the Lords Spiritual and oral, and Commons, in this present Parliament assembled, and by the rity of the same, as follows:—

*Power to Board of Supervision to appoint two general superintendents to assist ecution of Act.*—It shall be lawful for the Board of Supervision acting in xecution of the recited Act, with the consent of Her Majesty's principal tary of State for the Home Department, to appoint by their order in writing it persons to be general superintendents of the poor in Scotland, to assist in xecution of the said Act, or of any other Act which shall hereafter be in for the relief of the poor in Scotland; and such general superintendents

shall upon their appointment severally take an oath *de fideli administratione offici* which may be administered by any member of the Board of Supervision, or an one of the judges of the Court of Session, or the sheriff of the county; and i shall be lawful for the Board of Supervision, with the consent of the Secretary o State, to assign to such general superintendents the superintendence of an district or districts in Scotland, and also the execution and performance of all suc duties under the recited Act as the Board of Supervision may, with such consen as aforesaid, think fit, and the board may with such consent remove such gener superintendents or either of them, and appoint another or others in his or the stead, and their shall be paid to such general superintendents severally such salar as, upon the recommendation of the Board of Supervision, the commissioners o Her Majesty's Treasury shall from time to time regulate and allow, such salar not to be less than three nor more than four hundred pounds per annum, and t be paid out of any monies to be hereafter voted for that purpose by Parliament.

2. *Powers and duties of general superintendents.*—The general superintenden and each of them shall be entitled to execute all the powers which are by th recited Act conferred upon the commissioners thereby authorised or directed t be appointed.

3. *Annual instalments of money borrowed under recited Act need not exceed on thirtieth of sum borrowed.*—And whereas by the sixty-second section of the sai recited Act it is provided, that any loan of money borrowed for the purpos therein mentioned shall be repaid by annual instalments of not less in any on year than one-tenth of the sum borrowed, exclusive of the payment of interest o the same: Be it enacted, that after the passing of this Act such annual insta ments shall not of necessity exceed one-thirtieth of the sum so borrowed, exclusiv of the said interest.

4. *This and recited Act to be construed as one.*—This Act and the recited A shall, as far as is necessary for the purposes of this Act, be construed as one Act.

# ACT OF PARLIAMENT

TO

*Make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor.*—[24 *Vict. cap.* 18.—*7th June* 1861.]

Whereas by an Act passed in the eighth and ninth years of the reign of Her Majesty Queen Victoria, intituled An Act for the Amendment and Administration of the Laws relating to the Relief of the Poor in Scotland, it was provided, by the sixteenth section thereof, that the Board of Supervision thereby established, if satisfied that the administration of the affairs of the poor in any two or more parishes, "might be carried on with greater advantage to the said parishes and to the poor therein, by the said parishes being combined for the purposes" of the said Act, to resolve and declare that such parishes should thenceforward be combined for the purposes of the said Act: And whereas no power is by the said Act conferred on the Board of Supervision, or on any other tribunal, to dissolve, under any circumstances, a combination of parishes once effected under authority of the said Act: And whereas it is expedient that power should be conferred on the said Board, in the cases and subject to the provisions after-mentioned, to dissolve such combinations of parishes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

11. *Parochial Board of combination may appoint special meeting for application for dissolution.*—It shall be lawful for the Parochial Board of any combination of parishes which may have been combined under the provisions of the said recited Act, at one of its fixed general meetings, to resolve that it is expedient that the combination should, as to all or as to certain of the parishes thereof, be dissolved, and thereupon to appoint a special meeting of the board for the purpose of considering whether an application should be made to the Board of Supervision, allowing the said Board of Supervision so to dissolve such combination; provided always, that notice shall have been given by the member or members of the Parochial Board intending, at such meeting, to propose such resolution, of his or their intention then to propose the same, to every other member thereof, by letter addressed to each such member at his ordinary place of residence, and put into the post office at least one month prior to such general meeting; and the special meeting, if resolved to be appointed, shall be appointed to be held on a day not sooner than three weeks nor later than six weeks after the date of such resolution.

12. *Intimation of special meeting.*—Intimation shall be given of the special meeting appointed as aforesaid by letters addressed by the inspector of the poor to every member of the Parochial Board at his usual place of residence, and put into the post office at least one fortnight before the day of meeting, and specifying the time and place of meeting, and the purpose for which such meeting has been appointed to be held.

13. *Special meeting may authorise application to Board of Supervision.*—At such special meeting, if the Parochial Board shall unanimously, or by a majority of at

least two-thirds, agree to the proposed application being made, but not otherwise it shall be lawful for the Parochial Board to authorise an application, in their name, to be transmitted to the Board of Supervision, praying such Board of Supervision to dissolve the combination as to all or any of the parishes thereof, and the chairman of the Parochial Board shall thereupon sign and forthwith transmit to the Board of Supervision such application accordingly; and the said Parochial Board may also transmit to the Board of Supervision a statement of their reasons in support of such application; and any members of the Parochial Board who may dissent from the resolution to make such application may, within ten days after the date of such resolution, give in to the chairman a statement of their reasons of dissent, which statement the chairman shall forthwith transmit to the Board of Supervision.

4. *Board of Supervision may thereupon dissolve combination.*—The Board of Supervision, on receiving any such application shall make such inquiry as to them shall seem necessary and proper; and the said Board of Supervision after such inquiry shall have power, if satisfied, from any change in the condition and state of the parishes, or on consideration of the results of the experience already had of the administration of the poor since the parishes were combined, that it is not for the advantage of the parishes, or of the poor thereof, that the administration of the affairs of the poor should be continued in these parishes in a state of combination, to dissolve the combination as to all or any of the parishes thereof in terms of the prayer of the application, or they may, if they see cause, refuse such application.

5. *And decide all questions between the parishes.*—If the Board of Supervision shall dissolve any such combination as aforesaid, they shall further, after such inquiry as they shall deem necessary and proper, determine all questions as to the liability of the several parishes which had constituted the combination to support particular paupers in time to come, and as to the obligations incumbent on the combination, and the shares thenceforward to be borne by the several parishes thereof, and as to any property belonging to the combination, and the division or destination to be thereafter made of it, and any claims of compensation thence arising; and generally they shall have power to dispose of all questions and claims between the several parishes in reference to the affairs of the poor in so far as affected by the dissolution as aforesaid, and all decisions and determinations by the Board of Supervision shall be final and conclusive, and shall not be subject to review by any Court, whether by appeal, advocation, suspension, reduction, or otherwise.

6. *After dissolution, management of poor to proceed as if parishes never combined.*—On any such dissolution taking place as aforesaid, the management of the poor in every parish which shall, in consequence, have ceased to form part of a combination of parishes, and the administration of the laws relating to the relief of the poor in such parish and to the raising the necessary funds for their relief shall, from and after a day to be named by the Board of Supervision as the date at which the dissolution shall take effect, and subject to the decisions and determinations of the said board hereinbefore mentioned, be carried on in every such parish as if no such combination had ever been formed.

7. *If application refused not to be renewed till after lapse of five years.*—If the Board of Supervision shall refuse any such application for dissolution as aforesaid it shall not be lawful for the Parochial Board whose application has been refused to renew such application till after the lapse of five years from the date at which it was so refused.

# ACT OF PARLIAMENT

TO

*Simplify the Mode of raising the Assessment for the Poor in Scotland.—*
[24 *and* 25 *Vict., cap.* 37.—22*nd July* 1861.]

Whereas it is expedient to simplify the mode of imposing the assessment for sing the funds for the relief of the poor in Scotland: Be it enacted by the een's most Excellent Majesty, by and with the advice and consent of the Lords rritual and Temporal, and Commons, in this present Parliament assembled, and the authority of the same, as follows:—

1. *So much of section* 34 *of* 8 *and* 9 *Vict., c.* 83, *as to means and substance mode assessment abolished.*—From and after the first day of January one thousand eight ndred and sixty-two so much of section thirty-four of the Act of the eighth and th years of Her Majesty, intituled an Act for the Amendment and better nministration of the Laws relating to the Relief of the Poor in Scotland, as kes it lawful for any Parochial Board of any parish or combination of parishes Scotland to raise one-half of the funds requisite for the relief of the poor ssons entitled to relief from the parish or combination by assessment upon the nners of all lands and heritages within the parish or combination, according to annual value of such lands and heritages, and the other half upon the whole abitants, according to their means and substance, other than lands and heri- es situated in Great Britain and Ireland, or to raise such funds by assessment, posed as an equal percentage upon the annual value of all lands and heritages, hin the parish or combination, and upon the estimated annual income of the ole inhabitants from means and substance other than lands and heritages nated in Great Britain or Ireland, is hereby repealed; and every Parochial ard of any parish or combination of parishes now raising such funds in terms of parts of the said recited Act which are hereby repealed as aforesaid shall, ore ceasing to raise such funds, and within two months after the passing of s Act, resolve to adopt the first mode of assessment specified in section thirty- r of the recited Act, and to classify lands and heritages equitably in terms of thirty-sixth section of the said recited Act, and shall forthwith report such olution to the Board of Supervision, which is hereby authorised and required determine whether or not the classification so resolved on is equitable, and, in event of their considering the classification thereby made is not equitable, to y or alter the same as to them shall seem just; [and until the said first mode assessment so resolved on, with relative classification, shall have been approved by the Board of Supervision, the assessment for relief of the poor in any parish ere the classification may not be approved of shall continue to be raised ording to the mode now in operation in such parish;] and after the proposed sification in any parish shall have been approved of by the Board of Super- ion, it shall not be altered or departed from without the sanction of the said rds: [Provided always, that nothing in this Act shall be construed to prevent Parochial Board of any parish or combination of parishes from collecting any h assessments actually imposed prior to the first day of January one thousand ht hundred and sixty-two, according to the mode legally in force in the parish combination at the date when such assessments were imposed.]*

* § 1. The words in brackets repealed—S. L. R. Act, 1875.

## ACT OF PARLIAMENT

TO

*Amend the Law relating to the Removal of Poor Persons from England to Scotland and from Scotland to England and Ireland.*—[25 *and* 26 *Vict., cap.* 113.—7 *August* 1862.]

Whereas it is expedient that better means should be provided for the safe co veyance to the place of their destination in England, Ireland, or Scotland of po persons who may be removed in pursuance of the Acts passed in the eighth an ninth years of the reign of Her present Majesty, chapter eighty-three, and chapt one hundred and seventeen, and in the tenth and eleventh years of the reign Her present Majesty, chapter thirty-three : Be it therefore enacted by the Queen most Excellent Majesty, by and with the advice and consent of the Lords Spiritu and Temporal, and Commons, in this present Parliament assembled, and by th authority of the same :—

1. *Warrant of removal to Scotland to be signed by two justices or a magistra and to England or Ireland by the sheriff or two justices.*—No application for warrant ordering the removal from any place in England to Scotland, or in Sco land to England or Ireland, of any poor person who shall have become chargeab in such place shall be heard and determined in England, except by two or mo justices in petty sessions assembled, or by a stipendiary magistrate or metr politan police magistrate sitting in his Court ; and in Scotland, except by th sheriff or any two justices of the peace of the county in which the parish situated to which such poor person may have become chargeable, which justic or magistrate, and sheriff or justices (as the case may be), shall see such po person, or the person who is the head of the family proposed to be removed, an shall be satisfied that every person who is proposed to be removed by the warra is in such a state of health as not to be liable to suffer bodily or mental injury b the removal.

2. *Warrant to contain name and age of every person to be removed, and othe particulars. Proviso.*—Such warrant of removal shall be granted in England onl on the application of the relieving officer or other officer of the guardians of th union or parish, and in Scotland only on the application of the inspector of th poor of the parish or combination, or other officer appointed by the Parochia Board of such parish or combination, where such poor person shall have becom chargeable, and shall contain the name and reputed age of every person ordere to be removed by virtue of the same, and the name of the place in Scotland o England or Ireland (as the case may be) where the justices or magistrate, o sheriff or justices, shall find such person to have been born, or to have last reside for the space of five years in the case of a poor person to be removed to Scotland and three years in the case of a poor person to be removed to England or Ireland and a statement of such examination having been made as to the state of healt of every person ordered to be removed as aforesaid ; and such warrant shall b addressed to the party applying for the same, and in the case of a removal t Scotland, to the Parochial Board or inspector of the poor of the parish or com bination to which such poor person is to be removed, and in the case of a remova

England or Ireland (as the case may be), to the guardians of the union or rish to which such person is to be removed, and a copy shall be given by and at e cost of the person applying for such warrant to the person or the head of the nily about to be removed by virtue of it: Provided that in the case of any tive of England, Ireland, or Scotland, where the justices or magistrate, or riff or justices (as the case may be), shall not be able to ascertain, upon the dence before them, the place of birth or of such continued residence as afore-d, they shall order the pauper to be removed to the port or union or parish in gland or Ireland (as the case may be), or port or parish in Scotland, which ll, in the judgment of such justices or magistrate, or sheriff or justices (as the e may be), under the circumstances of the case be most expedient.

*Copy of warrant to be sent to Parochial Board, or clerks of guardians of ion, or parish to which removal is to be made.*—The person obtaining the warrant ll, at least twelve hours before the removal, send a copy of it by post to the pector of the poor of the parish or combination in Scotland, and to the clerk of board of guardians of the union or parish in England or Ireland (as the case y be) to which such poor person shall be ordered to be removed, and also a y of the depositions taken in the case, if the same shall, at any time within ee months from the date of the warrant, be required by any such board of rdians or Parochial Board.

*Warrants shall order poor persons to be conveyed to the place mentioned in the rrant.*—Such warrant shall order the removal of the poor person to be made to place mentioned therein as aforesaid, and shall order the persons charged h the execution thereof to cause such poor person with his family (if any) to safely conveyed to such place in England, Ireland, or Scotland (as the case y be), to be delivered, in the case of a removal to Scotland, to the inspector of poor of the parish or combination, and in the case of a removal to England or and, at the workhouse of such place or of the union or parish containing the ; or place nearest to the place mentioned in the warrant as the place of the per's ultimate destination.

*Relieving officers and inspectors of poor to receive poor persons named in rrant, under penalty of* £10.—The master of the workhouse of the union or sh in England or Ireland, and the inspector of the poor of the parish or com-ation in Scotland, to which (as the case may be) such warrant is addressed, l be bound to receive delivery of the poor person named in such warrant, er a penalty of ten pounds for each case of refusal, which penalty may be vered by the person applying for such warrant by an action in any county rt in England, or court of quarter sessions in Ireland, or sheriff court in land, or other competent court having jurisdiction in the place where such ter or inspector is resident at the time when such action is brought.

*Parochial Boards and guardians may forward the pauper to the place of des-tion, and recover the costs.*—If by reason of default of the guardians, inspector e poor, or other person having charge of such warrant, or otherwise, the poor on named therein shall not be removed to the place of ultimate destination, guardians of the union or parish in England or Ireland, or Parochial Board of parish or combination in Scotland (as the case may be), to which he has been oved, may, if they think fit, cause the pauper to be removed forthwith to the e mentioned in the warrant, and shall be entitled to be reimbursed the costs rred in such removal by the guardians or Parochial Board (as the case may or other person on whose application the warrant was obtained, such costs g the actual expense incurred in and about the conveyance and maintenance ch person so removed, which costs may, if not paid, on demand, be recovered

by an action in any county Court in England or Ireland, or Sheriff Court in Scotland, or other competent Court having jurisdiction in the place from whence the removal shall have taken place.

7. *Women and children not to be removed as deck passengers during the winter.*—It shall be unlawful to remove any woman, or any child under the age of fourteen as a deck passenger in any vessel from England to Scotland, or from Scotland to England or Ireland, during the period from the first of October to the thirty-first March following, and no regulation of any sheriff, magistrate, or justices authorising such removal shall be henceforth legal.

8. *Part of section* 77 *of* 8 *and* 9 *Vict., cap.* 83, *repealed.*—Section seventy-seven of the Act eighth and ninth Victoria, chapter eighty-three, in so far as inconsistent with the provisions of this Act, is hereby repealed.*

9. *Construction of Act.*—Except so far as this Act shall alter the provisions of the said Acts, this Act shall be construed as part of the same.

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## ACT OF PARLIAMENT

TO

*Provide for the Exemption of Churches and Chapels in Scotland from Local Rate and Assessment.*—[37 *and* 38 *Vict., cap.* 20.—30*th June* 1874.]

Whereas by the Act of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter sixty-two, it is provided that no person shall be rated or be liable to be rated for or to pay any poor rates for or in respect of any church, chapel, meeting-house, or premises in Scotland exclusively appropriated to public religious worship; and that no person shall be liable to any such rate because such church, chapel, meeting-house, or other premises, or any room belonging thereto, or any part thereof, may be used for Sunday or infant schools or for the charitable education of the poor:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Churches, chapels, &c., not liable to local rates and assessments.*—No assessment or rate under any general or local Act of Parliament for any county, burgh, parochial or other local purpose whatsoever, shall be assessed or levied upon or in respect of any church, chapel, meeting-house, or premises in Scotland exclusively appropriated to public religious worship, or upon or in respect of any ground exclusively appropriated as burial ground: Provided also, that such exemption shall continue although such church, chapel, meeting-house, or other premises, or any room belonging thereto, or any part thereof, may be used for Sunday or infant schools, or for the charitable education of the poor.

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* § 8. Repealed—S. L. R. Act, 1875

# ACT OF PARLIAMENT

TO

*Make provision for the borrowing of Money by Parochial Boards, and for other purposes relating to the Relief of the Poor in Scotland.*—[49 *and* 50 *Vict., cap.* 51.—25*th June* 1886.]

Whereas an Act was passed in the eighth and ninth years of the reign of Her present Majesty, intituled an Act for the amendment and better administration of the laws relating to the relief of the poor in Scotland:

And whereas an Act was passed in the nineteenth and twentieth years of the reign of Her present Majesty, intituled An Act to amend the Law relating to the Relief of the Poor in Scotland:

And whereas in the case of some of the larger parishes in Scotland the mode of borrowing money prescribed by the sixty-second section of the first-recited Act, as amended by the third section of the second-recited Act, has been found to be costly and inconvenient, and the restriction contained in the last proviso to the said sixty-second section has also been attended with great inconvenience:

And whereas it is expedient that the first-recited Act should be amended:

And whereas it is expedient to make provision regarding moneys to which a pauper or pauper lunatic may be entitled as a member of a friendly or benefit society:

And whereas also it is expedient to make provision concerning the chargeability of persons born in poorhouses in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

11. *Power to Parochial Boards to borrow on the security of the assessments, and mode of exercising power.*—The Parochial Board in any parish or combination, the population of which exceeds one hundred thousand may, for the purposes specified in the sixty-second section of the first-recited Act, borrow such sum or sums of money as they shall from time to time find to be requisite, and may assign the assessments, present and future, leviable by them for the relief of the poor in such parish or combination in security of the money so borrowed and the interest thereon; and the bonds to be granted on such borrowing and transferences or assignations and discharges thereof may be in or near to the forms contained in the schedule hereto annexed; and such bonds shall be signed by three members of the Parochial Board to be appointed for that purpose, of whom the chairman shall be one, and shall constitute a lien over the assessments thereby assigned, and shall entitle the creditors therein to recover the sums thereby due from the Parochial Board out of the first and readiest of the said assessments; but no member or officer of the Parochial Board shall be personally liable for the repayment of such money so borrowed, and all such obligations shall be deemed and taken to be granted on the sole security of the assessments assigned, and the money so borrowed shall be repayable either in one sum or by instalments as may be arranged between the Parochial Board and the lender, but so that the same

shall be wholly repaid, together with the accruing interest, within thirty years from the date of the loan; but the amount of every such loan, including interest, shall form a charge against the assessments of the years intervening between the date of such loan and the date of full repayment in equal proportions: Provided always, that the total of the principal sum or sums so to be borrowed, together with the amount remaining unpaid of any prior loan or loans, shall not at any time exceed three times the amount of the assessment raised for the relief of the poor during the year immediately preceding that in which any money is so borrowed.

2. *Partial repeal of provisions in* 19 *and* 20 *Vict., cap.* 117.—The provision at the end of the said sixty-second section of the first-recited Act, "That no further or other sum shall be borrowed or chargeable on the poor assessment for the purposes aforesaid until the whole of the money last borrowed, with interest on the same, shall have been paid off," is hereby repealed in so far as relates to parishes or combinations having a population exceeding one hundred thousand.

3. *Certificate from Board of Supervision a necessary condition to exercise of power* —Before any Parochial Board shall borrow any sum of money under this Act they shall procure a certificate from the Board of Supervision acting in the execution of the first-recited Act (which certificate that board shall be bound to grant on being satisfied that the fact stated therein is true) certifying that such Parochial Board has duly charged or made provision for charging the assessments for the relief of the poor leviable by such Parochial Board with the proper proportion of principal and interest of any former sum or sums borrowed by such Parochial Board under this Act, and such certificate shall be conclusive evidence to the lender of the facts stated therein.

4. *Parochial Board to have no recourse against moneys to which a pauper or pauper lunatic may be entitled as a member of a friendly or benefit society.*—Any power exercised or claimed by Parochial Boards to take possession of any property of any one to whom they have given relief shall not apply to any moneys which a pauper or pauper lunatic, having a wife or other relative dependent upon him for maintenance, may be entitled to receive as a member of any friendly or benefit society, but such moneys shall, subject to any deductions for keeping up his membership required by the rules of such society, or any branch thereof, from which such pauper or pauper lunatic is entitled to receive such moneys, be paid or applied by the trustees, committee, or other officers of such society or branch to or for the maintenance of such wife or relative.

5. *Chargeability of child born in a poorhouse.*—A child born in a combination poorhouse shall so far as regards any question of liability for maintenance be deemed and held to have been born within the parish by which the mother of the said child was sent.

6. *Short title.*—This Act may be cited as the Poor Law Loans and Relief (Scotland) Act, 1886.

## SCHEDULES.

### Bond for Borrowed Money.

members of the Parochial Board of [*or the combination of as the case may be*], in pursuance of the powers conferred upon us by the Poor Law Loans and Relief (Scotland) Act, 1886, and of a minute of meeting of the said board [*or combination, as the case may be*] dated on the day of , hereby, in consideration of the sum of instantly advanced to the said board by , assign to the said and , executors and assignees, the assessments for the relief of the poor, present and future, leviable by and payable to the said board, in security of the repayment of the said sum of and of the interest thereof at the rate of per centum per annum from the day of until payment, which sum is to be repayable with interest at the rate aforesaid, as follows: The said principal sum of at the term of [*or otherwise as may be arranged between the Parochial Board (or combination, as the case may be) and the lender*] and the said interest half-yearly at Whitsunday and Martinmas, beginning the first payment thereof at next; but declaring that the above-named lender and assignees said shall not be entitled to make, and the said board shall not be bound to recognise, any partial assignation of these presents or of the sums, principal and interest, herein contained, and we consent to registration.

In witness whereof

### Transfer.

I, *A.B.* [*designation*] in consideration of the sum of paid to me by *C.D.* [*designation*], do hereby assign and transfer to the said *C.D.* and heirs, executors, and successors, a certain bond, No. granted by the Parochial Board of the parish [*or combination, as the case may be*] of in favour of bearing date the day of for securing the sum of and interest thereon, and all my right and interest in and to the money thereby secured, and in and to the assessments thereby assigned, and I consent to registration.

In witness whereof

### Discharge.

I, *A.B.* [*designation*] in consideration of the sum of paid to me by *C.D.* [*designation*], do hereby discharge a certain bond, No. granted by the Parochial Board [*or combination, as the case may be*] of in favour of and all interest due thereon, and I declare the assessments thereby assigned to be freed and discharged thereof, and I consent to registration.

In witness whereof

NOTE.—*The powers and duties vested in or imposed upon the Board of Supervision, under the following and other Public Health Acts, are now vested in or imposed on the Local Government Board for Scotland, and the powers and duties of Parochial Boards are transferred to the Parish Councils.*—57 & 58 *Vict.*, *c.* 58.

## ACT OF PARLIAMENT

TO

*Consolidate and amend the Law relating to the Public Health in Scotland.*
[30 & 31 *Vict.*, *cap.* 101.—15*th August* 1867.]

Whereas it is expedient to consolidate and amend the laws applicable to Scotland for removal of nuisances, for prevention of diseases, and for sanitary purposes generally: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### PRELIMINARY.

1. *Short title.*—This Act may be cited for all purposes as the "Public Health (Scotland) Act, 1867."

2. 19 & 20 *Vict.*, *c.* 103, *except part V., sections* 441 *to* 447 *inclusive, of* 25 & 26 *Vict.*, *c.* 101, 28 & 29 *Vict.*, *c.* 75, *and* 29 & 30 *Vict.*, *c.* 90, *repealed.*—From and after the first day of November one thousand eight hundred and sixty-seven, the Nuisances Removal (Scotland) Act, 1856, except Part V. thereof, sections 441 to 447, both inclusive, of the General Police and Improvement (Scotland) Act, 1862, and also the Sewage Utilisation Act, 1865, and the Sanitary Act, 1866, so far as these two last-mentioned Acts apply to Scotland, are repealed: Provided always that all proceedings commenced or taken under the said Acts or any of them, in so far as hereby repealed, and not yet completed, may be proceeded with under the said Acts or any of them, or under this Act; and all orders in council, and all directions and regulations * issued by the board of supervision under the said Acts or any of them, and all appointments made, and all contracts or works undertaken, and generally all claims, rights, and liabilities, civil or criminal, constituted or existing under the said Acts, before the passing of this Act, with the remedies and proceedings applicable thereto under the said Acts or this Act, shall continue and be as effectual as if the said Acts had not been repealed; and where in any enactments of any Act, general or local, which shall continue in force after the commencement of this Act, any of the Acts or parts of Acts hereby repealed is cited or referred to, such enactments shall be interpreted as if this Act were cited or referred to therein, and as if the provisions of this Act were substituted for the provisions hereby repealed.

* See § 33 *infra*.

83. *Interpretation of certain terms.*—In this Act the following words and expressions shall have the meanings herein-after assigned to them, unless such meaning is inconsistent with the context:

The word "board" shall signify the board of supervision for the relief of the poor in Scotland:

The word "secretary" shall include assistant secretary:

The expression "medical officer" shall signify a duly qualified medical practitioner appointed under the Act eighth and ninth Victoria, chapter eighty-three, or under this Act:

The word "sheriff" shall include sheriff substitute:

The word "burgh" shall include not only royal burgh, Parliamentary burgh, burgh incorporated by Act of Parliament, burgh of barony, and burgh of regality, but also any populous place having a town council, police commissioners or trustees exercising the functions of police commissioners under any general or local Act:

The word "magistrate" shall include a magistrate or judge having police jurisdiction under the General Police and Improvement (Scotland) Act, 1862, or under any General or Local Police Act which may be in force:

The word "decree" or "decern" shall include any warrant, sentence, judgment, order, or interlocutor:

The word "owner" shall signify the person for the time entitled to receive, or who would, if the same were let, be entitled to receive, the rents of the premises, and shall include a trustee, factor, tutor, or curator, and in case of public or municipal property shall apply to the persons to whom the management thereof is intrusted:

The word "ship" shall include any sailing or steam ship, vessel, or boat:

The word "premises" shall include lands, buildings, structures of any kind, streams, lakes, drains, ditches, or places open, covered, or inclosed, and any ship, lying in any sea, river, harbour, or other water, or *ex adverso* of any place within the limits of the local authority:

The word "person," and words applied in this Act to any person or individual, shall apply to and include women, corporations, clubs, societies, statutory boards or commissioners, joint stock companies, partnerships, joint owners, and joint occupants, and trustees:

The word "company" shall apply to and include commissioners:

The expression "author of a nuisance" shall signify the person through whose Act or default the nuisance is caused, exists, or is continued, whether he be the owner or occupier, or both:

The expression "common lodging house" shall signify a house or part thereof where lodgers are housed at an amount not exceeding fourpence * per night for each person, whether the same be payable nightly or weekly, or at any period not longer than a fortnight, or where the house is licensed to lodge more than twelve persons:

The expression "keeper of a common lodging house" shall include any person having or acting in the care and management of a common lodging house.

84. 8 & 9 *Vict.*, *c.* 19, *and* 23 & 24 *Vict.*, *c.* 106, *incorporated.*—"The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, for the special purposes herein-after mentioned, be incorporated with and form part of this Act, and shall be herein-after referred to as "The Lands Clauses Acts." †

* See § 59.

† See §§ 72, 89 (1), 90.

## PART I.—Local Authority and Board of Supervision.

5. *Local authorities, as herein named, to execute this Act.—Board of Supervision to determine the local authority in parishes not wholly within the jurisdiction of a town council, &c.*—The following bodies shall respectively be the local authority to execute this Act in the districts hereunder stated in Scotland : *

In places within the jurisdiction of any town council, and not subject to the jurisdiction of police commissioners or trustees as after mentioned,—the town council :

In places within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any general or local Act,—the police commissioners or trustees :

In any parish, or part thereof, over which the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend,—the parochial board of such parish.

Provided always that where any parish shall be partly within and partly beyond the jurisdiction of a town council and of police commissioners or trustees, and of a parochial board, or of any two or more of such bodies, the board, if application be made to them by any of these bodies, or by any person having interest, may, if they see fit, determine which of the said several bodies shall be the local authority within the whole limits or within any portion of such parish, and the board may from time to time recal or vary such determination ; and provided further, that all determinations already made under the fifth section of the Nuisances Removal (Scotland) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

6. *Where district in more than one county.*—Where any parish or burgh shall be situated in more than one county, the board shall, on application being made to them by any person having interest, determine in which one of such counties such parish or burgh shall be held to be situated for the purposes of this Act, whose decision shall be final ; and the jurisdiction and powers of magistrates, justices, and sheriffs, and the powers of their officers under this Act, shall be regulated accordingly, and the board may from time to time recal or vary such determination ; provided always, that all determinations already made under the fifth section of the Nuisances Removal (Scotland) Act, 1856, shall be valid and effectual till recalled or varied under this Act.†

7. *Local authorities to be bodies corporate. Committees may be appointed.*—The local authorities shall respectively be bodies corporate, designated by such names as they may usually bear or adopt, with power to sue and be sued in such names, and to hold lands for the purposes of this Act ; and the local authority may appoint any committee or committees of their own body to receive notices, to take proceedings, and in all or certain specified respects to execute this Act, whereof two shall be a quorum, unless a larger quorum be specified in their appointment ; and such local authority or their committee, thereto duly authorised, may, by minute or other writing signed by the chairman of such body or committee, empower any officer or person to make complaints and take proceedings on their behalf ; and all Acts done or proceedings taken by or against such committee or officer or person shall be as valid as if they were done by or taken in the name of all the members of the local authority ; and the local authority shall have power to commence or carry on all proceedings commenced, or which might have been commenced before the passing of this Act, by the local authority under any of the before repealed Acts, and shall be vested with all property or pecuniary claims so vested in such last-mentioned local authority.

* See §§ 52-56 as to ships.

† § 6. Repealed—S. L. R. Act, 1893.

8. *Local authority to appoint sanitary inspectors and other officers.*—The local authority may, and where it shall be thought necessary by the board for the purposes of this Act the local authority shall, appoint a sanitary inspector or inspectors, who shall be also inspector or inspectors of common lodging houses, and a medical officer or medical officers, and may make byelaws for regulating the duties of such inspectors and medical officers, which byelaws shall not be effectual until they are approved of by the board; and the local authority shall appoint convenient places for their offices, and shall allow to every such inspector or medical officer on account of his employment a proper salary; and if no such inspector or medical officer is appointed the local authority shall, in all cases in which any duty is laid on them by this Act, appoint some person, where the same shall be necessary, to perform such duty, and shall remunerate him as they shall see fit; and the names and addresses and salaries of the said inspectors and medical officers shall be reported by the local authority to the board immediately on such persons being appointed and such salaries fixed; and the said inspectors and medical officers shall be bound to make such returns and special reports to the board as the board shall require them to make; and the said inspectors shall be removable from office only by the board, except in the case where the local authority is the town council or police commissioners or trustees in any burgh in Scotland having a local Act for police purposes, or having a population of ten thousand or upwards according to the census last taken, in which case the inspectors shall be removable from office by the local authority.

9. *Powers of the board to require returns and examine witnesses.*—It shall be lawful for the board, upon written application by two or more parties interested, or upon the report of any of their inspecting officers, to inquire into the sanitary condition of any parish in Scotland, or into the sanitary condition of any burgh in Scotland not having a local Act for police purposes, or not having a population of ten thousand or upwards according to the census last taken, and also in these two latter cases with the consent of one of Her Majesty's principal Secretaries of State, after duly considering any representation which may be made to him by any town council, stating that such consent ought not in the case of such burgh to be given; and for this purpose the board are hereby empowered to make inquiries, and require answers or returns to be made to the board upon any question or matter connected with or relating to the purposes of this Act, and also by a summons, signed by one of their number or by the secretary, to require the attendance of all such persons as they may think fit to call before them upon any such question or matter, and to administer oaths to and examine upon oath all such persons, and also require and enforce the production upon oath of all books, contracts, agreements, accounts, and writings, or copies thereof respectively, in anywise relating to any such question or matter, or, in lieu of requiring such oath as aforesaid, the board may, if they think fit, require any such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined.*

10. *Power to board to authorise special inquiries to be made.*—It shall and may be lawful for the board, whenever it may seem fitting to them, with the consent of one of Her Majesty's principal Secretaries of State or of Her Majesty's advocate for Scotland, to authorise and empower for a limited time one of the members thereof to conduct any special inquiry in any part of Scotland, and to report thereon to the board; and such member so authorised and empowered shall be entitled to summon and examine on oath witnesses and havers, and to exercise such other of the powers by this Act given to the board as may be necessary for conducting such inquiry, and such member shall be reimbursed by the board all expenses necessarily incurred by him in conducting such inquiry, and such

* §§ 9, 10, and 11 repealed so far as they require the consent of a Secretary of State or the Lord Advocate, or the appointment of a commissioner by the Local Government Act, 1894.

expenses shall be deemed part of the expenses attending the execution of this Act, and be defrayed in the same manner as the general expenses of the board are now defrayed.*

11. *Power to board to appoint Commissioners for conducting special inquiries.*—It shall and may be lawful for the board, whenever it may seem fitting to them, with the consent of one of Her Majesty's principal Secretaries of State or of Her Majesty's advocate for Scotland, or whenever the board may be thereunto required by one of Her Majesty's said Secretaries of State or by Her Majesty's advocate, to appoint some person, not being a member of the board, but being a member of the faculty of advocates, or a duly qualified medical practitioner, or an architect or surveyor or engineer, or two of such persons, to act as a commissioner or commissioners for the purpose of conducting any special inquiry for a limited period, and to report thereon; and the board shall delegate to every person so appointed for the purpose of conducting such inquiry all such of the powers of the board as they may deem necessary or expedient for summoning or examining witnesses and havers, and otherwise conducting such inquiry; and every such appointment shall be subject to the approval of one of Her Majesty's said Secretaries of State or of Her Majesty's said advocate; and every person so appointed as aforesaid to conduct any special inquiry shall, before he enter on the execution of his duties, take an oath *de fideli administratione officii*, which oath may be administered to him by any member of the board, or by any one of the judges of the Court of Session, or by the sheriff of any county; and it shall not be necessary to notify the appointment of any such commissioner otherwise than by intimating the same by letter under the hand of the secretary or of any member of the board to the sheriff of the county within which the inquiry in question is to be made; and every such commissioner shall be reimbursed by the board for all expenses necessarily incurred by him in conducting such inquiry, and shall also receive such reasonable remuneration for his time and trouble as may have been agreed upon between him and the said board, and approved of by the commissioners of Her Majesty's treasury, or by such person or persons as they shall name.*

12. *Power to board to allow expenses of witnesses, &c.*—It shall be lawful for the board, in any case where they see fit, to order and allow such expenses of witnesses, and such expenses of or concerning the production of any books, contracts, agreements, accounts, or writings, or copies thereof, to or before the said board, or member thereof, or commissioner or commissioners, as such board may deem reasonable; and such expenses so ordered and allowed shall be deemed part of the expenses attending the execution of this Act, and be defrayed in the same manner as the general expenses of this board are now defrayed.

13. *Penalties on parties giving false evidence or refusing to obey summons of the board.*—If any person, upon any examination on oath under the authority of this Act, shall wilfully give false evidence, he shall be deemed guilty of perjury, and shall be liable to the pains and penalties thereof; and in case any person shall wilfully refuse to attend in obedience to any summons of the board, or member or commissioner authorised or appointed by the board as aforesaid, or to give evidence, or shall wilfully refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be required to be produced before the board, or member thereof, or commissioner or commissioners, or shall wilfully neglect or disobey any of the orders of the board, or member or commissioner, or be guilty of any contempt of the board or member or commissioner, such person being thereof lawfully convicted, shall forfeit and pay for the first offence any sum not exceeding five pounds, for the second and every subsequent offence any sum not exceeding twenty pounds nor less than five pounds.

* See note preceding page.

114. *Power to board to appoint clerks.*—The board are hereby empowered from ne to time to appoint all such officers and clerks as they shall deem necessary, d from time to time, at the discretion of the board, to remove such officers and rks, or any of them, and to appoint others in their stead; provided that the nount of the salaries of such officers and clerks shall from time to time be gulated by the commissioners of Her Majesty's treasury; and the name of every rson so appointed or removed as aforesaid shall forthwith be intimated to one Her Majesty's principal Secretaries of State for his approval, who shall be derstood to approve of such appointment or removal, if no notice to the contrary received by the board within twenty-one days from the day of the date of such timation.

115. *Salaries of legal members of board.*—The sheriffs of Perth, Renfrew, and ss and Cromarty shall each receive, so long as they act as members of the board supervision, the sum of one hundred and fifty pounds sterling per annum, and h allowance shall come in place of the allowance of one hundred pounds ster- g provided to the said sheriffs by the Act eighth and ninth of Her Majesty, apter eighty-three, section four. Rep. 1894.

## PART II.—Removal of Nuisances.

116. *Description of nuisances under this Act.*—The word "nuisance" under this t shall include—

(*a.*) Any insufficiency of size, defect of structure, defect of ventilation, want of repair or proper drainage, or suitable watercloset, or privy accommodation or cesspool and any other matter or circumstance rendering any inhabited house, building, premises, or part thereof, injurious to the health of the inmates or unfit for human habitation or use:

(*b.*) Any pool, watercourse, ditch, gutter, drain, sewer, privy, urinal, cesspool, or ashpit so foul as to be injurious to health, or any well or other water supply used as a beverage or in the preparation of human food, the water of which is so tainted with impurities or otherwise unwholesome as to be injurious to the health of persons using it, or calculated to promote or aggravate epidemic disease:

(*c.*) Any stable, byre, pigstye, or other building in which any animal or animals are kept in such a manner as to be injurious to health: *

(*d.*) Any accumulation or deposit of manure or other offensive matter within fifty yards of any dwelling house within the limits of any burgh, or wherever situated, if injurious to health, or any accumulation of police manure within a quarter of a mile of the municipal boundaries of any burgh (excepting the city of Glasgow), or any accumulation of deposits from ashpits or manure from town or village laid nearer than fifty yards to a public or parish road or dwelling house:

(*e.*) Any work, manufactory, trade, or business injurious to the health of the neighbourhood, or so conducted as to be offensive or injurious to health, or any collection of bones or rags injurious to health:

(*f.*) Any house or part of a house so overcrowded † as to be dangerous or injurious to the health of the inmates:

(*g.*) Any factory, workshop, or workplace, not under the operation of any general Act for the regulation of factories or bakehouses, and not kept in a cleanly state, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein, and injurious or dangerous to the health

* Held by the Court of Session *ultra vires* of the local authority to enact that no pig should kept within ten yards of a dwelling-house; M'Credie, 19th January 1860.

† See § 51.

of persons employed therein, or any such factory, workshop, or workplace a is so overcrowded, while work is carried on therein, as to be dangerous o injurious to the health of those employed therein:

(*h.*) Any fireplace or furnace which does not as far as practicable consume th smoke arising from the combustible matter used in such fireplace or furnace and is used within any burgh, for working engines by steam, or in any mill factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufactory o trade process whatsoever:

(*i.*) Any chimney (not being the chimney of a private dwelling house) sendin forth smoke so as to be injurious to health:

Provided that in places where at the time of the passing of this Act n enactment is in force compelling fireplaces or furnaces to consume thei own smoke, the foregoing enactment as to fireplaces and furnaces con suming their own smoke shall not come into operation until the expira tion of one year from the date of the passing of this Act:

(*j.*) Any churchyard, cemetery, or place of sepulture so situated or so crowde with bodies or otherwise so conducted as to be offensive or injurious t health.*

17. *Power of entry to local authority or their officers.*—If the local authority o sanitary inspector have reasonable grounds for believing that nuisance exists i any premises,† such local authority or inspector may demand admission for them selves, the superintendent of police, and the medical officer, or any other perso or persons whom the local authority may desire to inspect such premises, or fo any or all of them, to inspect the same at any hour between nine in the mornin and six in the evening, or at any hour when the operations suspected to cause th nuisance are in progress or are usually carried on; and if admission be refused the local authority or sanitary inspector may apply to the sheriff, or to any magis trate or justice of the peace having jurisdiction in the place, stating on oath such belief; and such sheriff, magistrate, or justice may, with or without intimation t the owner, occupier, or person in charge of the premises, by order in writing, re quire the occupier or person having the custody of such premises to admit th local authority and others foresaid; and if such occupier or person refuse or fail t obey such order, he shall on conviction of such offence be liable to a penalty no exceeding five pounds; and on being satisfied of such failure or refusal, the sheriff magistrate, or justice may grant warrant to such person or persons for immediat forcible entry into the premises; and if no such occupier or person can be dis covered, or if no person is found on the premises to give or refuse admission, th local authority or their officers may enter the premises without any order o warrant, and forcibly, if need be.

18. *Proceedings by local authority when nuisances are ascertained to exist.*—In any case where the existence of a nuisance is ascertained to their satisfaction by the local authority, or is certified to them in writing, signed by the medical officer or where the nuisance in the opinion of the local authority did exist at the time when demand of admission was made or the certificate was given, and, although the same may have been since removed or discontinued, is in their opinion likely to recur or to be repeated, they may apply to the sheriff or to any magistrate or justice, by summary petition in manner herein-after directed,‡ and if it appear to his satisfaction that the nuisance exists, or, if removed or discontinued since the demand of admission was made or the certificate was given, that it is likely to recur or to be repeated, he shall decern for the removal or remedy or discontinuance or interdict of the nuisance as herein-after mentioned; provided that in the cases under the heads marked (*e.*) and (*g.*) in section sixteen such application shall be made only on medical certificate as aforesaid, or on a requisition in writing

* See § 96. † See definition of "premises," § 3. ‡ See § 105 *et seq.*

der the hands of any ten inhabitants of the district of the local authority, and at in these cases, and the cases under the heads marked (*h.*) and (*i.*) in said tions, shall be made only to the sheriff; and farther, that in the cases under e head marked (*j.*) in section sixteen it shall not be necessary to cite any person the author of the nuisance,* but such application shall be proceeded with by e sheriff (to whom alone it shall be made) after such intimation to the collector the churchyard or other dues, or to such other person as to the sheriff shall seem eet; and such person or persons as shall appear after such intimation shall, if e sheriff think proper, be allowed to be heard and to object to such application the same manner as if he or they were the author of the alleged nuisance within e meaning of this Act.

19. *Form of interlocutor.*—It shall not be necessary to restrict such decree to y special remedy prayed for in the petition, but as the case shall require, the thor of the nuisance or owner of the premises may be ordained to provide ficient privy or watercloset or ashpit accommodation, means of drainage or ntilation for, or to repair, make safe, and habitable, or to floor, pave, cleanse, itewash, disinfect, or purify, the dwelling nouse, building, or premises, or to in, empty, cleanse, fill up, cover, repair, or remove any pool, ditch, gutter, tercourse, privy, cesspool, drain, or ashpit, or to shut up or purify any well, or provide a substitute for that complained of, or to abstain from any operation ich may pollute a well or stream from which the inhabitants obtain a supply of ter, or to cease to use the water of any well or stream as a beverage or in the paration of human food, or to remove the animal, or to carry away the offen- e matter, or to discontinue the work, trade, manufactory, or business, or prevent injurious effects thereof (according to the nature of the case), or to limit the nber of persons who may be accommodated in any house or part thereof over- wded, or the number of separate dwellings into which such house or part reof may be divided or let for the use of separate families or persons, or to rease the means of ventilation, or to shut up or regulate the use of any church- d, cemetery, or place of sepulture, or to do such other works or acts as are essary to remove the nuisance complained of, in such manner and within such e as in the interlocutor shall be specified; and if the sheriff, magistrate, or ice is of opinion that such or the like nuisance is likely to recur, he may her grant interdict against the recurrence of it, or do otherwise, as the case y in his judgment require; and if the nuisance proved to exist be such as to der a house or building unfit for human habitation, he may prohibit the using reof for that purpose until it is rendered fit for that purpose, or do otherwise he case may in his judgment require.

0. *Penalty for contravention of decree and of interdict.*—If the said decree be complied with in good and sufficient manner, and within the time appointed, author of the nuisance, or the owner, as the case may be, shall be liable, in case of nuisances specified in clauses (*a.*), (*b.*), (*c.*), (*d.*), (*f.*), (*i.*), and (*j.*) in ion sixteen of this Act, to a penalty of not more than ten shillings per day ng his failure so to comply; and if the said interdict be knowingly infringed he act or authority of the owner or occupier, such owner or occupier shall be e for every such offence to a penalty not exceeding twenty shillings per day ng such infringement; and in the case of nuisances specified in clauses (*e.*), and (*h.*) in the said section, the party not complying with or infringing such ee shall be liable to a penalty not exceeding five pounds nor less than two nds for the first offence, and of ten pounds for the second, and for each subse- nt conviction a sum double the amount of the penalty in the last preceding viction, but no penalty shall exceed two hundred pounds: Provided always, in

* See § 3, "author of a nuisance."

the case of such last-mentioned nuisance (*h.*), that if it appears to the sheriff tha the best means then known to be available for mitigating the nuisance, or th injurious effects thereof, have not been adopted, he may suspend his final deter mination upon condition that the author of the nuisance shall undertake to adop within a reasonable and definite time such means as he shall judge to be prac ticable, and order to be carried into effect, for mitigating or preventing suc injurious effects.

21. *Order when structural works are required.*—When it shall appear to th sheriff, magistrate, or justice that the execution of structural works is require for the removal or remedy of a nuisance, he may appoint such works to be carrie out under the direction and subject to the approval of any person he may appoint and he may, before making his order, require the local authority, within a time t be specified by him, to furnish him with an estimate of the cost of the require works.

22. *Local authority to do works on owner's or occupier's default, or if perso causing nuisance cannot be found.*—In case of non-compliance with or infringe ment of any decree aforesaid, the sheriff, magistrate, or justice may, on applicatio by the local authority, grant warrant to such person or persons as he may deem right to enter the premises to which such decree relates, and remove or remed the nuisance thereby condemned or interdicted, and do whatever may be necessar in execution of such decree; or if in the original application it appears to hi satisfaction that the author of the nuisance is not known or cannot be found, the such decree may at once ordain the local authority to execute the works thereb directed; and all expenses incurred by the local authority in executing the work may be recovered from the author of the nuisance or the owner of the premises.

23. *Manure, &c., to be sold.*—Any article or articles removed by the loca authority in pursuance of this Act may be sold by public roup, after not less tha five days' notice by printed handbills posted in the locality, except in cases whe delay would be prejudicial to health, or in which the article or articles are not o the value of two pounds or upwards, in which case the sheriff, magistrate, o justice may, by writing under his hand, order the immediate removal, sale, o destruction of the thing, and the proceeds of the sale shall be retained by th local authority, and applied *pro tanto* in payment of all expenses incurred und this Act with reference to such nuisance; and the surplus, if any, shall be paid on demand, by the local authority, to the owner of such thing; and the balance o such expenses shall be defrayed, if such proceeds are insufficient for that purpos by the author of the nuisance or the owner of the premises.

24. *Foul ditches, &c., may be replaced by sewers.*—Whenever any watercours ditch, gutter, or drain along the side of any public road, street, or lane shall b used or partly used for the conveyance of any water, sewage, or other matter fro any premises, and cannot in the opinion of the local authority be rendered fre from foulness or offensive smell without the laying down of a sewer or of som other structure, such local authority shall and they are hereby required, subje to the approval of the board, to lay down such sewer, or other structure withi the limits of their district, or, where necessary for the purpose of outfall or distri bution of sewage, without their district, and to keep the same in good and servic able repair; and they may enter any premises for such purposes, and use suc part thereof as shall be necessary, and for such use shall pay such damages as ma be assessed by the sheriff on a summary application, and to such party as th sheriff may direct: Provided always, that no damage shall be payable to an person who has caused or contributed to cause such watercourse, ditch, gutter, o drain to become foul or offensive, unless such person shall satisfy the sheriff tha

had justifiable excuse for so doing; and such local authority are hereby authorised and empowered to assess the owners of all the premises (according to the yearly value thereof) from which then or at any time thereafter any material other than pure water flows, falls, or is carried into the said sewer or other structure, for payment of all expenses incurred in making and maintaining the same, and that either in one sum or in instalments, as they shall think just and reasonable, and after fourteen days' notice at the least left with the said owners, if resident within the district, and if not so resident with the occupiers of the said premises, to levy and collect the sums so assessed, with the same remedies in case of default in payment thereof as are herein-after provided with reference to the general charge and expenses incurred by the local authority under this Act.

225. *Act not to affect navigation of rivers or canals, or irrigation of lands.*—Nothing in this Act contained shall enable any local authority or other person to injuriously affect—

(1.) The irrigation of lands in a rural district, or the supply of water used for such irrigation;

(2.) The supply of water required for the purposes of any waterworks established by Act of Parliament, or of the compensation water required to be given by the owners of such waterworks, unless the local authority shall have previously obtained the consent of such owners;

(3.) The navigation on or use of any river, canal, dock, harbour, lock, reservoir, or basin in respect of which any persons are by virtue of any Act of Parliament entitled to take tolls or dues, or the supply of water to the same, or any bridges crossing the same, or any towing-path thereon;

Provided always, that it shall not be lawful for the local authority to execute any works in, through, or under any wharves, quays, docks, harbours, locks, reservoirs, or basins without the consent in writing in every case of the persons entitled by virtue of any Act of Parliament to take tolls or dues in respect thereof, and such persons may at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as such by the inspector to the local authority, take up, divert, or alter the level of any sewers and drains, culverts or pipes, constructed by any local authority, and passing under or interfering with such rivers, canals, docks, harbours, reservoirs, or basins, or the towing-paths thereof, and do all such matters and things as may be necessary for carrying into effect such taking up, diversion, or alteration.

226. *Penalty on sale of unwholesome meat.*—The sanitary inspector may at all reasonable times enter any premises to inspect and examine any carcass, meat, poultry, game, flesh, fish, fruit, or vegetables exposed for sale, or which there is probable cause for believing to be intended for human food; and in case any such carcass, meat, poultry, game, flesh, fish, fruit, or vegetables appear to him to be unfit for such food, the same may be seized without any warrant; and if it appear to the sheriff, or any two magistrates or justices, that any such carcass, meat, poultry, game, flesh, fish, fruit, or vegetables are unfit for the food of man, he or they shall, by a writing under his or their hand or hands, order the same to be destroyed, or to be so disposed of as to prevent the same being exposed for sale or used for such food; and the person to whom such carcass, meat, poultry, game, flesh, fish, fruit, or vegetables belong, or in whose custody the same are found, shall be liable to a penalty not exceeding ten pounds for such carcass, piece of meat or flesh, or for any quantity of fish, poultry, game, fruit, or vegetables, or any refuse thereof, and also to pay all expenses caused by the seizure, detention, and disposal thereof.

227. *Penalty for causing water to be corrupted by gas washings, &c.*—Any person engaged in the manufacture of gas, naphtha, vitriol, paraffine, or dye stuffs, or any

other deleterious substance, or in any trade in which the refuse produced in any such manufacture is used, who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, aqueduct, well, or pond, or place for water constructed or used for the supply of water for domestic purposes, or into any pipe or drain communicating therewith, any product, washing, or other substance produced in any such manufacture, or shall wilfully do any act connected with any such manufacture whereby the water in any such stream, reservoir, aqueduct, well, pond, or place for water shall be fouled, and any person who shall wilfully do or permit to be done any act whereby the water in any stream, reservoir, aqueduct, well, pond, or place constructed for the supply of water for domestic purposes shall be fouled, shall forfeit for every such offence a sum not exceeding fifty pounds.*

28. *Such penalties, &c., to be sued for within six months.*—Such penalty may be recovered, with expenses, by the person into whose water such product, washing, or other substance shall be conveyed or shall flow, or whose water shall be fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the local authority of their intention to proceed for such penalty, or if there be no such person, by the local authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it shall have ceased.

29. *Daily penalty during the continuance of the offence.*—In addition to the said penalty (and whether such penalty shall have been recovered or not), the person so offending shall forfeit a sum not exceeding five pounds (to be recovered in the like manner) for each day during which such product, washing, or other substance shall be brought or shall flow as aforesaid, or during which the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on such person by the local authority, or by the person into whose water such product, washing, or other substance shall be brought or flow, or whose water shall be fouled thereby, and such penalty shall be paid to the local authority or person from whom such notice shall proceed; and all monies recovered by the local authority under this or the preceding section shall, after payment of any damage caused by the act for which the penalty is imposed, be applied towards defraying the expenses of executing this Act.

30. *Offensive trades to be subject to regulations.*—The business of a blood boiler, bone boiler, tanner, slaughterer of cattle, horses, or animals of any description, soap boiler, skinner, tallow melter, tripe boiler, or other business, trade, or manufacture injurious to health, shall not, after the passing of this Act, be newly established or enlarged in any building or place within any burgh or village, or within five hundred yards therefrom, without the consent in writing of the local authority previously had and obtained, and published in one or more newspapers circulating within the district; and if any question arises under this section as to the existence or limits of a burgh or village, or as to the extent included within the said five hundred yards, or as to whether a business, trade, or manufacture other than those above specified, is injurious to health, or as to whether such consent ought to have been given, any such question shall be finally determined by the board; and the party dissatisfied may bring the same before the board within twenty-one days after the resolution or order of the local authority has been published as aforesaid; and any person contravening this enactment shall, in addition to discontinuance of such business, trade, or manufacture, be liable for each offence to a penalty not exceeding fifty pounds, and a further penalty of

* See § 83.

exceeding forty shillings for each day during which the offence is continued ; the local authority may from time to time make such byelaws with respect to such businesses so newly established as they may think necessary, and in eer to prevent or diminish the noxious or injurious effect thereof.

## PART III.—Prevention and Mitigation of Diseases under Order in Council.

11. *Privy Council empowered to issue orders for prevention of diseases.*—Whenr any part of the United Kingdom appears to be threatened with or is affected any formidable epidemic, endemic, or contagious disease, the Lords and others Her Majesty's most honourable Privy Council, or any three or more of them e Lord President of the Council or one of Her Majesty's principal Secretaries State being one), may, by order or orders by them from time to time made, ect that the provisions for the prevention of diseases contained in Part III. eof be put in force in Scotland, or in such parts thereof or in such places therein n such order or orders may be expressed, and may from time to time, as to all or of the parts or places to which any such order or orders extend, and in like nner, revoke or renew any such order ; and, subject to revocation and renewal aforesaid, every such order shall be in force for six calendar months, or for n shorter period as in such order shall be expressed ; and every such order of Majesty's Privy Council or any members thereof as aforesaid shall be certi- under the hand of the clerk in ordinary of Her Majesty's Privy Council, and ll be published in the *Edinburgh Gazette*, and such publication shall be clusive evidence of such order.

12. *When order is issued board to be vested with certain powers.—Power to oint a medical officer and additional clerks.*—When any such order has been ed the board shall be vested with the powers after provided ; and it shall be ful for Her Majesty to appoint the sheriff of any county in Scotland, other n Renfrew, Perth, or Ross and Cromarty, to be an additional member of the rd during the subsistence of such order, and such sheriff shall receive such uneration as the Commissioners of Her Majesty's Treasury may think proper, exceeding one hundred and fifty pounds per annum, to be paid out of money e voted for that purpose by Parliament ; and the board may also appoint a eral or superintending medical officer to act under their directions during such od, and such officer shall receive a salary to be fixed and paid in like manner ; the board may, with the sanction of the said Commissioners of Her Majesty's asury, employ such additional clerks as may be necessary during such period ; the salary of such clerks and the office expenses incurred under this Act shall defrayed in the same manner as the general expenses of the board are now rayed.

13. *Power to board to issue regulations to carry out such provisions of order.—al extent and duration of the regulations of the board.—Publication of rules regulations.*—From time to time, after the issuing of any such order as afore-l, and whilst the same continues in force, the board may issue such directions regulations as they shall think fit for the prevention, as far as possible, or miti-ion of such epidemic, endemic, or contagious diseases, and from time to time may oke, renew, and alter any such directions and regulations ; and the same shall end to all parts or places in which the provisions of this Act for the prevention mitigation of disease shall, for the time being, be put in force under such ers as aforesaid, unless such directions and regulations be expressly confined ome of such parts or places, and then to such parts or places as therein are cified ; and (subject to the power of revocation and alteration herein con-ed) such directions and regulations shall continue in force so long as the said

provisions of this Act shall, under such order, be applicable to the same parts o places ; and all such directions and regulations shall be published by bein inserted in the *Edinburgh Gazette*, which publication shall be conclusive evidenc thereof, and may be further published, and may be specially communicated to an local authority, by the secretary of the board, as the board may direct.

34. *Orders of Council, directions and regulations of board to be laid before Pa liament.*—Every order of Her Majesty's Privy Council, and direction an regulation of the board under Part III. of this Act shall be laid before bot Houses of Parliament forthwith upon the issuing thereof, if Parliament be the sitting, and if not then within fourteen days next after the commencement of th then next session of Parliament.

35. *Matters to be provided for by such regulations.—Local authority shal execute regulations, and may direct prosecution for violating the same.*—The board by such directions and regulations may provide,—

For the speedy interment of the dead :

For house to house visitation :

For the dispensing of medicines, and for affording to persons afflicted by o threatened with such epidemic, endemic, or contagious diseases such medica aid and such accommodation as may be required :

For any such matters or things as may to them appear advisable for preventing or mitigating such diseases :

And the local authority shall superintend and see to the execution of such direc tions and regulations, and shall do and provide all such acts, matters, and things as may be advisable for mitigating such disease, or for superintending or aiding in the execution of such directions and regulations, or for executing the same, as the case may require, and may direct any prosecutions or legal proceedings for or in respect of the wilful violation or neglect of any such directions and regula tions, and such wilful violation or neglect shall be deemed to be an offence under this Act.

36. *Power for local authority, &c., to enter premises.*—The local authority acting in the execution of such directions and regulations, or the officers or persons by them in this behalf authorised, may enter at reasonable times in the daytime and inspect any premises where they have ground for believing that any person has recently died of any such disease, or that necessity may otherwise exist for executing in relation to the premises any of such directions and regulations.

37. *When order in council in force, overcrowded houses to come under common lodging houses provisions.*—When any such order of council is in force in any place, on the certificate of a sanitary inspector, or of a medical officer, or of two duly qualified medical practitioners, or other sufficient evidence, that any house or part of a house is so overcrowded as to be dangerous to health, the local authority shall have power to regulate the same according to the provisions of this Act in reference to common lodging houses.

38. *Order in council to extend to ports and arms of the sea.*—All orders of council for executing this Act shall extend to ports and arms of the sea lying within the jurisdiction of the Admiralty, and adjacent to the places to which such orders relate ; and the board may issue, under the said orders, directions and regulations for cleansing, purifying, ventilating, and disinfecting, and preventing disease in ships and vessels, as well upon arms and ports of the sea aforesaid as upon inland waters.*

* See § 3, "Premises," and §§ 52-56.

## PART IV.—General Prevention and Mitigation of Disease.

339. *Power to provide hospitals.*—The local authority may provide within their district hospitals or temporary places for the reception of the sick, for the use of the inhabitants.

Such authority may build such hospitals or places of reception, provided the board approve of the situation and construction thereof, or they may make contracts for the use of any existing hospital or part of an hospital, or for the temporary use of any place for the reception of the sick.

Such authority may enter into any agreement with any person or body of persons having the management of any hospital for the reception of the sick inhabitants of their district, on payment by the local authority of such annual or other sum as may be agreed upon.

Two or more contiguous local authorities having respectively the power to provide separate hospitals may combine in providing a common hospital, provided the board approve of the situation and construction thereof, and all expenses incurred by such authorities in providing such hospital shall be deemed to be expenses incurred by them respectively in carrying into effect the purposes of this Act, and if any question shall arise as to the allocation of expenses, the same shall be determined by the board, whose decision shall be final; and such common hospital shall be deemed to be for the purposes of this Act an hospital within the district of each of the local authorities so combining.*

340. *Power to provide means of disinfection, and carriages for conveyance of infected persons.*—The local authority in each district may provide a proper place, with all necessary apparatus and attendance, for disinfection of woollen or other articles, clothing, or bedding which have become infected, and they may cause any articles brought for disinfection to be disinfected free of charge; and it shall be lawful at all times for the local authority to provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any contagious or infectious disease, and to pay the expense of conveying any person therein or otherwise to a hospital or place for the reception of the sick or to his own home; and further, if the local authority shall be of opinion, upon the certificate of any legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check contagious or infectious disease, it shall be the duty of the local authority to give notice in writing,† requiring the occupier or owner of such house or part thereof to cleanse and disinfect the same; and if the person to whom notice is so given fail to comply therewith within the time specified in the notice, he shall be liable to a penalty not exceeding one pound for every day during which he continues to make default; and the local authority shall cause such house or part thereof to be cleansed and disinfected, and may recover the expenses incurred from the occupier or owner; and when such occupier or owner is from poverty or otherwise unable, in the opinion of the local authority, effectually to carry out such cleansing and disinfection, the local authority may, at their own expense, cleanse and disinfect such house or part thereof, and any such articles therein.†

341. *Local authority may erect public waterclosets, &c.*—The local authority may erect such public waterclosets, privies, and urinals, and in such situations, as they may think fit, and may defray the expense thereof, and of keeping the same in

* By § 2 of the Act of 1871 authorities are empowered to provide *permanent* hospitals.

† See §§ 49, 50, *infra*.

repair and in good order, and shall cause such privies to be cleansed daily; and the local authority may also, by written notice to the owner or occupier of any school-house or of any factory or building in which more than ten persons are employed at one time in any manufacture, trade, or business, require them or either of them, within a time specified, to construct a sufficient number of water-closets or privies for the separate use of each sex; and any person failing to comply with such notice shall be liable for each offence in a penalty not exceeding twenty pounds.

42. *Removal of persons sick of infectious disorders, and without proper lodging, in any district.*—Where a hospital or place for the reception of the sick is provided or exists within the district of a local authority, the sheriff or any magistrate or justice may, on the application of the local authority, with the consent of the superintending body of such hospital or place, by order on a certificate signed by a legally qualified medical practitioner, direct the removal to such hospital or place for the reception of the sick, at the cost of the local authority, of any person suffering from any dangerous, contagious, or infectious disorder, and being without proper lodging or accommodation, or lodged in a room occupied by others besides those in attendance on such person, or being on board any ship or vessel, or may direct the removal from the room occupied by such person of all others not in attendance on him, the local authority providing suitable accommodation for such other persons.*

43. *Places for the reception of dead bodies may be provided at the public expense.—Burial of dead bodies.*—Any local authority may provide a proper place for the reception of dead bodies, and where any such place has been provided, and any dead body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house or room, the sheriff or any magistrate or justice may, on a certificate signed by a legally qualified medical practitioner, order by a writing under his hand the body to be removed to such proper place of reception at the cost of the local authority, and direct the same to be buried within a time to be limited in such order; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of the local authority to bury such body; and it shall also be the duty of the local authority to bury any dead body found within the district, and which is unclaimed, or which no sufficient person undertakes to bury; but any expense so incurred in regard to any such burial may be recovered by the local authority in a summary manner from any person legally liable to pay the expense of such burial.

44. *In burghs, &c., the local authority may make regulations as to lodging houses, with consent of the board.*—The local authority having jurisdiction under this Act in any burgh or populous place containing, according to the census last taken, a population of not less than one thousand inhabitants, may, after publication of the proposed regulations in one or more newspapers circulating in the district for one month, make, with consent of the board, regulations for all or any of the following matters;† that is to say,

1. For fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family:
2. For the registration of houses thus let or occupied in lodgings:

* The Public Health Act of 1890 provides for the words, "or within a convenient distance of such district," being read into §§ 39 & 42 of this Act.

† See Part V., "Common Lodging Houses."

3. For the inspection of such houses, and the keeping the same in a cleanly and wholesome state:
4. For enforcing therein the provision of privy accommodation, or water-closet accommodation, and other appliances and means of cleanliness in proportion to the number of lodgings and occupiers, and the cleansing and ventilation of the common passages and staircases:
5. For the cleansing and limewhiting at stated times of such premises:
6. For the enforcement of the above regulations by penalties not exceeding forty shillings for any one offence, with an additional penalty not exceeding twenty shillings for every day during which a default in obeying such regulations may continue.

**445.** *Rules as to underground dwellings.*—It shall not be lawful to let separately, except as a warehouse or storehouse, or to suffer to be occupied as a dwelling place, any cellar whatsoever, or any vault or underground room (not being entirely open on one or other of its sides), which vault or room shall be less in height from the floor to the ceiling than seven feet in the case of houses built prior to the passing of this Act, or less in height than eight feet in the case of houses built subsequently to the passing hereof, or which shall be less than one-third of its height above the level of the street or ground adjoining the same, or otherwise shall not have three feet at least of its height from the floor to the ceiling above the said level, with an open area of two feet six inches wide from the level of the floor of such vault or room up to the level of the said street or ground, or which shall not have appurtenant thereto the use of a water-closet or privy and ashpit, or which shall not also have a glazed window made to open to the full extent of the half thereof, the area of which is not less than nine superficial feet clear of the frame, and a fireplace with a chimney or flue, or which vault or underground room being an inner or back vault or cellar let or occupied along with a front vault or room, as part of the same letting or occupation, has not a ventilating flue (unless such inner or back vault or room shall be part of a house built before the passing of this Act), or which shall not be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, after the local authority have given notice to the owners thereof that the letting of such cellars, vaults, or underground rooms as dwelling places is prohibited from that time forth; and it shall be the duty of the local authority to issue such notices from time to time, as soon as is convenient, until such notice has been given with respect to every cellar, vault, or underground room occupied as a dwelling house within the district; and it shall not be lawful, after such notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a dwelling house, any such cellar, vault, or underground room.

**446.** *Penalty on letting underground dwellings.*—Every person who lets separately, or who knowingly suffers to be occupied for hire as a dwelling, any vault, cellar, or room contrary to the provisions of this Act, shall be liable to a penalty not exceeding twenty shillings for every day during which such vault, cellar, or room is so occupied after conviction of the first offence.

**447.** *Cases in which two convictions have occurred within three months.*—Where two convictions against the provisions of this Act relating to the overcrowding of any house, or the occupation of any cellar, vault, or underground room as a separate dwelling-place, shall have taken place within the period of three months, whether the person so convicted were or were not the same, it shall be lawful for the sheriff or any magistrate or justice to direct the closing of such premises for such time as he may deem necessary, and, in the case of cellars occupied as aforesaid, to empower the local authority to permanently close the same in such manner as they may deem fit.

48. *Penalty on person suffering from infectious disorder entering public conveyance without notifying to driver that he is so suffering.*—If any person suffering from any infectious disorder shall enter, or any person in charge of a person so suffering shall place such person in, any steamboat, sailing vessel, railway carriage, stage coach, hackney carriage, or other public conveyance, without previously notifying to the owner or person in charge thereof that such person is so suffering, the person so contravening this provision shall, on conviction thereof before any sheriff, magistrate, or justice, be liable to a penalty not exceeding five pounds; and no owner or person in charge of any public conveyance shall be bound to convey any person so suffering.

49. *Penalty on any person with infectious disorder exposing himself, or on any person in charge of such sufferer causing such exposure.*—Any person suffering from any infectious disorder who wilfully exposes himself, without proper precaution against spreading the said disorder, in any street, public place, or public conveyance, and any person in charge of one so suffering who so exposes the sufferer, and any owner or person in charge of a public conveyance who does not immediately provide for the disinfection of his conveyance after it has, with the knowledge of such owner or person in charge, conveyed any such sufferer, and any person who, without previous disinfection, knowingly gives, lends, sells, transmits, or exposes any bedding, clothing, rags, or other things which have been exposed to infection from such disorders, shall, on conviction of such offence before the sheriff or any magistrate or justice, be liable to a penalty not exceeding five pounds; Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any such bedding, clothing, rags, or other things, for the purpose of having the same disinfected.*

50. *Penalty on persons letting houses in which infected persons have been lodging.*—If any person knowingly lets any house, room, or part of a house in which any person suffering from any infectious disorder has been to any other person without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a qualified medical practitioner, as testified by a certificate given by him, and lodged with the sanitary inspector or other person appointed to perform the duties of sanitary inspector, such person shall be liable to a penalty not exceeding twenty pounds. For the purposes of this section the keeper of an inn or hotel shall be deemed to let part of a house to any person admitted as a guest into such inn or hotel.

51. *Removal of manure in mews, &c.*—Where notice has been given by the local authority or their officer or officers for the periodical removal of manure or other refuse matter from mews, stables, or other premises (whether such notice shall be by public announcement in the locality or otherwise), and subsequent to such notice the person or persons to whom the manure or other refuse matter belongs shall not so remove the same, or shall permit a further accumulation, and shall not continue such periodical removal at such intervals as the local authority or their officer or officers shall direct, he or they shall be liable, without further notice, to a penalty of not exceeding twenty shillings per day for every day during which such manure or other refuse matter shall be permitted to accumulate, such penalty to be recovered in a summary manner.†

52. *Provision as to ships within the jurisdiction of local authority.*—Any ship‡ lying in any river, harbour, or other water shall be subject to the local authority of the district within or *ex adverso* of which such river, harbour, or other water is situate, and to the sheriff, magistrates, and justices of the peace having

* See §§ 40 and 48. † See § 16 (*d*). ‡ See § 3, "ship" and "premises."

rrisdiction in such district, and shall be within the provisions of this Act in the me manner as if such ship were a house within such district, and the master or her officer in charge of such ship shall be deemed for the purposes of this Act be the occupier of such ship; but this section shall not apply to any ship longing to Her Majesty or to any foreign government.

553. *Provision as to district of local authority extending to places where ships are ing.*—For the purposes of this Act, any ship that is in a place within three les of the coast of Scotland, and not within the district of a local authority, all be deemed to be within the district of such local authority as may be pre-ribed by the board, and until a local authority has been prescribed then of the cal authority whose district nearest adjoins the place where such ship is lying, e distance being measured in a straight line.

554. *Medical officer of parish to be allowed to charge for attending sick on board y ship, and to be paid by captain.*—Whenever, in compliance with any regula-on of the board which they may be empowered to make under this Act, any edical officer shall perform any medical service on board of any ship, such edical officer shall be entitled to charge extra for any such service, at the general te of his allowance for his services for the parish or place for which he is ppointed, and such charges shall be payable by the person in charge of the ship, behalf of the owners, together with any reasonable expenses for the treatment the sick; and if such services shall be rendered by any medical practitioner ho is not a medical officer, he shall be entitled to charge for any service rendered board, with extra remuneration on account of distance, at the same rates as ose which he is in the habit of receiving from private patients of the class of ose attended and treated on shipboard, to be paid as aforesaid; and in case ch charges be not paid, the medical officer or practitioner may bring an action ainst the person in charge of such ship for the same, and the ship, cargo, and ckle thereof shall be subject to a lien for the amount of such charges.

555. *Power to remove to hospital sick persons brought by ships.*—Any local thority may, with the sanction of the board, lay down rules for the removal any hospital to which such authority are entitled to remove patients, and for eeping in such hospital so long as may be necessary, any persons brought within eir district by any ship who are infected with an infectious disorder, and they ay by such rules impose any penalty not exceeding five pounds on any person mmitting any offence against the same.*

556. *Description of ships within provisions of* 6 *Geo.* 4, *c.* 78, *and power to reduce nalties imposed thereby.*—Every ship having on board any person affected with dangerous or infectious disorder shall be deemed to be within the provisions of e Act of the sixth year of King George the Fourth, chapter seventy-eight, tituled "An Act to repeal the several laws relating to Quarantine, and to make her Provisions in lieu thereof," although such ship has not commenced the voyage, has come from or is bound for some place in the United Kingdom; and nothing this Act contained shall interfere with or prevent the execution of any orders, gulations, or restrictions to be made by the lords and others of Her Majesty's vy council pursuant to the said Act; and any expenses incurred by any local thority in carrying into effect such orders, regulations, or restrictions shall be emed to be expenses incurred by them in carrying into effect this Act; and all nalties imposed by the said Act of the sixth year of King George the Fourth, apter seventy-eight, may be reduced by the justices or court having jurisdiction respect of such penalties to such sum as the justices or court think just.

* See § 39.

57. *Power to defray cost of vaccination in certain cases.*—The local authority may defray the cost of vaccinating such persons as to them may seem expedient, not being paupers or the children of paupers, or persons ordered to be vaccinated in terms of the eighteenth section of the Act twenty-six and twenty-seven Victoria, chapter one hundred and eight.

58. *Power to provide grounds for public recreation.*—The local authority may provide, maintain, lay out, and improve grounds for public recreation, and support or contribute towards any premises provided for such purposes by any person whomsoever.

## PART V.—Regulation of Common Lodging Houses.

59. *Common lodging houses to be registered.*—The local authority shall cause a register to be kept, in which shall be entered the names and residences of the keepers of all common lodging houses * within the district of the local authority, and the situation of every such house, and the number of lodgers authorised according to this Act to be kept therein, and in each apartment thereof; and the local authority may refuse to register as the keeper of a common lodging house any person who does not produce to the local authority a certificate of character, in such form as the local authority shall direct, signed by three inhabitant householders of the parish respectively assessed for the relief of the poor of the parish within which such lodging house is situate; and the local authority may, from time to time, on the approval of the board, raise or diminish the sum payable per night, according to which, as herein-before mentioned, it is ascertained whether a house or part thereof is a common lodging house, but so as not to exceed sixpence per night.

60. *No lodger to be received in common lodging house till it has been inspected and registered.*—From and after the date when this Act shall come into operation, it shall not be lawful to keep or use as a common lodging house any house, not being a licensed victualling house, or to receive or retain any lodgers therein, unless such house shall have been inspected and approved for that purpose by the inspector of common lodging houses for the district, and shall have been registered as by this Act provided; and if any person shall contravene this enactment he shall be guilty of an offence under this Act.

61. *Evidence of register.*—A copy of an entry made in a register kept under this Act, purporting to be certified by the person having the charge of such register to be a true copy, shall be received in all courts and on all occasions whatsoever as evidence, and shall be *primâ facie* proof of all things therein registered, without the production of the register, or of any document, act, or thing on which the entry is founded, or proof of the signature; and every person applying at a reasonable time shall be furnished by the person having such charge with a certified copy of any such entry for payment of twopence.

62. *Power to local authority to make rules and regulations respecting common lodging houses, to take effect when confirmed by the board.*—The local authority may from time to time make rules and regulations respecting common lodging houses within its jurisdiction for the well ordering of such houses, and for the separation of the sexes therein, and for fixing the number of lodgers which may be received in each such house, and in each room therein, and for promoting the cleanliness and ventilation of such houses, and with respect to the inspection thereof, and the conditions and restrictions under which such inspection may be made; and

* See § 3, "common lodging house."

said local authority may, by any such rules and regulations, impose upon enders against the same such reasonable penalties as they shall think fit, not eeeding the sum of five pounds for each offence, and in the case of a continuing ence a further penalty not exceeding the sum of forty shillings for each day er written notice of the offence from the said local authority; and the said al authority may alter or repeal any such rules and regulations: Provided ways, that all such rules and regulations imposing any penalty shall be so framed to allow of the recovery of any sum less than the full amount of the penalty: ovided also, that such rules and regulations shall not be of any force or effect til the same be submitted to and confirmed by the board, who are hereby empowered to confirm or disallow the same as they may think proper: Provided ther, that no such rules and regulations shall be confirmed unless notice of the ention to apply for confirmation of the same shall have been given in one or re of the public newspapers usually circulated within the parish or place to ich such byelaws relate one month at least before the making of such applica- n; and for one month at least before any such application a copy of the pro- ed rules and regulations, in writing, signed by the chairman of the meeting at ich they were made, shall be kept at the office or usual place of meeting of the al authority, and be open during business hours thereat for the inspection of ties assessed to the relief of the poor in such parish or place, without fee, and local authority shall cause every such party assessed as aforesaid who shall ply for the same to be furnished with a copy thereof, on payment of sixpence every one hundred words contained in such copy.

633. *Such rules and regulations, when confirmed, to be printed, and furnished tis to keepers of common lodging houses.*—All such rules and regulations made the local authority in pursuance of this Act shall, when confirmed as aforesaid, printed, and hung up in the office or usual place of meeting of the said local thority, and copies thereof shall be furnished gratis to every keeper of a common ging house, and such keeper shall be bound to keep a copy thereof hung up in ne conspicuous place in each room in which lodgers are received, and copies ll also be furnished to any party assessed as aforesaid, upon application, and yment of one penny each for the same; and a copy of such rules and regulations, rporting to be signed by the secretary of the board, shall be received in evidence such regulations, and of the duly making and confirming thereof, without proof the signature.

634. *Power to local authority to require an additional supply of water to common ging houses.*—Where it appears to the local authority that a common lodging use is without a proper supply of water for the use of the lodgers, and that such upply can be furnished thereto at a reasonable rate, the local authority may, notice in writing, require the owner or keeper of the common lodging house, thin a time specified therein, to obtain such supply, and to execute all works cessary for that purpose; and if such notice be not complied with accordingly, local authority may remove the common lodging house from the register until be complied with.

635. *Power to local authority to order reports from keepers of common lodging uses.*—The keeper of a common lodging house shall from time to time, if required any order of the local authority served on such keeper, report to the local thority, or to such person or persons as the said local authority shall direct, ery person who resorted to such house during the preceding day or night, and that purpose schedules shall be furnished by the local authority to the persons ordered to report, which schedules they shall fill up with the information re- ired, and transmit to the local authority.

66. *Local authority may remove sick persons from common lodging houses to hospitals, &c.*—When a person in a common lodging house is ill of fever or any infectious or contagious disease, the local authority may cause such person to be removed to a hospital or infirmary, with the consent of the authorities thereof, where different from the local authority, and on the certificate of the medical officer of the parish, or of any qualified medical practitioner, that the disease is infectious or contagious, and that the patient may be safely removed; and the local authority may, so far as they think requisite for preventing the spread of disease, cause any clothes or bedding used by such person to be disinfected or destroyed, and may pay to the owners of the clothes and bedding so disinfected or destroyed reasonable compensation for the injury or destruction thereof, the amount of such compensation being first certified in writing upon a list of such articles.

67. *As to giving notice of fever, &c., occurring in common lodging houses.*—The keeper of a common lodging house shall, when a person in such house is ill of fever or any infectious or contagious disease, give immediate notice thereof either to the medical officer or to the inspector of common lodging houses, or the inspector of the poor of the parish in which such common lodging house is situated, who shall forthwith inform the local authority and the medical officer that such notice has been received, and thereupon the medical officer shall forthwith visit and report on the case.

68. *As to inspection of common lodging houses.*—The keeper of a common lodging house shall, at all times when required by any officer of the local authority, give him free access to such house and every part thereof.

69. *As to cleansing of common lodging houses.*—The keeper of a common lodging house shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, ashpits, cesspools, and drains thereof, to the satisfaction of the inspector, and so often as shall be required by or in accordance with any regulation of the local authority, and shall well and sufficiently, and to the like satisfaction, limewash the walls and ceilings thereof in the first week of each of the months of April and October in every year, and at such other times as the local authority may by special order appoint or direct.

70. *Conviction for third offence, &c., to disqualify persons from keeping common lodging houses.*—Where a keeper of a common lodging house is convicted of a third or any subsequent offence under this Act, it may be adjudged as the punishment or part of the punishment for such offence that he shall not, at any time within five years, or any shorter period after such conviction, keep or have or act in the care or management of a common lodging house, without the previous license in writing of the local authority, which license the local authority may withhold, or may grant on such terms and conditions as they think fit.

## PART VI.—Sewers, Drains, and Water Supply.

71. *Sewers to be vested in local authority.*—All sewers presently existing within a district, and not being private property, or not being and continuing under the management of persons appointed by the Crown or by Act of Parliament, shall be vested in the local authority: Provided always, that nothing in this Act contained shall affect the rights of any person or persons to the property or management of any sewers in virtue of any existing local or general police statute.

72. *Power to purchase sewers.*—The local authority may, in terms of the Lands uses Acts, acquire the rights and powers vested in any person to make sewers, to use any sewer, with or without the buildings and other things thereto pertaining; provided that they shall make compensation for the rights so acquired, and shall also make compensation to the proprietors and occupiers of any lands and heritages which may be damaged by reason of the exercise of the powers thereby conferred, in terms of the said last-mentioned Acts.*

73. *Power to make sewers.—Sewers to be cleansed.*—The local authority shall have power to construct within their district, and also when necessary for the purpose of outfall or distribution of sewage, without their district, such sewers as they may think necessary for keeping their district properly cleansed and drained, and may carry such sewers through, across, or under any turnpike or other road, any street or place, or under any cellar or vault which may be under the foot pavement or carriageway of any street or road, and after reasonable notice in writing (if upon the report of surveyor it should appear to be necessary), into, through, or under any lands whatsoever, and from time to time to enlarge, lessen, deepen, arch over, or otherwise improve, or to close up or destroy all sewers vested in them, provided no nuisance is created by such operations; and if any person is thereby deprived of the lawful use of any sewer, the local authority shall provide another sufficiently effectual for his use. The local authority shall cause their sewers to be so constructed, kept, and cleansed as not to be a nuisance, and for the purpose of cleansing and emptying them may construct and place either above or under ground, such reservoirs, sluices, engines, or other works as may be necessary, and may cause such sewers to communicate with and be emptied into such places as may be fit and necessary either within their district, or, if necessary for the purpose of outfall or distribution of sewage, without their district, and to dispose the sewage and refuse therefrom to be collected for sale or for any purpose whatsoever, but so as not to create a nuisance.

74. *Powers of utilising sewage.*—The local authority may from time to time, for the purpose of utilising sewage, agree with any person as to the supply of such sewage or the distribution thereof over land, and as to the works to be made for the purpose of such supply or distribution, and as to the parties to execute the same and to bear the costs thereof, and as to the sums of money, if any, to be paid for that supply; provided that no contract shall be made for the supply of sewage for a period exceeding five years, unless with the authority of the board, and not for any period exceeding twenty-five years; and the local authority may contract for, purchase, or take on lease any lands, buildings, engines, materials, and apparatus for the purpose of receiving, storing, disinfecting, or distributing sewage.

75. *Power of entry.*—In case it shall become necessary to enter, examine, or lay out any lands or premises for the purpose of making plans, surveying, measuring, taking levels, examining works, ascertaining the course of sewers or drains, making or repairing, altering or enlarging sewers or drains, or other purposes ancillary to the powers herein given as to sewers and drains, and the owner or occupier of premises refuses or withholds access and leave to perform the said operations, the local authority may apply to the sheriff, who, if no sufficient cause be shown to the contrary, shall grant warrant to the local authority, their officers and others thereby authorised, to enter and do all or any of the works or operations foresaid.

76. *Formation of special drainage district.*—Upon requisition to that effect made in writing by not fewer than ten inhabitants of the district, the local

* See §§ 4 and 90.

authority shall be bound to meet, after twenty-one clear days' notice, and shal consider the propriety of forming part of their district into a special drainag district, and the resolution of the local authority at such meeting shall be pub lished in one or more newspapers circulating in the district; and the productio of such newspaper, or a certificate under the hand of the chairman or acting cler of the local authority (whose signature need not be proved), shall be sufficien evidence of such resolution; and within ten days after the date of such resolutio it shall be competent for any person interested to appeal against the resolution t the sheriff, and the sheriff, not being a sheriff substitute resident within th district, may either approve or disapprove of such resolution, and if he disapprove thereof he may either find that no special drainage district should be formed, o may enlarge or limit the special district as defined by the resolution of the loca authority, or may find that a special drainage district should be formed and ma define the limits thereof; and the decision of the sheriff shall be binding upo the local authority, and shall be final, except where it is pronounced by a sheri substitute, in which case it may be appealed to the sheriff.

77. *Power to drain into sewers of local authority.*—Any owner or occupier o premises within the district of a local authority liable for general or specia sewerage or drainage assessment shall be entitled to cause his drains to empt into the sewers of such local authority, on condition of his giving twenty days previous notice of his intention so to do to the local authority, and of complyin with their regulations in respect of the mode in which the communications betwee such drains and sewers are to be made, and subject to the control of any perso who may be appointed by the local authority to superintend the making of suc communications.

78. *Use of sewers by persons beyond district.*—Any owner or occupier of premise beyond the limits of the district of a local authority or within said limits who i not liable for general or special sewerage or drainage assessment may cause an sewer or drain from such premises to communicate with any sewer of the loca authority, upon such terms and conditions as may be agreed upon between suc owner or occupier and such local authority, or, in case of dispute, shall be settle by the sheriff.

79. *Penalty for making unauthorised drains.*—Every person not being author ised by the local authority who shall make any drain into any sewer vested in th local authority shall be liable in a penalty not exceeding five pounds besides shut ting up said drain or paying the expense of shutting it up.

80. *Estimates for work.*—Before entering into any contract for executing an such work as herein-before or after mentioned, falling under Part VI. of this Act or connected with sewage or drainage, if the expense thereof may exceed thirt pounds, the local authority shall procure from a surveyor an estimate of the pro bable expense of constructing the same in a substantial manner, and of the yearl expense of maintaining the same in repair; and such surveyor shall accompan such estimate with a report as to the most advantageous mode of constructin such work, whether under a contract for constructing the same merely, or a con tract for constructing the same and maintaining it in repair during a given term of years.

81. *Not to build over sewers.*—Unless with consent of the local authority, no building shall be erected over any sewer belonging to the local authority, and no vault, arch, or cellar, shall be made so as to interfere with any such sewer.

. . *Sewers to be trapped.*—All sewers and drains, whether public or private, be provided by the persons to whom they severally belong, with proper traps ner coverings or means of ventilation, so as to prevent stench or deleterious aation.

. . *Distilleries, &c., to deposit refuse.*—The owners or occupiers of distilleries, ufactories, and other works shall be compelled, where possible, to dig, make, construct pools or reservoirs within their own ground, or as near their works ssible, for receiving and depositing the refuse of such works, so far as offensive jurious to the health of those living in the vicinity thereof, or to use the best ical means for rendering the same inoffensive or innoxious before discharging o any river, stream, ditch, sewer, or other channel.*

. . *Drain discharging below high-water mark.*—If the local authority shall con- it necessary for public health that any drain should discharge itself below water mark, they shall be entitled, with the consent of the board of trade out prejudice to any question as to the right to the foreshores), to construct equisite works for that purpose.

. *As to the drainage of houses.*—If a dwelling house, distillery, manufactory, her work, or any erection or enclosure for the keeping of live stock within district of a local authority is without a drain, or without such drain as is ient for effectual drainage, the local authority may, by notice, require the r of such house, distillery, manufactory, work, erection, or enclosure, within sonable time therein specified, to make a sufficient drain emptying into any which the local authority are entitled to use, and with which the owner is led to make a communication, so that such sewer be not more than one hun- feet from the site of the said premises of such owner; but if no such means ainage are within that distance, then emptying into such covered cesspool or place, not being under any house, as the local authority may direct; and if erson on whom such notice is served fails to comply with the same, the local ority may, at the expiration of the time specified in the notice, do the work red, and the expenses incurred by them in so doing may be recovered from owner in a summary manner.

. . *Power of borrowing for sewers.*—It shall be lawful for the local authority to ow for the purpose of making, enlarging, or constructing sewers, and on the ity of the after-mentioned special sewer assessments, where such exist, and ral assessments or either of them, such sums of money, and at such times, as local authority shall deem necessary for that purpose, and to assign the said al sewer assessments and general assessments or any of them in security of money to be so borrowed; and the bonds to be granted on such borrowing transferences or assignations and discharges thereof may be in or near to the s contained in the schedule hereto annexed, and such bonds shall be signed e chairman and two members of the local authority, and shall constitute a over the special sewer assessments and general assessments thereby assigned, shall entitle the creditors therein to recover the sums thereby due from the authority out of the first and readiest of the said special and general assess- s; but no member or officer of the local authority shall be personally liable for epayment of such money so borrowed, and all such obligations shall be deemed taken to be granted on the sole security of the assessments assigned; and the y so borrowed shall be repayable either in one sum or by instalments as may ranged between the local authority and the lender, but so that the same shall holly repaid, together with the accruing interest, within thirty years from the

* See § 27.

date of the loan, but the amount of such loans, including interest, shall form charge against the assessments of the years intervening between the date of suc loans and the date of full repayment in equal proportions; and the money borrowed as aforesaid shall be applied wholly in defraying the expense of makin enlarging, and re-constructing sewers, and to no other purpose whatsoever.*

87. *Local authorities may combine.*—Two or more local authorities may, wi the sanction of the board, combine together for the purpose of executing ar maintaining any works by this Act authorised in regard to sewerage or draina that may be for the benefit of their respective districts; and all monies whi they may agree to contribute for the execution and maintenance of such comm works shall, in the case of each local authority, be deemed to be expenses incurr by them in the execution of works within their district.

88. *Supply of water for burghs above* 10,000.—With respect to burghs havin a population of ten thousand or upwards according to the census last taken, having a local Act for police purposes, it shall be lawful for the local authority, they think it expedient so to do, to contract or arrange with any water compan established by Act of Parliament for a supply of water, or, where there is no suc company, themselves to provide a supply of water, to such extent as may b necessary for the sanitary and other public purposes of this Act herein-befo provided.

89. *Supply of water for burghs under* 10,000.—With respect to the improv ment of burghs having a population of less than ten thousand, according to th census last taken, and not having a local Act for police purposes, and with respe to parishes (exclusive of any parts of such parishes as are situated within th district of any local authority other than the parochial boards of such parishes),—

(1.) The local authority, if they think it expedient so to do, may acquire an provide or arrange for a supply of water for the domestic use of the in habitants, and for that purpose may conduct water from any lake, river, stream, may dig wells, make and maintain reservoirs, may purchase, tak upon lease, hire, construct, lay down, and maintain such waterworks, pipe and premises, and do and execute all such works, matters, and things as sha be necessary and proper for the aforesaid purpose, and may themselve furnish a supply of water, or contract or arrange with any other person t furnish the same; and for the purposes aforesaid the local authority shall b held to have all the powers and rights given to promoters of undertaking by the Lands Clauses Acts:† Provided always, that they shall make reason able compensation for the water so taken by them, and for the damage whic may be done to any lands by reason of the exercise of the powers hereb conferred in terms of the said Acts; and further, that for the purposes o this Act the words "lands" and "land" in the said Acts and in this Ac shall include "water" and the right thereto: Provided also, that it shall no be lawful for the local authority to provide or supply water in any burgh parish, or district which any company, established by Act of Parliament, i authorised to supply with water, unless the local authority shall previously have purchased or acquired the undertaking of such company:

(2.) *House without supply of water.*—If any house within the district is withou a proper supply of water at or near the same, the local authority shall compe the owner to obtain such supply, and to do all such works as may b necessary for that purpose:

(3.) *Water for baths, &c.*—The local authority, if they have any surplus wate after fully supplying what is required for domestic purposes, may supply

* See § 91. † See § 4, 94.

water from such surplus to any public baths and wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the local authority and the persons desirous of being so supplied: Provided, that when water is thus supplied from such surplus, it shall not be lawful for the local authority to charge the parties obtaining the same both with the special water assessment and also for the supply of water obtained by them; but the local authority may either charge the special water assessment leviable on such premises, or charge for the supply of water furnished to the same, as they shall think fit:

) *Cisterns, &c., to be supplied with water.*—The local authority may cause all existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants to be continued, maintained, and plentifully supplied with water, and may, if they shall think fit, provide and gratuitously supply water for any public baths or wash-houses established otherwise than for private profit or supported out of any burgh rates:

) *Special water supply district.*—Upon requisition to that effect made in writing by not fewer than ten inhabitants of the district, the local authority shall be bound to meet, after twenty-one clear days' notice, and shall consider the propriety of forming part of their district into a special water supply district, and the resolution of the local authority at such meeting shall be published in one or more newspapers circulating in the district: and the production of such newspaper, or a certificate under the hand of the chairman or acting clerk of the local authority (whose signature need not be proved), shall be sufficient evidence of such resolution; and within ten days after the date of such resolution it shall be competent for any person interested to appeal against the same to the sheriff; and the sheriff, not being a sheriff substitute resident within the district, may either approve or disapprove of such resolution; and if he disapproves thereof he may either find that no special water supply district should be formed, or may enlarge or limit the special district as defined by the resolution of the local authority, or may find that a special water supply district should be formed, and may define the limits thereof; and the decision of the sheriff shall be binding upon the local authority, and shall be final, except where it is pronounced by a sheriff substitute, in which case it may be appealed to the sheriff:

) *Power to borrow for water supply.*—It shall be lawful for the local authority to borrow for the purpose of constructing, purchasing, enlarging, or reconstructing such works as are herein authorised for providing a supply of water for the use of the inhabitants of the district, or for the purpose of entering into and implementing any contract or arrangement with any person for such supply, and on the security of the after-mentioned special water assessments, where such exist, and of general assessments, or either of them, such sums of money and at such times as the local authority shall deem necessary for that purpose, and to assign the said special water assessments and general assessments, or either of them, in security of the money to be so borrowed; and the bonds to be granted on such borrowing and transferences or assignations and discharges thereof may be in or near to the forms contained in the schedule hereto annexed; and such bonds shall constitute a lien over the assessments thereby assigned, and shall entitle the creditors therein to recover the sums thereby due from the local authority out of the first and readiest of the said assessments; but no member or officer of the local authority shall be personally liable for the repayment of such money so borrowed, and all such obligations shall be deemed and taken to be granted on the sole security of the assessments thereby assigned, and the money so borrowed shall be repayable either in one sum or by instalments as may be arranged between the local authority and the lender, but

so that the same shall be wholly repaid, together with the accruing interest within thirty years from the date of the loan; but the amount of such loans including interest, shall form a charge against the assessments of the year intervening between the date of such loans and the date of full repayment in equal proportions; and the money so borrowed as aforesaid shall be applied wholly in defraying the expense of purchasing, making, enlarging and re-constructing such works, and to no other purpose whatsoever.*

90. *Regulations as to the purchase of land, &c.*—The following regulations shall be observed with respect to the purchase and taking of land otherwise than by agreement by local authorities for the purposes of this Act:†

(1.) *Publication of notices. Service of notices.*—The local authority before putting in force any of the powers of the said Lands Clauses Acts with respect to the purchase and taking of land shall—

Publish once at the least, in each of three consecutive weeks in the month of November in some newspaper circulated in the district or some part of the district within which such local authority has jurisdiction or situate, an advertisement describing shortly the purpose for which the land is proposed to be taken, naming a place where a plan of the proposed works may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further in the month of December

Serve a notice in manner herein-after mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of such land defining in each case the particular land intended to be taken, and requiring an answer, stating whether the person so served assents, dissents, or is neuter in respect of taking such land; such notice to be served

By delivery of the same personally to the party on whom it is required to be served, or if such party is absent abroad, to his agent; or

By leaving the same at the usual or last known place of abode of such party as aforesaid; or

By forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such party:

(2.) *Power to local board to petition Secretary of State upon matters herein stated.*—Upon compliance with the provisions herein-before contained with respect to advertisements and notices, the local authority may, if they shall think fit, present a petition to one of Her Majesty's principal Secretaries of State; the petition shall state the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking such land, or who have returned no answer to the notice; it shall pray that the local authority may, with reference to such land, be allowed to put in force the powers of the said Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, and such prayer shall be supported by such evidence as the Secretary of State requires:

(3.) *Secretary of State may direct inquiry.*—Upon the receipt of such petition and upon due proof of the proper advertisements having been published and notices served, the Secretary of State shall take such petition into consideration, and may either dismiss the same or direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition: but until such inquiry has been made in the district, after such notice as may be directed by the Secretary of State, no

* See § 91, as to loans from public works commissioners. The borrowing powers under this clause are enlarged by the Act of 1891.

† See §§ 4, 86, 89 (6).

provisional order shall be made affecting any land without the consent of the owners, lessees, and occupiers thereof:

(4.) *And may make provisional order.*—After the completion of the inquiry as last aforesaid, the Secretary of State may, by provisional order, empower the local authority to put in force, with reference to the land referred to in such order, the powers of the said Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner and upon the person in which and upon whom notices in respect of such land are herein-before required to be served:

(5.) *No provisional order valid until confirmed by Parliament.*—No provisional order so made shall be of any validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament:

(6.) *Costs how to be defrayed.*—All costs, charges, and expenses incurred by the said Secretary of State in relation to any such provisional order as last aforesaid shall, to such amount as the commissioners of Her Majesty's treasury think proper to direct, become a charge upon the assessment or special water supply assessment levied in the district or special water supply district, as the case may be, to which such order relates, and be repaid to the said commissioners of Her Majesty's treasury by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such last-mentioned order, upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

Repealed 1875.

91. *Loans from public works loan commissioners.*—The public works loan commissioners as defined by "The Public Works Loan Act, 1853," may advance to the commissioners mentioned in the one hnndred and ninety-sixth section of "The Police and Improvement (Scotland) Act, 1862," for the purposes mentioned in that section, and upon the security therein mentioned, and to any local authority for the purposes mentioned in Part VI. of this Act, such sums of money as may be recommended by one of Her Majesty's principal Secretaries of State.

92. *Execution and maintenance of works as to water supply.*—Two or more local authorities may combine together for the purpose of executing and maintaining any works by this Act authorised in regard to water supply that may be for the benefit of their respective districts; and all monies which they may agree to contribute for the execution and maintenance of such common works shall, in the case of each local authority, be deemed to be expenses incurred by them in the execution of works within their district.

## PART VII.—Assessments.

93. *Special drainage assessment.*—Where any special drainage district has been formed as herein-before provided, the expense of the sewerage and drainage incurred by the local authority within the same, or for the purposes thereof, and the sums necessary for payment as before mentioned of any money borrowed for sewerage purposes as herein-before provided, shall be paid out of a special assessment which the local authority shall raise and levy on and within such special district, in the same manner and with the same remedies and modes of recovery as are herein provided for the district of the local authority.

**94.** *Assessments in burghs under* 10,000.—With respect to burghs having a population of less than ten thousand according to the census last taken, and not having a local Act for police purposes, and with respect to parishes (exclusive of any parts of such parishes as are situated within the district of any local authority other than the parochial boards of such parishes),—

(1.) *Special water supply assessment.*—Where any special water supply district has been formed as herein-before provided, the expense incurred for water supply within the same, or for the purposes thereof, and the sums necessary for payment as before mentioned of any money borrowed for water supply purposes as herein-before provided, shall be paid out of a special assessment which the local authority shall raise and levy on or within such special district, in the same manner and with the same remedies and modes of recovery as are herein provided for the district of the local authority:

(2.) *Assessment for general expenses incurred in executing this Act.*—All charges and expenses incurred by the local authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before or after provided, may be defrayed out of an assessment to be levied by the local authority along with but as a separate assessment from any one of the assessments herein-after mentioned in this section; that is to say, the said assessment shall be assessed, levied, and recovered in like manner and under like powers (which powers are hereby given and are declared to extend over the whole and every part of the district of the local authority) as—

The prison assessment or police assessment, as the local authority shall resolve, where the local authority is a town council or police commissioners, or trustees acting as police commissioners; or, if there be no prison or police assessment, an assessment levied in like manner as is herein-after authorised, where the local authority is a parochial board:

The assessment for the relief of the poor, where the local authority is a parochial board, or, where there is no such assessment, by an assessment levied in such manner as an assessment might have been levied for the relief of the poor:

Provided always that where the local authority is a town council, or police commissioners, or trustees acting as police commissioners, or where a parochial board is the local authority in a district, including, as well as the landward part of a parish, a burgh or town having a town council or police commissioners, or trustees acting as police commissioners, the annual value of the following lands or premises shall for the whole assessments under this Act be held to be the nearest aggregate sum of pounds sterling to one-fourth of the annual value thereof entered in the valuation roll, made up and completed in terms of the Acts in force for the valuation of lands and heritages in Scotland; viz.—

1. All lands and premises used exclusively as a canal or basin of a canal, or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, excepting the stations, depôts, wharfs, and buildings, which shall be assessable on their full annual value:
2. All the underground water or gas pipes or underground works of any water or gas company:
3. All woodland, arable, meadow, or pasture land, or other land used for agricultural purposes:
4. All mines, minerals, and quarries:

And in the event of any dispute arising as to the lands and premises falling under the above exceptions, it shall be lawful to the owner or occupier of such lands and premises to present a petition to the sheriff, praying to have the same declared for the time being liable to assessment upon the said proportion of their value only, and the sheriff shall thereupon order the petition to

be served on the local authority upon a short *inducia*, and, after hearing parties and taking such evidence as he shall think necessary, shall pronounce such judgment as to him shall seem just and right, and which judgment shall be final, except that where pronounced by a sheriff substitute it shall be subject to appeal to the sheriff: Provided also, that where a special drainage district has been formed as herein-before provided, and the drainage works therein have been executed and are maintained under the authority of this Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of making sewers and drainage works in other parts of the district of the local authority; and where a special water supply district has been formed as herein-before provided, and a sufficient supply of water has been obtained and is maintained therein under the authority of this Act, the lands and premises situated within such special water supply district shall not be liable to assessment for the expense of supplying water for other parts of the district of the local authority:

(3.) The assessments specified in this and the preceding section shall not in any year exceed the rate of one shilling and threepence in the pound where the enactments with respect to water for the domestic use of the inhabitants have been put in force, or the rate of threepence in the pound where such enactments have not been put in force. Repealed 1891.

395. *Assessments in burghs above* 10,000, *&c.*—With respect to burghs having a population of ten thousand or upwards, according to the census last taken, or having a local Act for police purposes,—

(1.) All charges and expenses incurred by the local authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before provided, may be defrayed out of an assessment to be levied by the local authority along with, but as a separate assessment from any other assessment which they may be entitled to levy; that is to say, the said assessment shall be assessed, levied, and recovered in like manner and under the like powers (which powers are hereby given and are declared to extend over the whole and every part of the district of the local authority) as—

The prison assessment or police assessment, as the local authority shall resolve, where the local authority is a town council or police commissioners, or trustees acting as police commissioners; or, if there be no prison or police assessment, an assessment levied in like manner as is herein-after authorised where the local authority is a parochial board:

The assessment for the relief of the poor, where the local authority is a parochial board, or, where there is no such assessment, by an assessment levied in such manner as an assessment might have been levied for the relief of the poor:

Provided always, that the annual value of the following lands or premises shall for the whole assessments under this Act be held to be the nearest aggregate sum of pounds sterling to one-fourth of the annual value thereof entered in the valuation roll, made up and completed in terms of the Acts in force for the valuation of lands and heritages in Scotland; viz.—

1. All lands and premises used exclusively as a canal or basin of a canal, or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, excepting the stations, depôts, wharfs, and buildings, which shall be assessable on their full annual value:
2. All the underground water or gas pipes or underground works of any water or gas company:
3. All woodland, arable, meadow, or pasture land, or other land used for agricultural purposes:
4. All mines, minerals, and quarries:

And in the event of any dispute arising as to the lands and premises falling under the above exceptions, it shall be lawful to the owner or occupier of such lands and premises to present a petition to the sheriff, praying to have the same declared for the time being liable to assessment upon the said proportion of their value only, and the sheriff shall thereupon order the petition to be served on the local authority upon a short *inducice*, and after hearing parties and taking such evidence as he shall think necessary, shall pronounce such judgment as to him shall seem just and right, and which judgment shall be final, except that where pronounced by a sheriff substitute it shall be subject to appeal to the sheriff: Provided also, that where a special drainage district has been formed as herein-before provided, and the drainage works therein have been executed and are maintained under the authority of this Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of making sewers and drainage works in other parts of the district of the local authority:

(2.) The assessments specified in this section and in the ninety-third section hereof shall not in any year exceed the rate of threepence in the pound.

## PART VIII.—Enforcement of and Procedure under this Act.

96. *Procedure if local authority neglect its duty under this Act.*—If any nuisance shall exist upon or in premises possessed or managed by the local authority, or in which the local authority have any interest, or if the local authority shall fail or neglect to perform any duty imposed upon them by this Act, or to take all due proceedings in this Act authorised for the removal of nuisances or preservation of health, or due regulation of lodging houses, or for any other of the purposes of this Act, it shall be competent for any two householders residing within the district, or for the inspector of the poor of the parish, or for the procurator fiscal of the sheriff or justice of the peace court of the county, or of the burgh court, or for the board, to give written notice to such local authority of the matters in which such neglect exists; and if the local authority do not within fourteen days after such notice, or, in the case of neglect to enforce any regulation or direction of the board under Part III. of this Act, within two days after such notice, remove or remedy the nuisance referred to, or in any other case neglect to take the steps authorised or required by or under this Act, it shall be competent for the parties aforesaid, or any one of them, to apply to the sheriff by summary petition, and the sheriff shall thereupon inquire into the same, and may make such decree as shall in his judgment be required to enforce the removal or remedy of the nuisance, or otherwise to compel execution of or carry out the provisions and purposes of this Act, and may appoint the same to be carried into effect by and at the sight of such persons as he may think fit, and at the expense of the local authority, or of other parties on whom the expense ought in his opinion to be laid, and for payment of the expenses of such application by the petitioners or by the local authority or other party, as justice may require; and further, it shall be competent for the board to present a petition to the sheriff, under the fourth section of the "Burial Grounds (Scotland) Act, 1855," to the same effect, and to be followed out in like manner as if presented by any of the persons or parties therein mentioned: Provided always, that in regard to any nuisance for the removal of which drainage works are necessary, the sheriff or other judge or court may suspend consideration of the complaint for such time as may seem proper, in order to enable a general system of drainage under any general or local Act or otherwise to be carried out, the better to remove such nuisances.

97. *Provision for refusal or neglect of local authority.*—In case any local authority shall refuse or neglect to do what is herein or otherwise by law required

them, or in case any obstruction shall arise in the execution of this Act, it shall be lawful for the board, with the approval of the lord advocate, to apply by summary petition to either division of the court of session, or during vacation or recess to the lord ordinary on the bills, which division or lord ordinary are hereby authorised and directed to do therein, and to dispose of the expenses of the proceedings as to the said division or lord ordinary shall appear to be just.

88. *Procurator fiscal may sue by directions of the board.*—In any place within the jurisdiction of a local authority the procurator fiscal of the sheriff court, on the board being satisfied that the local authority have made default in doing their duty, may, with the approval of the lord advocate, institute and follow out proceedings against the local authority for compelling them to do their duty, and may institute and follow out in all respects any proceeding which the local authority of such place might institute with respect to the removal of nuisances or otherwise; and the expense as between agent and client of all such proceedings shall be paid by the local authority, but with such relief to them against the author of any nuisance or any other party as may be competent.

89. *Duties of local authorities as to inspection of nuisances, &c. Procedure where nuisance beyond district.*—It shall be the duty of the local authority to cause from time to time, and also when required by the board, either by themselves or by their officers, inspection of the district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of the Act in order to cause the abatement thereof, also to enforce the provisions of any Act that may be in force within its district requiring fireplaces and furnaces to consume their own smoke: where a nuisance is situated in a district the local authority of which does not cause the same to be abated, and which nuisance is offensive or injurious to another district, the local authority of the latter district may call on the first-mentioned local authority to take all competent steps for removal of such nuisance, and the said first-mentioned local authority shall be bound to do so accordingly; and any expense thereby occasioned to the said second-mentioned local authority shall be reimbursed by the first-mentioned local authority, the amount of such reimbursement in the case of dispute to be finally determined by the board.

90. *Local authority may require payment of costs or expenses from owner or occupier, and occupier paying to deduct from rent.*—It shall be lawful for the local authority, at their discretion, to require the payment of any costs or expenses which the owner of any premises may be liable to pay under this Act, either from the owner or from any person who then or at any time thereafter occupies such premises, and such owner or occupier shall be liable to pay the same, and the same shall be recovered in manner authorised by this Act, and the owner shall allow such occupier to deduct the sums of money which he so pays out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent: Provided always, that such occupier who shall not be the author of a nuisance shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after such demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuse, on application being made to him for that purpose by or on behalf of the local authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable, but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie upon such occupier: Provided

also, that nothing herein contained shall be taken to affect as between the contracting parties any contract made or to be made between any owner, tenant, or occupier of any house, building, or other property, whereby it is or may be agreed that the tenant or occupier shall pay or discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect as between the contracting parties any contract whatsoever between landlord and tenant.

101. *Penalty for wilful damage of works.*—If any person wilfully damages any works or property belonging to any local authority, he shall be liable to a penalty not exceeding five pounds in addition to the cost of repairing such works or property.

102. *Appearance of local authorities in legal proceedings.*—Any local authority may appear and plead before any sheriff, magistrate, or justice, or in any legal proceeding, by any officer or member, or other person authorised generally, or in respect of any special proceeding, by resolution of such authority, and such person being so authorised shall be at liberty to institute and carry on any proceeding which the authority is authorised to institute and carry on under this Act; and it shall not be necessary for the local authority to appear in any other manner in any prosecution or proceeding at their instance.

103. *Recovery of penalties.*—All penalties under this Act, and also all sums of money and expenses herein directed to be recovered in a summary manner, may, unless otherwise provided in this Act, be recovered at the suit of the local authority, and may be applied for the purposes of this Act: * Provided always that nothing contained in this section shall impair or affect any other mode of recovery allowed by this Act: Provided also, that all contraventions of the provisions contained in this Act relating to overcrowding of houses, and all contraventions of the provisions in this Act or of the rules and regulations made under the authority of this Act relating to common lodging houses, may be prosecuted as police offences before any judge or magistrate having police jurisdiction, and in the same way and manner as police offences are prosecuted before him under any general or local police Act; and in the event of the offender being convicted, and failing to make immediate payment of the penalty which may have been imposed, he shall be liable to imprisonment for any period not exceeding fourteen days, without prejudice to diligence by poinding or arrestment, if no imprisonment has followed on the conviction.†

104. *Powers of Act cumulative.*—All powers given by this Act shall be deemed to be in addition to, and not in derogation of, any powers conferred by Act of Parliament not hereby repealed, or any law or custom; and such last-mentioned powers may be exercised in the same manner as if this Act had not passed, but without prejudice to the powers conferred by this Act.

105. *Form of application to the sheriff.*—All applications to enforce any provision of this Act, or for the recovery of penalties herein imposed, or other sums of money becoming due to the local authority in virtue of this Act, in so far as not herein otherwise provided for, may be by summary petition, and such petition may refer to the clauses of this Act on which it is founded, without setting forth the same; and the sheriff, magistrate, or justice shall thereupon, if he see fit, appoint the petition to be answered within three days after service, or may order the parties to attend him in person, and on advising such answer, or hearing the

* See § 29.

† See § 105.

ties, or on the respondent failing to appear, he may at once decern, or may oint any competent person to examine the premises and report to him, and y decern on such report, or he may, if either party desire it, order proof to be before himself on any specified points, and shall in that case appoint a day, more than five days thereafter, for hearing such proof, and if the proof be not that day completed may adjourn the same from time to time until completed, within three days after such completion he shall give decree, and he may find er party liable in expenses, or in any modified sum of expenses, and may, out prejudice to diligence by poinding or arrestment, grant warrant for the risonent of the person convicted or found liable in a penalty or sum of money, ess he shall pay the whole sums found due within a specified time, until the e be paid, such imprisonment not to exceed a specified time, but the judgment l not be invalidated by any deviation from any of the said periods of time.

006. *No written pleadings, &c., allowed.*—No written pleadings, other than the tion and answers (when ordered), shall be allowed, and the sheriff, magistrate, ustice shall have power to grant diligence in common form to cite witnesses havers, and in cases under the heads marked (*h.*), (*i.*), and (*j.*) in section een the sheriff shall take notes of the evidence in like manner as in civil bfs: Provided always, that no decree under this Act against any party shall his right to relief against any other party legally liable therein.

007. *Appeal in certain cases.*—Where in cases under the heads (*h.*), (*i.*), and (*j.*) ection sixteen it shall appear to the sheriff that the true value of the subject plained of as a nuisance, or the cost of the operations necessary to remove or md it as ordered, or the value of the trade or business interfered with, exceeds sum of twenty-five pounds or the sum of fifty pounds respectively, he shall ify his opinion to that effect in his decree, and the parties shall thereupon be tled to appeal from the sheriff-substitute, where the judgment has been nounced by him to the sheriff, on lodging, within three days after the decree, te of appeal with the sheriff clerk, and serving the same on the opposite party he agent acting in such proceedings for such party, and such note shall rate as a sist of execution until the appeal be determined; and on such note g lodged, the sheriff clerk shall transmit the process, together with the sheriff titute's notes of evidence, to the sheriff, whose decision thereon shall be final re the value certified is not above fifty pounds; and in the event of such e or cost being so certified to exceed the sum of fifty pounds, the parties l be entitled to present a note of appeal to the lord ordinary on the bills nst the judgment either of the sheriff substitute or of the sheriff, whether last be an original judgment or an appeal, provided that, along with such , the appellant shall lodge a sufficient bond of caution by one or more gants, to the amount of fifty pounds sterling, for payment or performance of judgment that may be pronounced under his appeal; and also provided that note be lodged in the bill chamber, and a copy thereof served on the opposite y or his said agent within eight days after the date of the sentence or judg- t complained of, which note shall in like manner operate as a sist of execution l a judgment be pronounced by the lord ordinary, which judgment shall be unless the lord ordinary shall allow a reclaiming note to the inner house, and judgment of the inner house shall be final.

008. *No appeal otherwise.*—No appeal shall be competent from any decree or r of any magistrate or justices, or from the decree or order of any sheriff, pt in cases certified in terms of the preceding section; and no decree or order, y other proceeding, matter, or thing done in the execution of this Act, shall, pting as herein provided, be subject to review in any way whatever.

109. *Justices being members of local authority may act.*—The sheriff, justices o the peace, or magistrates, may in all cases, notwithstanding their being member of the local authority or the board, exercise the jurisdiction vested in them unde this Act.

110. *Service of notices, petitions, and orders.*—Notices, petitions, and order under this Act may be served by any person by delivering the same to or at th residence of the parties to whom they are respectively addressed, or by being pu into the post office duly addressed to the parties; and where addressed to th owner or occupier of premises they may be served by any person delivering th same or a true copy thereof to some person upon the premises, or, if there be n person upon the premises who can be so served, by fixing the same upon som conspicuous part of the premises; and service of such notices, petitions, or order may be proved by a certificate under the hand of the person who posted or de livered or affixed the same, attested by one witness who was also present.

111. *Proof of resolutions of local authority and board.*—Copies of any orders o resolutions of the local authority or their committee purporting to be signed b the chairman of such body or committee, and all directions and regulations, o orders or resolutions of the board signed by their secretary or clerk, shall, unle the contrary be shown, be received as evidence thereof without proof of the meeting, or of the official character or signature of the person signing the same.

112. *One or more joint owners may be proceeded against alone.*—In case of an demand or complaint under this Act to which two or more parties, whether owners or occupiers of premises, may be jointly answerable, it shall be sufficie to proceed against any one or more of them without proceeding against the othe or other of them; but nothing herein contained shall prevent the parties so pr ceeded against from recovering relief in any case in which they would now b entitled to relief by law.

113. *Penalty on occupier obstructing owner.*—If the occupier of any premis prevent the owner thereof from obeying or carrying into effect the provisions this Act, the sheriff or any magistrate or justice to whom application is made sha by order in writing, require such occupier to permit the execution of the wor required to be executed, provided that such works appear to such sheriff, magi trate, or justice to be necessary for the purpose of obeying or carrying into effe the provisions of this Act; and if within a reasonable time after the making such order the occupier against whom it is made refuse to comply therewith, shall be liable to a penalty not exceeding five pounds for every day afterwar during the continuance of such refusal.

114. *Penalty for violating Act or obstructing its execution.*—Whoever wilfu violates or contravenes any provision of this Act to which a pecuniary penalty not herein attached, obstructs any person acting under the authority or employ in the execution of this Act, or wilfully violates any direction or regulation issu by the board under this Act, shall be liable for every such offence to a penalty n exceeding five pounds; provided that nothing in this Act shall exempt any pers from any penalty or liability to which he may otherwise be subject.

115. *Works of distribution of sewage to be deemed a land improvement.*—T making of works of distribution and service for the supply of sewage to lands f agricultural purposes shall be deemed an improvement of land authorised by t Land Improvement Act, 1864, and the provisions of that Act shall ap accordingly.

116. *Compensation to be made.*—Full compensation shall be made, out of any
d1 or assessment applicable to the purposes of this Act, to all persons sustaining
damage by reason of the exercise of any of the powers of this Act, except when
erwise specially provided; and in case of dispute, if the sum claimed do not
eed the sum of fifty pounds sterling, the same may be ascertained on a sum-
yy application by either party to the sheriff, whose decision shall be final and
subject to review, unless when pronounced by the sheriff substitute, in which
e it may be reviewed by the sheriff on appeal; and when the sum claimed
eeds fifty pounds sterling, such compensation shall be ascertained and disposed
nn terms of the Lands Clauses Acts.

117. *Convictions not void for want of form.*—No conviction or other legal pro-
dling under this Act shall be void for want of form, or for want of any previous
ice, provided in this latter case the party proceeded against or convicted has
eared or the charge had come to his knowledge; and the charge may be
ended at any time, and the proceedings may be adjourned on the ground of
at of sufficient notice, or for other good cause.

118. *Local authority or board not liable for irregularity of their officers.*—The
l authority and the board shall not be liable in damages for any irregularity
mitted by their officers in the execution of this Act, or for anything done by
mselves in the *bonâ fide* execution of this Act; and every officer acting in the
*â fide* execution of this Act shall be indemnified by the local authority under
ich he acts in respect of all costs, liabilities, and charges to which he may be
jected; and every action or prosecution against any person acting under this
; on account of any wrong done in or by any action, proceeding, or operation
der this Act shall be commenced within two months after the cause of action
ll have arisen.

119. *As to forms to be used.*—The forms contained in the Schedule to this Act
nexed, or any forms to the like effect, may be used for the purposes of this Act,
d1 shall be sufficient therefor, and all written proceedings or documents under
s Act may be wholly or partly printed.

120. *Exemption from stamp duties.*—All bonds, assignations, conveyances, in-
uments, agreements, receipts, or other writings made or granted by or to or in
our of the local authority under this Act shall be exempt from all stamp
ties.

121. *Police constables to aid in executing Act.*—The constabulary and police
ce in their respective jurisdictions shall aid the authorities and officers acting
execution of this Act, or any directions or regulations issued as aforesaid.

122. *Act not to impair right of action, &c.*—Nothing in this Act shall be con-
ued to impair any right of action in respect of nuisances at common law.

## SCHEDULE.

*Bond for Borrowed Money.*

We, the local authority of the burgh [*or* parish] of considering that, by resolution of the said local authority passed on the day of , it was resolved to borrow the sum of pounds, under the powers contained in "The Public Health (Scotland) Act, 1867," section , for the purpose of [*specify purpose*], and on security of the aftermentioned assessments, and further considering that we have accordingly borrowed and received the sum of from [*name and designation of the lender*], therefore we bind the said local authority to repay the said sum of pounds [*here insert obligation to repay in accordance with the arrangement made between the local authority and the lender*], and in security of the said loan we hereby assign to the said and his foresaids the [*specify the assessments on the security of which the money is borrowed*], and we consent to the registration hereof for preservation and execution. In witness whereof, *&c.*

*Transfer.*

I, *A.B.* [*designation*], in consideration of the sum of paid to me by *C.D.* [*designation*], do hereby assign and transfer to the said *C.D.*, and his heirs, executors, and successors, a certain bond, number , granted by the local authority of the burgh [*or* parish] of in favour of bearing date the day of for securing the sum of and interest thereon, and all my right and interest in and to the money thereby secured, and in and to the [*here specify the assessments on the security of which the money was borrowed*] thereby assigned; and I consent to registration hereof for preservation. In witness whereof, *&c.*

*Discharge.*

I, *A.B.* [*designation*], in consideration of the sum of paid to me by *C.D.* [*designation*], do hereby discharge a certain bond, number , granted by the local authority of the burgh [*or* parish] of in favour of , and all interest due thereon, and I declare the assessments thereby assigned to be freed and discharged thereof; and I consent to registration hereof for preservation. In witness whereof, *&c.*

# ACT OF PARLIAMENT

TO

*mend the Public Health (Scotland) Act*, 1867.—[34 *and* 35 *Vict., cap.* 38.—13*th July* 1871.]

hereas it has been found that the powers ssessment and borrowing contained in the passed in the thirtieth and thirty-first year er Majesty's reign, chapter one hundred one, intituled "An Act to consolidate amend the law relating to the Public lth in Scotland," are insufficient to enable local authorities to execute the said Act, t is expedient to amend the said Act in respects:

it enacted by the Queen's most Excellent sty, by and with the advice and consent e Lords Spiritual and Temporal, and Com-, in this present Parliament assembled, by the authority of the same, as follows:

*Certain provisions of recited Act repealed.*—from and after the passing of this Act, section three of section ninety-four and section two of section ninety-five of the Act, except with regard to burghs having population of fifty thousand or upwards, ding to the census last taken, shall be and ereby repealed, and in lieu thereof it is by declared, that where the provisions of said Act with respect to water for the stic use of the inhabitants, or with ct to sewerage and drainage, or with ct to the erection of permanent hospitals he use of the inhabitants in terms of on thirty-nine of the said Act and of this have been or shall be put in force, the sments specified in sections ninety-three, y-four, and ninety-five of the said Act not in any year exceed the rate of two ngs and sixpence in the pound upon the al value of lands and premises, whether rate be payable wholly by the owners or y by the occupants or partly by the rs and partly by the occupants, or the of sixpence in the pound where none of said enactments have been put in force: ded always, that for the purpose of assess- imposed for providing a supply of water e domestic use of the inhabitants, the al value of all manufactories within a shall be ascertained in the same manner annual value of mines and minerals and ies is directed to be ascertained in section y-four of the said Act; provided also, when the Local Act for police purposes of urgh does not make suitable and sufficient sion for a supply of water for the domestic f the inhabitants, or does not authorise sessment to be levied for that purpose (as ich questions the decision of the sheriff, requisition made to him by ten inhabi- shall be final), then such burgh shall be o come under the provisions contained in ns eighty-nine and ninety-four of the said ecited Act, and not under those contained tions eighty-eight and ninety-five of the Act.

II. *Provisions as to hospitals.*—The thirty-ninth section of the said Act shall be held to authorise the local authority to build or otherwise provide permanent hospitals for the use of the inhabitants in terms of the provisions of the said Act, and it shall be lawful for the local authority to borrow for the purpose of so building or otherwise providing permanent hospitals, on the security of the general assessments specified in sections ninety-four and ninety-five of the said Act, such sums of money and at such times as the local authority shall deem necessary for that purpose, and to assign the said general assessments or any of them in security of the money to be so borrowed, and the bonds to be granted on such borrowing, and transferences or assignations and discharges thereof may be in or near to the forms contained in the schedule annexed to the said Act, and such bonds shall be signed by the chairman and two members of the local authority, and shall constitute a lien over the general assessments thereby assigned, and shall entitle the creditors therein to recover the sums thereby due from the local authority out of the first and readiest of the said general assessments, but no member or officer of the local authority shall be personally liable for the repayment of such money so borrowed, and all such obligations shall be deemed and taken to be granted on the sole security of the assessments assigned, and the money so borrowed shall be repayable either in one sum or by instalments as may be arranged between the local authority and the lender, but so that the same shall be wholly repaid, together with the accruing interest, within thirty-five years from the date of the loan, but the amount of such loans, including interest, shall form a charge against the general assessments of the years intervening between the date of such loans and the date of full repayment, and the money so borrowed as aforesaid shall be applied wholly in defraying the expense of building or otherwise providing permanent hospitals for the use of the inhabitants, and to no other purpose whatsoever.

III. *Power to borrow.*—The Public Works Loan Commissioners as defined by "The Public Works Loan Act, 1853," may advance to any local authority for the purpose mentioned in section thirty-nine of the said Act and in this Act such sums of money as may be recommended by one of Her Majesty's Principal Secretaries of State. Repealed 1875.

IV. *This Act to be construed with recited Act.*—Except so far as this Act shall alter the provisions of the said recited Act, this Act shall be construed as part of the same.

V. *Short title.*—This Act may be cited for all purposes as "The Public Health (Scotland) Amendment Act, 1871."

# ACT OF PARLIAMENT

TO

*Amend "The Public Health (Scotland) Act*, 1867," *and other Sanitary Acts, in respect of Loans for Sanitary Purposes.*—[38 *and* 39 *Vict., cap.* 74.—11*th August* 1875.]

Whereas by the "Public Health Act, 1872," the Public Works Loan Commissioners are authorised to make loans to sanitary authorities in England at the rates of interest, and repayable within the periods therein mentioned:

And whereas by the "Public Health (Ireland) Act, 1874," the Commissioners of Public Works in Ireland are authorised to make loans to sanitary authorities in Ireland at the rates, and repayable within the periods therein mentioned:

And whereas it is just that the Public Works Loan Commissioners should be authorised to make loans to sanitary authorities in Scotland at the same rates and repayable within similar periods:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same. as follows :—

I. *Short title.*—This Act may be cited for all purposes as the Public Health (Scotland) Act, 1867, Amendment Act, 1875.

II. *Definitions.*—The expression "Sanitary Acts" shall mean the Public Health (Scotland) Act, 1867, and any Acts amending the same; and also Part IV. section VII. and X., and Part VI. section II. of the General Police and Improvement (Scotland) Act, 1862.*

The expression "local authority" shall mean and include any local authority under the Public Health (Scotland) Act, 1867, and any Acts amending that Act, and also the Commissioners acting under the General Police and Improvement (Scotland) Act, 1862.*

The expression "Board of Supervision" shall mean the Board of Supervision for relief of the poor in Scotland.

III. *Repeal of* 30 *&* 31 *Vict., c.* 101, *s.* 91, *and* 34 *&* 35 *Vict., c.* 38, *s.* 3.—*Power to public Works Loan Commissioners to lend to local authority in Scotland for sanitary purposes.*—Section ninety-one of the Public Health (Scotland) Act, 1867, and section three of the Public Health (Scotland) Amendment Act, 1871, are hereby repealed, and in lieu thereof it is enacted as follows :—

The Public Works Loan Commissioners may, with the consent of the Commissioners of the Treasury, on the recommendation of the Board of Supervision, make any loan to any local authority in pursuance of any powers of borrowing conferred by the Sanitary Acts, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of these Acts, and without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum, or such other rate as may, in the judgment of the Commissioners of the Treasury, be necessary in order to enable the loan to be made without loss to the Exchequer.

Provided as follows :—

(1.) That in determining the time when a loan under this Act shall be repayable the Public Works Loan Commissioners shall have regard to the probable duration and continuing utility of the works in respect of which the same is required:

(2.) That this Act shall not extend to any loan required for the purpose of defraying expenses incurred in enforcing the performance of or in performing the duty of a defaulting local authority.

(3.) That in the case of any loan already made to any local authority in pursuance of any powers conferred by the Sanitary Acts, the Public Works Loan Commissioners may, if they think fit, reduce the interest payable thereon to the rate of not less than three and a half per centum per annum.

IV. *Period of repayment of sums borrowed by local authorities for sanitary purposes.*—The provisions of the Sanitary Acts enabling local authorities under the same to borrow money for the purposes of such Acts shall be read and construed as if they provided that any sums of money borrowed from the Public Works Loan Commissioners by such local authority for the purposes of the said Acts shall be repaid within a period not exceeding fifty years.

* The Police Act of 1862 is now repealed, and the Act of 1892 is now in force in lieu thereof.

# ACT OF PARLIAMENT

TO

*Amend the Public Health (Scotland) Act*, 1867.—[45 *Vict., cap.* 11.—19*th June* 1882].

WHEREAS by the Public Health (Scotland) Act, 1867, provision is made by section seventy-six for the formation of special drainage districts, and also by section eighty-nine for the formation of special water supply districts:

And whereas it has been found that a change of circumstances sometimes renders it expedient that the boundaries of such special drainage districts and special water supply districts should be altered, but the recited Act contains no provisions whereby such alteration can be effected:

And whereas the Public Health (Scotland) Act, 1867, Amendment Act, 1879, was passed for the purpose of making such provision, but has been found insufficient for that purpose:

And whereas it is expedient that such provision should now be made, and that the provisions of the first-mentioned Act should be made applicable to the districts so altered, and that the second-mentioned Act should be repealed:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Short title and construction.*—This Act may be cited for all purposes as the Public Health (Scotland) Act, 1867, Amendment Act, 1882, and the first-mentioned Act and this Act shall be read and construed together.

2. *Commencement of Act.*—This Act shall come into operation to have effect on the first day of November one thousand eight hundred and eighty-two, which date is herein-after referred to as the commencement of this Act.

3. *Repeal of* 42 *&* 43 *Vict.*, *c.* 15.—From and after the commencement of this Act the Public Health (Scotland) Act, 1867, Amendment Act, 1879, shall be repealed, and in lieu thereof it is hereby enacted as follows:

(1.) *Special drainage and special water supply districts may be altered, combined, &c.*—Where there shall exist within the district of any local authority to which the provisions of the seventy-sixth and eighty-ninth sections of the Public Health (Scotland) Act, 1867, respectively apply, a special drainage district or a special water supply district, as the case may be, it shall be competent to such local authority, upon requisition, as herein-after provided, to meet and consider the propriety of altering the boundaries of any such special drainage district or special water supply district, and to resolve upon such alteration of boundaries being effected, either (1) by enlarging or limiting the said boundaries; or (2) by combining two or more such special drainage districts or special water supply districts or portions thereof; or (3) by enlarging or limiting the said boundaries and combining two or more such special drainage districts or special water supply districts or portions thereof:

(2.) The local authority shall not be entitled to meet for the purpose of considering the propriety of any such proposed alteration of boundaries, except after receiving a requisition to that effect, made in writing and signed by at least ten of the inhabitants of the district of the local authority; but upon receiving such a requisition it shall be bound to meet for such purpose, and twenty-one clear days' notice of the meeting shall be given to the members of the local authority:

(3.) In the event of the local authority resolving upon any such alteration of boundaries as aforesaid its resolution shall be advertised, and shall be subject to appeal and review in like manner as is provided by sections seventy-six and eighty-nine of the first-mentioned Act in regard to advertising and appealing against resolutions as to the formation of special drainage districts and special water supply districts under that Act: Provided that if the sheriff or sheriff-substitute, as the case may be, shall disapprove of the resolution of the local authority he may vary the same, but only with the consent of the local authority:

(4.) The whole provisions of the first-mentioned Act applicable to special drainage districts and special water supply districts shall be applicable *mutatis mutandis* to such districts when altered or combined or altered or combined under this Act:

(5.) The provisions of this Act shall apply to all special drainage districts and special water supply districts, whether formed before or after the commencement of this Act, or altered or combined or altered and combined under the powers conferred by this Act.

(6.) The repeal of the second-mentioned Act shall not affect anything duly done or any proceeding pending under the said Act, but such proceeding shall be carried on as if this Act had not passed.

# ACT OF PARLIAMENT

TO

*Provide for the Notification of Infectious Disease to Local Authorities.*—
[52 & 53 *Vict., cap.* 72.—30*th August* 1889].

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** *Short title.*—This Act may be cited as the Infectious Disease (Notification) Act, 1889.

**2.** *Extent of Act.*—This Act shall extend—
(*a*) (Referred to London only. Repealed 1891.)
(*b*) to any urban, rural, or port sanitary district after the adoption thereof.

**3.** *Notification of infectious disease.* — (1.) Where an inmate of any building used for human habitation within a district to which this Act extends is suffering from an infectious disease to which this Act applies, then, unless such building is a hospital in which persons suffering from an infectious disease are received, the following provisions shall have effect, that is to say:—

(*a.*) the head of the family to which such inmate (in this Act referred to as the patient) belongs, and in his default the nearest relatives of the patient present in the building or present in attendance on the patient, and in default of such relatives every person in charge of or in attendance on the patient, and in default of any such person the occupier of the building shall, as soon as he becomes aware that the patient is suffering from an infectious disease to which this Act applies, send notice thereof to the medical officer of health of the district:

(*b.*) every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease to which this Act applies, send to the medical officer of health for the district a certificate stating the name of the patient, the situation of the building, and the infectious disease from which, in the opinion of such medical practitioner, the patient is suffering.

(2.) Every person required by this section to give a notice or certificate who fails to give the same, shall be liable on summary conviction in manner provided by the Summary Jurisdiction Acts to a fine not exceeding forty shillings;

Provided that if a person is not required to give notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given.

**4.** *As to forms and case of several medical practitioners.*—(1.) The Local Government Board may from time to time prescribe forms for the purpose of certificates under this Act, and any forms so prescribed shall be used in all cases to which they apply.

(2.) The local authority shall gratuitously supply forms of certificate to any medical practitioner residing or practising in their district who applies for the same, and shall pay to every medical practitioner for each certificate duly sent by him in accordance with this Act a fee of two shillings and sixpence if the case occurs in his private practice, and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

(3.) Where in any district of a local authority there are two or more medical officers of health of such authority a certificate under this Act shall be given to such one of those officers as has charge of the area in which is the patient referred to in the certificate, or to such other of those officers as the local authority may from time to time direct.

**5.** *Adoption of Act in urban or rural districts.*—(1.) The local authority of any urban, rural or port sanitary district may adopt this Act by a resolution passed at a meeting of such authority; and fourteen clear days at least before such meeting special notice of the meeting, and of the intention to propose such resolution, shall be given to every member of the local authority, and the notice shall be deemed to have been duly given to a member if it is either:

(*a.*) given in the mode in which notices to attend meetings of the local authority are usually given, or

(*b.*) where there is no such mode, then signed by the clerk of the local authority and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid letter addressed to the member at his usual or last known place of abode in England.

A resolution adopting this Act shall be ...shed by advertisement in a local news... , and by handbills, and otherwise in such ...er as the local authority think sufficient ...ving notice thereof to all persons inter... and shall come into operation at such ... not less than one month after the first ...cation of the advertisement of the resolu... ...ss the local authority may fix, and upon ...ming into operation this Act shall extend ... district.

A copy of the resolution shall be sent to ...ocal Government Board when it is pub...

*Definition of infectious disease.*—In this ...e expression "infectious disease to which ...ct applies" means any of the following ...es, namely, small-pox, cholera, diphtheria, ...anous croup, erysipelas, the disease ... as scarlatina or scarlet fever, and the ... known by any of the following names, ...s, typhoid, enteric, relapsing, continued, ...erperal, and includes as respects any ...ular district any infectious disease to ... this Act has been applied by the local ...rity of the district in manner provided by ...ct.

*Power to local authority to extend definition ...ctious disease.*—(1.) The local authority of ...istrict to which this Act extends may, ...ime to time, by a resolution passed at a ...g of such authority where the like special ... of the meeting and of the intention to ...se the resolution has been given as is ...ed in the case of a meeting held for ...ing this Act, order that this Act shall ... in their district to any infectious disease ... than a disease specifically mentioned in ...ct.

Any such order may be permanent or ...rary, and, if temporary, the period during ... it is to continue in force shall be speci...herein, and any such order may be re... or varied by the local authority which ... the same.

An order under this section and the re...on and variation of any such order shall ... of any validity until approved by the ... Government Board.

When it is so approved, the local autho...hall give public notice thereof by adver...nt in a local newspaper and by handbills, ...otherwise in such manner as the local ...rity think sufficient for giving information ...persons interested. They shall also send ...y thereof to each registered medical ...tioner whom, after due inquiry, they ...ain to be residing or practising in their ...t.

The said order shall come into operation ...h date not earlier than one week after the ...ation of the first advertisement of the ...ved order as the local authority may fix, ...pon such order coming into operation, ...uring the continuance thereof, an in... ...s disease mentioned in such order shall, ... the district of the authority, be an in... ...s disease to which this Act applies.

In the case of emergency three clear ...notice under this section shall be sufficient, and the resolution shall declare the cause of such emergency and shall be for a temporary order, and a copy thereof shall be forthwith sent to the Local Government Board and advertised, and the order shall come into operation at the expiration of one week from the date of such advertisement, but unless approved by the Local Government Board shall cease to be in force at the expiration of one month after it is passed, or any earlier date fixed by the Local Government Board.

(7.) The approval of the Local Government Board shall be conclusive evidence that the case was one of emergency.

8. *Notices and certificates.*—(1.) A notice or certificate for the purposes of this Act shall be in writing or print, or partly in writing and partly in print; and for the purposes of this Act the expression "print" includes any mechanical mode of reproducing words.

(2.) A notice or certificate to be sent to a medical officer of health in pursuance of this Act may be sent by being delivered to the officer or being left at his office or residence, or may be sent by post addressed to him at his office or at his residence.

9. *Expenses.*—Any expenses incurred by a local authority in the execution of this Act shall be paid as part of the expenses of such authority in the execution of the Acts relating to public health and in the case of a rural authority shall be general expenses.

10. (Applied to London only. Wholly repealed 1891.)

11. *Non-disqualification of medical officer by receipt of fees.*—A payment made to any medical practitioner in pursuance of this Act shall not disqualify that practitioner for serving as member of the council of any county or borough, or as member of a sanitary authority, or as a guardian of a union, or in any municipal or parochial office.

Where a medical practitioner attending on a patient is himself the medical officer of health of the district, he shall be entitled to the fee to which he would be entitled if he were not such medical officer.

12. (Applied to Woolwich only. Wholly repealed 1891.)

13. *Application of Act to vessels, tents, &c.*—(1.) The provisions of this Act shall apply to every ship, vessel, boat, tent, van, shed, or similar structure used for human habitation, in like manner as nearly as may be as if it were a building.

(2.) A ship, vessel, or boat, lying in any river, harbour, or other water not within the district of any local authority within the meaning of this Act shall be deemed for the purposes of this Act to be within the district of such local authority as may be fixed by the Local Government Board, and where no local authority has been fixed, then of the local authority of the district which nearest adjoins the place where such ship, vessel, or boat is lying.

(3.) This section shall not apply to any ship, vessel, or boat belonging to any foreign Government.

**14.** *Saving for local Act.*—Where this Act is put in force in any district in which there is a local Act for the like purpose as this Act, the enactments of such local Act, so far as they relate to that purpose, shall cease to be in operation.

**15.** *Exemption of Crown buildings.*—Nothing in this Act shall extend to any building, ship, vessel, boat, tent, van, shed, or similar structure belonging to Her Majesty the Queen, or to any inmate thereof.

**16.** *Definitions.*—In this Act—

The expression "local authority" means each of the following authorities; that is to say,—

(*a* and *b* applied to London only, and were repealed 1891).

(*c*) an urban or rural sanitary authority in England within the meaning of the Public Health Acts; and

(*d.*) the port sanitary authority of any port sanitary district in England.

Repealed 1891.

The expression "London district" means the City of London or the parish or district mentioned in Schedule A. or Schedule B. of the Metropolis Management Act, 1855, for which a local authority is elected:

The expression "urban or rural district" means the district for which any such urban or rural sanitary authority is elected:

The expression "port sanitary district" means the port sanitary district of London and any port or part of a port for which a port sanitary authority has been constituted under the Public Health Acts, and any such port sanitary district shall form no part, for the purposes of this Act, of any urban or rural district:

The expression "occupier" includes a person having the charge, management, or control of a building, or of the part of a building in which the patient is, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either as his own account or as the agent of another person, and in the case of a ship, vessel, or boat, the master or other person in charge thereof.

**17.** *Application of Act to Scotland.*—In the application of this Act to Scotland—

The expression "Local Government Board" shall mean Board of Supervision:

The expression "Summary Jurisdiction Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act amending the same:

The expression "local authority" shall mean the local authority as defined by the Public Health (Scotland) Act, 1867, and any Act amending the same:

The expression "England" in section five shall mean Scotland:

The powers contained in this Act shall be in addition to and not in lieu of any powers existing in any local authority by virtue of any general or local Act.

**18.** *Application of Act to Ireland.*—This Act shall apply to Ireland, with modifications.

# ACT OF PARLIAMENT

TO

*mend the Public Health (Scotland) Act*, 1867, *in relation to Hospitals for Burghs.* —[53 & 54 *Vict., cap.* 20.—25*th July* 1890].

HEREAS it is expedient to extend the pro-isions of the Public Health (Scotland) Act, atting to the power of local authorities to vide hospitals:

e it therefore enacted by the Queen's most cellent Majesty, by and with the advice and sent of the Lords Spiritual and Temporal, Commons, in this present Parliament mbled, and by the authority of the same, ollows:

. . *Enlarged application of ss.* 39 *&* 42 *of Public lth (Scotland) Act*, 1867.—In the application sections thirty-nine and forty-two of the blic Health (Scotland) Act, 1867, to burghs, the said sections shall be read and construed as if the words "or within a convenient distance of such district" were inserted after the word "district" where it first occurs in each of the said sections; and for the purposes of the said Act any hospital or temporary place for the reception of the sick provided within a convenient distance of a burgh shall be held to be within the burgh.

2. *Short title and extent of Act.*—This Act may be cited as the Public Health Amendment (Scotland) Act, 1890, and shall apply to Scotland only.

# ACT OF PARLIAMENT

TO

*Amend the Public Health (Scotland) Acts.*—[54 & 55 *Vict., cap.* 52.—5*th August* 1891].

WHEREAS by the Local Government (Scotland) Act, 1889, provision is made by sections seventeen and seventy-seven for dividing every county into districts for the purposes of the administration of the laws relating to public health, and by sections seventeen and seventy-eight for the constitution of a district committee for each district, which shall be the local authority therein under the Public Health (Scotland) Act, 1867, and any amending Act, in this Act referred to as the Public Health (Scotland) Acts:

And whereas such districts comprise several parishes, and it has been found to be expedient, in order to facilitate the administration of the last-mentioned Acts with respect to the supply of water to such districts or parts thereof, that the said Acts should be amended as herein-after provided:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** *Short title and construction.*—This Act may be cited for all purposes as the Public Health (Scotland) Amendment Act, 1891, and the Public Health (Scotland) Acts, and this Act shall be read and construed together as one Act.

**2.** *Commencement of Act.*—This Act shall not take effect within any district in any county until after the county council shall, on the application of the district committee, have passed a resolution approving of its taking effect within such district, such resolution having been passed, and such application having been sanctioned at meetings called with special notice of the resolution to be submitted thereat.

An application of a district committee or a resolution of a county council shall not have effect for the purposes of this section unless approved of by an absolute majority of the whole members of the district committee or county council, as the case may be.

**3.** *Incorporation of Act and parts of Acts.*—The following Acts, and parts of Acts, so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of the Public Health (Scotland) Act, 1867, are hereby incorporated with that Act:

The Waterworks Clauses Act, 1847, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and except the words in section forty-four thereof, "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner;"

The Waterworks Clauses Act, 1863;

The provisions of the Railway Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof but such last-mentioned provisions shall apply only in the case of any reservoir filter, or distributing tank which the local authority may be authorised to construct and the works immediately connected therewith; and for the purposes of this Act those provisions shall be read as if such reservoir, filter, or tank, and works were therein mentioned, instead of "the railway," and the boundaries of such reservoir filter, or tank, and works, instead of "the centre of the railway;" and the prescribed limits shall be two hundred yards from such boundaries.

**4.** *Division of assessment for water supply into* (1) *domestic water rate and* (2) *public water rate* —Upon this Act taking effect the expense incurred or to be incurred by the district committee as local authority under the provisions of the Public Health (Scotland) Acts during the year ensuing for water supply (including the sums necessary for payment of interest on and repayment of instalments of any money borrowed for providing such supply) shall be paid out of the assessments in this section authorised; that is to say:—

(1.) It shall be lawful for the county council and they are hereby authorised and required, once in every year to impose and levy an assessment (to be called the domestic water rate) upon all lands and heritages within the district which shall have been supplied with water by the district committee as local authority at such rate in the pound as shall be sufficient, when supplemented by the public water rate, if any, to defray the expense herein-before mentioned;

(2.) It shall be lawful for the county council and they are hereby authorised, once in

every year to impose and levy an assessment (to be called the public water rate) if they shall think fit upon all lands and heritages within the district, but such rate if imposed shall not exceed threepence in the pound, and may be such less amount as the county council may from time to time determine.

(3.) The assessments or rates in this section mentioned shall not in the aggregate exceed the rates authorised by the Public Health (Scotland) Acts, and shall be imposed and levied and be payable, and may be recovered in the same manner, as nearly as may be, as assessments under the provisions of the Public Health (Scotland) Acts.

Provided always that—

(*a.*) Where a special water supply district has been formed in the manner provided in the said Acts, and a sufficient supply of water has been obtained and is maintained therein under the authority of the said Acts, the lands and heritages situated within such special water supply district shall not be liable to assessment for the expense of supplying water to other parts of the district:

(*b.*) The local authority shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year:

(*c.*) No person shall be entitled to demand such supply of water or to require the local authority to lay down communication pipes, unless some pipe of the local authority shall have been laid within one hundred feet of the house or other premises in respect of which such supply or communication pipes are demanded, or unless the local authority shall become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act, 1847, to cause pipes to be laid down within the said distance of one hundred feet of such house or other premises.

55. *Power to borrow on security of assessments.*—The county council as the local authority may, in addition to the powers conferred by section eighty-nine (six) of the Public Health (Scotland) Act, 1867, borrow money for the purposes therein set forth on the security of the assessments hereby authorised, and may assign the said assessments and the general assessments that may be imposed under the said Act or any of them in security of the money to be so borrowed.

6. *Power to abolish certain special water supply districts.*—If in any special water supply district the maximum rates leviable shall be inadequate to provide and maintain a sufficient supply of water, it shall be lawful for the local authority, at a meeting called with special notice, to resolve by an absolute majority of their number, to apply to the county council, who may by an absolute majority of the whole members of the council resolve, subject to such conditions as they may determine regarding the payment of any debt that may affect such special water supply district, that the area embraced within the boundaries of such special water supply district shall cease to exist as a special water supply district, and, in the event of such local authority so resolving, such areas shall, subject as aforesaid, from and after a date to be fixed by such local authority cease to be rated and assessed for the purposes of water supply separately from the district; but such area may continue to be rated and assessed separately from the district for the purpose of the payment of such debt.

A resolution of a local authority under this section shall not have effect until it is confirmed by the Secretary for Scotland on the application of the county council, and after such inquiry as the Secretary for Scotland shall deem necessary. The costs of any such inquiry shall be borne by the local authority.

7. *Saving for existing water companies and commissioners.*—Nothing contained in or done in pursuance of the provisions of this Act shall authorise the supply of water to, or any assessment to be imposed and levied within, any district or part of a district which is already authorised to be supplied with water by any water company or water commissioners or trustees established by Act of Parliament, or shall prejudice or affect the last proviso of subsection one of section eighty-nine of the Public Health (Scotland) Act, 1867.

8. *Saving for existing loans.*—Nothing contained in or done in pursuance of the provisions of this Act shall in any way prejudice the rights or powers of creditors who before the passing of this Act have advanced moneys to any local authority under the Public Health (Scotland) Acts, and all securities for such moneys may be enforced against the same assessments against which they may be enforced at the passing of this Act.

# VALUATION OF LANDS ACTS.

# ACT OF PARLIAMENT

FOR

*The Valuation of Lands and Heritages in Scotland.*—[17 *and* 18 *Vict., cap.* 91.—10*th August* 1854.]

Whereas it is expedient that one uniform valuation be established of lands and heritages in Scotland, according to which all public assessments leviable or that may be levied according to the real rent of such lands and heritages may be assessed and collected, and that provision be made for such valuation being annually revised: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Commissioners of supply and magistrates of burghs to make up valuation roll annually.*—The commissioners of supply of every county and the magistrates of every burgh in Scotland respectively shall annually cause to be made up a valuation roll, showing the yearly rent or value for the time of the whole lands and heritages within such county or burgh respectively, and separately within each parish or part of a parish situated within such county or burgh respectively, and specifying in each case the nature of such lands and heritages, and the names and designations of the proprietors or reputed proprietors, and where there are tenants or occupiers, of the tenants and of the occupiers thereof respectively; and within two months after the passing of this Act the commissioners of supply of each county, and the magistrates of each burgh, shall hold a meeting and adopt such measures as will enable the first valuation roll under this Act to be made up by the fifteenth day of August one thousand eight hundred and fifty-five.

Rep. 1873.

2. *Officer of inland revenue to assist the commissioners of supply and magistrates in making up the valuation roll.*—In making up the valuation roll the commissioners of supply and magistrates respectively may take the assistance of the officer of the inland revenue charged with the duty of assessing to the income tax in such county or burgh respectively; and such commissioners and magistrates respectively may from time to time, as often as they may deem it necessary, by their order in writing, to be signed by their clerk, require any officer of inland revenue, charged with the duty of assessing the income tax in such county or burgh respectively, to appear before them when, and where, and as often as such commissioners and magistrates respectively may deem expedient, and to produce all assessments and other documents in the custody or power of such officer relating to the value of, or assessment on, all or any of the property within the several parishes or places within his district or division, and to be examined on oath, and answer such questions as the said commissioners and magistrates respectively may put to him touching the said assessments or the value of the property contained therein: Provided always, that it shall be in the power of such commissioners or magistrates, if they think fit, not to insert in any valuation roll under this Act the names or designations of the tenants or occupiers of any lands and heritages

separately let for a shorter period than one year, or at a rent not amounting to four pounds per annum.

3. *Appointment and duties of assessors.*—In order to the making up of such valuation, the commissioners of supply of each county and the magistrates of each burgh respectively shall, as occasion requires, appoint one or more fit and proper persons to be assessors or assessor for the purposes of this Act; and it shall be the duty of such assessors annually to ascertain and assess the yearly rent or value of the several lands and heritages within the county or burgh respectively, other than the lands and heritages of railway and canal companies, which are herein-after specially provided for, and to make up such valuation roll thereof in the manner by this Act prescribed; and every such assessor shall be appointed either for the whole county or burgh, or for some particular portion or district thereof to be prescribed by the commissioners of supply or magistrates respectively; and every such assessor shall, on being appointed by the said commissioners of supply or magistrates respectively, and before entering upon the duties of his office, declare that he will faithfully and honestly perform the duties thereof; and every such assessor shall be removeable at the pleasure of the said commissioners or magistrates respectively.

4. *Assessors to make up valuation roll by 15th August in each year.*—In every county and burgh a new valuation roll shall be annually made up by the assessors on or before the fifteenth day of August in every year.

5. *Notice to be given to persons whose property is valued.*—On or before the twenty-fifth day of August, and not earlier than the fifteenth day of July in each year, the assessor shall transmit or cause to be transmitted to each person included in his valuation, whether as proprietor or tenant or occupier, a copy of every entry in such valuation roll wherein such person shall be set forth either as proprietor or tenant or occupier, along with a notice to such person that if he considers himself aggrieved by such valuation he may appeal against the same to the commissioners of supply of the county or to the magistrates of the burgh, as the case may be, in terms of this Act, or may obtain redress without the necessity of such appeal, by satisfying the assessor, on or before the eight day of September in each year, that he has well-founded ground of complaint; and such copy and notice may be served by handing the same to such person personally, or leaving the same, or sending it through the post office, at his residence or usual place of abode; and where the residence or place of abode of such person is unknown, it shall be sufficient if service be made as aforesaid upon his factor or agent, or be addressed to him at the office of the clerk of supply of the county or town clerk of the burgh, as the case may be: Provided always, that where, in making up this valuation as aforesaid, the assessor is merely to repeat an entry which occurred in the valuation of the immediately preceding year, it shall not be necessary for the assessor to transmit such copy and notice as aforesaid to the person or persons specified in such merely repeated entry.

6. *Yearly rent or value, how to be estimated.*—In estimating the yearly value of lands and heritages under this Act, the same shall be taken to be the rent at which, one year with another, such lands and heritages might in their actual state be reasonably expected to let from year to year; and where such lands and heritages consist of woods, copse, or underwood, the yearly value of the same shall be taken to be the rent at which such lands and heritages might in their natural state be reasonably expected to let from year to year, as pasture or grazing lands: and where such lands and heritages are *bonâ fide* let for a yearly rent conditioned as the fair annual value thereof, without grassum or consideration other than the rent, such rent shall be deemed and taken to be the yearly rent

or value of such lands and heritages in terms of this Act: Provided always, that if such lands and heritages be let upon a lease the stipulated duration of which is more than twenty-one years from the date of entry under the same, or in the case of minerals more than thirty-one years from such date of entry, the rent payable under such lease shall not necessarily be assessed as the yearly rent or value of such lands and heritages, but such yearly rent or value shall be ascertained in terms of this Act irrespective of the amount of rent payable under such lease, and the lessee under such lease shall be deemed and taken to be also the proprietor of such lands and heritages in the sense of this Act, but shall be entitled to relief from the actual proprietor thereof, and to deduction from the rent payable by him to such actual proprietor, of such proportion of all assessments laid on upon the valuations of such lands and heritages made under this Act, and payable by such lessee as proprietor in the sense of this Act, as shall correspond to the rent payable by such lessee to such actual proprietor as compared with the amount of such valuation.

7. *Assessor may call for written statement of rent.*—It shall be lawful for any assessor acting under this Act to call upon any person, being a proprietor or reputed proprietor or tenant or occupier within the county or burgh or district for which such assessor is appointed, for a written statement of the yearly rent or value and of all other particulars required by this Act of all lands and heritages within such county or burgh or district of which such person is proprietor or reputed proprietor, or tenant or occupier; and if any such person shall, without reasonable excuse, fail to furnish such written statement to such assessor within fourteen days after he shall be called upon in writing so to do, he shall be liable to pay a penalty not exceeding twenty pounds; and if any such person shall present or cause to be presented to such assessor any false statement of such yearly rent or value or other particulars as aforesaid, he knowing the same to be false, he shall be liable to pay a penalty of fifty pounds.

8. *Courts of appeal.*—The commissioners of supply of every county and the magistrates of every burgh shall annually on or before the fifteenth but not earlier than the tenth day of September in each year hold a court for hearing appeals against valuations made by such assessors as aforesaid under this Act, of which ten days' notice shall be given, which court may be adjourned from time to time; and at such court, and at latest on or before the thirtieth day of September in each year, all such appeals and complaints under this Act shall be disposed of; and such courts or adjourned courts of appeal shall be held in such and as many places within such county and burgh respectively as such commissioners and magistrates respectively shall appoint; and the deliverances of such commissioners and magistrates respectively upon such appeals and complaints shall be final and conclusive, and not subject to review.

9. *Persons entitled to appeal.*—All persons whose names shall have been entered by the assessors in the valuation roll of the county or burgh respectively, whether as proprietors or tenants or occupiers, shall be entitled to appeal to the said commissioners or magistrates, as the case may be, with reference to such entry: Provided always, that the appellant shall, six days at least before such appeal is heard, intimate in writing to the assessor that he is to maintain such appeal, and specify the amount of valuation which he alleges should be substituted for the amount stated by the assessor.

10. *Procedure and appeal courts.*—It shall be competent to the commissioners of supply and magistrates of burghs respectively in the hearing of appeals under this Act to cite and examine the parties and their witnesses on oath, and to call for all papers and documents which they may deem necessary; and every court of

appeal shall be attended by the assessors by whom the several valuations under appeal were made, and such assessors shall answer upon oath all competent interrogatories which may be put to them with reference to the matters involved in such appeals; and it shall not be necessary for the court of appeal to keep any formal record of their roceedings, except only a note of the assessment, appeal, and judgment, but they may, if they think proper, cause any deposition which may be made before them to be taken down in writing, and signed by the deponent, and may authenticate it by the signature of one of their number as having been made in their presence; and every such deposition so taken down, signed, and authenticated shall be deemed and taken to be good evidence in any prosecution for perjury.

11. *Valuation roll to be retained by assessor till 8th of September yearly, and thereafter to be open to inspection.*—The valuation roll, when made up by the assessor, shall be retained by him until the eighth day of September in each year, when he shall transmit it to the clerk of supply of the county or to the town clerk of the burgh, as the case may be, or, if there be no town clerk, to such other person as the chief magistrate of the burgh, or if there be no such magistrate, the sheriff of the county, may specially appoint for the purpose, which he is hereby required in such case to do, as occasion requires; and the said valuation roll shall thereafter remain in the office of such clerk of supply or town clerk, or other person specially appointed as aforesaid, patent to every person having interest therein, either as proprietor, tenant, or occupier.

12. *Valuation roll, when completed, to be authenticated, and to be in force for one year.*—As soon as all appeals taken under this Act shall have been disposed of, and the valuation of the county or burgh shall have been thereby completed, the said valuation roll shall be authenticated in counties by the signature of the convener of the commissioners of supply, or of the clerk of supply, or other person whom the commissioners of supply may authorise for that purpose, and in burghs by the signature of the chief magistrate, or of the town clerk, or other person whom the magistrates may authorise for that purpose, and such valuation roll shall then be in force as the valuation roll of the county or burgh, as the case may be, for the year commencing at the term of Whitsunday immediately preceding, and ending at the term of Whitsunday immediately following; and as soon as such valuation roll has been authenticated as aforesaid, the clerk of supply or town clerk, as the case may be, shall furnish to the clerks of the several parochial boards within the county or burgh a copy of so much thereof as relates to their respective parishes; and every parish, person or persons, interested in any valuation roll under this Act, shall be entitled to inspect and make copies of the same or any part thereof, at their own expense, at such reasonable times, and on payment of such moderate fees, and subject to such regulations, as the commissioners of supply or magistrates respectively may fix.

13. *As to complaints made with regard to assessors valuations.*—If any complaint shall be made to the commissioners of supply of any county, or to the magistrates of any burgh, sitting as an appeal court as above provided, to the effect that the yearly rent or value of any lands or heritages within such county or burgh respectively has been stated by the assessor in the valuation roll of such county or burgh at other than the just and true amount thereof, such commissioners of supply and magistrates respectively may, if they think fit, make inquiry into such complaint, after giving not less than six days' notice to the proprietor and occupier of such lands and heritages of the time and place when such inquiry will be gone into, and may thereupon alter the amount of the yearly rent or value of such lands and heritages in the valuation roll of such county or burgh to such extent as, after such inquiry, may appear to them to be just; and the commissioners of supply and magistrates respectively, in the conduct of such inquiries as aforesaid, shall have

all the same powers and authorities as are by this Act conferred upon them with reference to appeals; and it shall be lawful for them to award expenses against the complainer, where it shall appear to them that such complaint has been made without any reasonable or probable cause: Provided always, that where any parish consists partly of a burgh and partly of a landward district, it shall be competent to the commissioners of supply of the county or to the magistrates of such burgh respectively, if they shall think that any property within such parish has been unduly valued, to refer the true value of the same to the sheriff of the county, who shall decide the same summarily without being subject to review, and the magistrates and commissioners of supply respectively, on such decision being produced to them, shall correct the roll accordingly at the next ensuing period of valuation.

14. *Three commissioners of supply or two magistrates, &c., to be a quorum.*—In all proceedings under this Act, any three commissioners of supply, and two magistrates of a burgh, shall be deemed to be a quorum of such commissioners and magistrates respectively, and shall be entitled to exercise all the powers conferred upon the general body of commissioners and magistrates respectively under this Act, and the majority present, and voting, shall rule the decision; and where the votes of those present shall be equal, the preses of the meeting shall have a casting vote.

15. *Preses at meetings of commissioners of supply, and magistrates of burghs, under this Act.*—In all meetings of commissioners of supply under this Act, their convener, or, in the absence of the convener, the person who may be elected by such meeting to act as its preses, shall be preses of such meeting; and in all meetings of magistrates of burghs under this Act, the lord provost, or provost, or chief magistrate of the burgh, when he is present thereat, shall be preses of such meeting; and, failing him, the person who may be elected by such meeting to act as its preses shall be preses of such meeting.

16. *Papers and documents emanating from commissioners of supply, &c., how to be authenticated.*—For the purposes of this Act, the signature of the convener or of the preses of a meeting of commissioners of supply adhibited to any paper or document shall be equivalent to the signatures of the whole commissioners of supply present at a meeting thereof; and the signature of the lord provost, or provost, or chief magistrate of the burgh, or of the preses of a meeting of the magistrates of the burgh, adhibited to any paper or document, shall be equivalent to the signatures of the whole magistrates present at such meeting; and the addition to such signatures respectively of the words "convener," "lord provost," "provost," "chief magistrate," or "preses," shall be good *primâ facie* evidence that such signature is the signature of such "convener," "lord provost," "provost," "chief magistrate," or "preses," as the case may be, and that such paper or document is genuine and authentic.

17. *Powers of supplementary assessment granted by existing Acts of Parliament not to be affected.*—Where, by any Act of Parliament, power is given to make a supplementary assessment for any portion of the year from Whitsunday to Whitsunday, such power shall not be affected by this Act; and the assessors under this Act are hereby respectively authorised and required to make up such supplementary valuation roll as may be necessary in order to such supplementary assessment: Provided always, that such supplementary assessment shall be made upon the proprietors, tenants, or occupiers liable thereto, according to the valuations established by this Act of the respective lands and heritages of which they are such proprietors, tenants, and occupiers respectively for the year, to a portion of which such supplementary assessment applies: Provided also, that every assessor making up such supplementary valuation roll shall transmit or cause to be transmitted to each person included therein, whether as proprietor,

ant, or occupier, a copy of every entry in such supplementary valuation roll erein such person shall be set forth either as proprietor, tenant, or occupier, ng with a notice to such person that if he considers himself aggrieved by such pplementary valuation he may appeal against the same as after-mentioned, and hall be lawful for every such person to appeal within fourteen days thereafter the court of appeal established by this Act; and such court shall have the wer of granting relief against such supplementary valuation so appealed against, such extent and in such way and manner as to such court may seem just.

18. *Expenses of valuations how to be defrayed.*—After the completion of each nual valuation as aforesaid under this Act, the commissioners of supply of each nty and the magistrates of each burgh shall cause an account to be made up of costs and expenses attending the same, and shall ascertain and fix the just count thereof, and shall cause such amount to be apportioned upon the parishes hin such county and burgh respectively, according to the yearly rent or value reof as fixed by such valuation, and the same shall be assessed and levied along h the assessment for the relief of the poor for the current year within such rishes respectively, or they shall cause such amount, along with such reasonable n as they may deem necessary to meet the expenses of collection, to be assessed on the lands and heritages within their county or burgh respectively, included such valuation, by a rateable assessment upon such lands and heritages accord- to the yearly rent or value thereof as fixed by such valuation, the proprietors l occupiers of such lands and heritages being liable to pay such assessment ally between them, or, in the option of such commissioners of supply or magis- tes respectively, shall cause such amount to be assessed along with and as part and by way of addition to any other assessment which may be leviable accord- to the valuation established by this Act within such county or burgh; and balance of funds remaining on hand from time to time in any county or burgh, sing from such assessment under this Act in any one year, after answering the penses of the year with reference to which such assessment was imposed, may be ained and applied by the commissioners of supply of each county and the gistrates of each burgh respectively, in such manner as they may deem fit, for raying the expenses of making up valuation rolls under this Act in subsequent rs, but for no other uses or purposes whatever: Provided always, that where any county or burgh there are or shall be funds available for the purpose, it ll be lawful for the commissioners of supply of such county or magistrates of h burgh, as the case may be, to defray such costs and expenses as aforesaid out such available funds, in place of resorting to assessment under the provisions of s Act.

19. *New qualification for commissioners of supply.*—From and after the passing this Act, no person, other than a person duly qualified as after-mentioned, ll be qualified to act as commissioner of supply in any county; and any person duly qualified as aforesaid acting as such commissioner shall be subject and ble to the penalties presently attached by law to the acting as a commissioner of pply without qualification; and from and after the passing of this Act the lification requisite for a commissioner of supply in any county shall be the ng named as an *ex officio* commissioner of supply in any Act of supply, or the ng proprietor or the husband of any proprietor infeft in liferent, or in fee not rdened with a liferent, in lands and heritages within such county, of the yearly t or value, in terms of this Act, of at least one hundred pounds, or the being est son and heir apparent of a proprietor infeft in fee not burdened with a life- t in lands and heritages within such county of the yearly rent or value, in ms of this Act, of four hundred pounds; and the factor of any proprietor or prietors infeft, either in liferent or in fee unburdened as aforesaid, in lands and itages within such county of the yearly rent or value, in terms of this Act, of ht hundred pounds, shall be qualified to act as a commissioner of supply in the

absence of such proprietor or proprietors: Provided always, that, with reference only to the qualification of commissioners of supply under this Act, the yearly rent or value of houses and other buildings, not being farmhouses or offices or other agricultural buildings, shall be estimated at only one-half of their actual yearly rent or value, in terms of this Act: Provided also, that all persons who shall, at the date of the passing of this Act, have been in actual possession of the qualification then required by law for a commissioner of supply, and entitled to act as such commissioner, shall, so long as he can continue to possess such last-mentioned qualification, be deemed to be in possession of the qualification requisite for a commissioner of supply in terms of this Act.

20. *Assessor of railways and canals to be appointed.*—In order to the making up of valuations and valuation rolls of lands and heritages in Scotland belonging to or leased by railway or canal companies, and forming part of the undertakings of such companies, it shall be lawful for Her Majesty to appoint, as occasion requires, a fit and proper person to be assessor of railways and canals for the purposes of this Act; and the remuneration or salary to be paid to such assessor of railways and canals in respect of his own time and trouble, and in respect of any clerks or other officers whom he may be allowed by the commissioners of Her Majesty's Treasury to employ in the execution of his duties under this Act, shall be fixed from time to time by the said commissioners of Her Majesty's Treasury; and such assessor of railways and canals shall, before entering on the duties of his office, declare that he will faithfully and honestly perform the duties thereof, and shall be removeable by Her Majesty at pleasure.

21. *Such assessor to make up annually a valuation roll of railways and canals*—The assessor of railways and canals under this Act shall, on or before the fifteenth day of August in every year, inquire into and fix *in cumulo* the yearly rent or value, in terms of this Act, of all lands and heritages in Scotland belonging to or leased by each railway and canal company, and forming part of its undertaking, and shall also inquire into and fix the amount which one year with another would be required in order to the acquisition, formation, and erection of the several stations, wharfs, docks, depôts, counting-houses, and other houses and places of business respectively, in Scotland, of or connected with each such undertaking (including the solum on which such stations and others are erected), and shall also inquire into and fix all other matters necessary to enable him to make up a valuation roll of railways and canals as after mentioned; and such assessor of railways and canals shall make up a valuation roll, applicable to all railway and canal companies having lands and heritages as aforesaid, in which valuation roll shall be set forth, in columns, the yearly rent and value, in terms of this Act, of the whole lands and heritages, in Scotland, belonging to or leased by each such railway or canal company respectively, and forming part of its undertaking; the names of the several parishes, counties, and burghs through which the line of such railway or canal company runs, or in which its said lands or heritages, or any part thereof, are situated; the lineal measurement of its entire line, and the portion of such lineal measurement situated in each such parish, county, and burgh; the amount of the cost as aforesaid of its several stations, wharfs, docks, depôts, counting-houses, and houses and places of business in Scotland (including as aforesaid) the proportion of such gross amount expended in each such parish, county, and burgh, and where any stations, wharfs, docks, depôts, counting-houses, or other houses or places of business are held or used jointly by any two or more railway or canal companies, the proportions in which such railway and canal companies are respectively interested therein, and also the yearly rent or value, in terms of this Act, ascertained as after mentioned, of the portion in each parish, county, and burgh in Scotland of the lands and heritages belonging to or leased by each railway and canal company, and forming part of its undertaking.*

* By 57 and 58 Vict., c. 36, the 15th March is substituted for 15th August under this section from and after Whitsunday 1896.

222. *Mode in which the yearly rent or value of railways and canals is to be ascertained.*—The yearly rent or value, in terms of this Act, of the lands and heritages in any parish, county, or burgh belonging to or leased by any railway or canal company, and forming part of the undertaking of such company, shall be ascertained as follows; that is to say, there shall be deducted, in the first place, from the *cumulo* yearly rent or value of the whole lands and heritages in Scotland as aforesaid of each such railway or canal company, a sum equal to three pounds per centum of the whole costs as aforesaid of the stations, wharfs, docks, depôts, counting-houses, and other houses and places of business in Scotland of and connected with the undertaking of such railway or canal company (including as aforesaid); and the proportion of such diminished *cumulo* rent or value corresponding to the lineal measurement of the portion of the line, including ferries attached thereto, of such railway or canal company, situated in such parish, county or burgh, as compared with the lineal measurement of the entire line, including ferries as foresaid, of such railway or canal company, with the addition of a sum equal to three pounds *per centum* of the cost as aforesaid of any station, wharf, dock, depôt, counting-house, or other house or place of business, within each parish, county, or burgh, or of or connected with the undertaking of such railway or canal company (including as aforesaid), shall be deemed and taken to be the yearly rent or value, in terms of this Act, of the lands and heritages in such parish, county, or burgh belonging to or leased by such railway or canal company, and forming part of its undertaking.*

223. *Water, gas, and other companies may have their lands and heritages valued by the assessor of railways and canals.*—Where any water company, or gas company, or other company having any continuous lands and heritages liable to be assessed in more than one parish, county, or burgh, shall desire to have such lands and heritages assessed by the assessor of railways and canals under this Act, it shall be competent to such water or gas or other company to make intimation in writing of such desire, under the hand of its manager, secretary, or other principal officer, at any time before the fifteenth day of May in the year one thousand eight hundred and fifty-five, or before the fifteenth day of May in any subsequent year, to the sheriff of the county within which such lands and heritages, or the head office and place of business in Scotland of such water or gas or other company are situated; and such sheriff shall forthwith make such public advertisement of his having received such intimation as to him shall seem necessary or proper, and also shall make special intimation thereof to the assessor of railways and canals under this Act; and thereupon such assessor of railways and canals shall be exclusively charged, subject to appeal as herein provided, with the valuation of the lands and heritages in Scotland of such water or gas or other company in terms of this Act; and such assessor of railways and canals shall on or before the fifteenth day of August in the year one thousand eight hundred and fifty-five, and on or before the fifteenth day of August in every subsequent year, inquire into and fix *in cumulo* the yearly rent and value, in terms of this Act, of all lands and heritages in Scotland belonging to or leased by such water or gas or other company, and forming part of its undertaking, and shall also inquire into and fix the just proportions of such *cumulo* yearly rent or value applicable to each parish, county, and burgh in Scotland in which such water or gas or other company is liable to be assessed as aforesaid; and such assessor of railways and canals shall include in the valuation roll to be made up by him under this Act all the water companies, gas companies, and other companies whose lands and heritages shall be valued by him as aforesaid, and shall set forth in such valuation roll, in columns, the yearly rent or value, in terms of this Act, *in cumulo*, of the whole lands and heritages in Scotland be-

* Amended by § 4 of the Act of 1867.

longing to or leased by each such water, gas, and other company respectively, and forming part of its undertaking, the names of the several parishes, counties, and burghs in which its said lands and heritages or any part thereof are situated, and also the yearly rent or value, in terms of this Act, of the portion in each such parish, county, and burgh, separately and respectively, of the lands and heritages belonging to or leased by each such water, gas, and other company respectively, and forming part of its undertaking.*

24. *Notice of valuation to be given to railway and canal companies, &c.—If companies think themselves aggrieved they may appeal to Lord Ordinary.—Proceedings before Lord Ordinary, &c., to be summary.*—On or before the fifteenth day of August in each year the said assessor of railways and canals under this Act shall transmit or cause to be transmitted to each railway and canal and other company included in his valuation, either through the post office, or by causing the same to be left at the head or other known office of business of each such company, a copy of every entry in his valuation roll wherein such company shall be set forth, either as proprietor, tenant, or occupier; and if such company consider themselves aggrieved by such valuation, they may obtain redress by satisfying such assessor of railways and canals, on or before the eighth day of September next ensuing, that they have well-founded ground of complaint, and obtaining an alteration by him of his valuation accordingly, which alteration he is in such case authorised to make, or by lodging a note of appeal, on or before such last-mentioned date, to the Lord Ordinary officiating on the bills in the court of session, or where the lands and heritages belonging to such company are all situated within one county, then to the sheriff of such county; and all proceedings before such Lord Ordinary or sheriff, as the case may be, under this Act, shall be summary, and may be taken either in court or at chambers, and shall be conducted in such way as such Lord Ordinary or sheriff respectively may prescribe or allow; and any deliverance which shall be pronounced by such Lord Ordinary or sheriff, as the case may be, on such objections, on or before the thirtieth day of November next after such appeal is entered and such objections are made, shall receive effect, and it shall be the duty of such assessor of railways and canals to alter his valuation in conformity therewith; and such deliverance, and the valuation of the said assessor of railways and canals, if not appealed against, or if appealed against in so far as not altered by a deliverance of the Lord Ordinary or sheriff as aforesaid, shall be final and conclusive, and not subject to review.†

25. *Any parish, county, or burgh interested in any railway or canal valuation may appeal against the same to the Lord Ordinary.*—The valuation roll to be made up by the assessor of railways and canals, while the same is in the hands of such assessor, shall be patent to all persons having interest therein, and no fee of any kind shall be charged to any such person for liberty to inspect the same; and it shall be competent to any parish, county, or burgh, having interest in any valuation therein contained, to object to and represent against the same to the Lord Ordinary officiating on the bills in the court of session, or when the lands and heritages belonging to any railway or canal or other company included in such valuation roll are all situated within one county, then to the sheriff of such county, and such Lord Ordinary or sheriff, as the case may be, shall afford to the company to which such objection applies an opportunity of answering such objection, and may also, if he think it necessary or proper, afford such opportunity to the assessor of railways and canals, or to any person or persons whom he may consider to be interested in such objection; and any deliverance which shall be pronounced by him on such objections on or before the thirtieth day of November next after such objections are made shall be given effect to, and be final and conclusive.

* § 23. By 57 and 58 Vict., c. 36, the 15th November is substituted for 15th May.

† § 24. By same Act the 15th March is substituted for 15th August; and 8th April for 8th September.

226. *Assessor of railways and canals may call for books and writings, &c., and if such are refused right of appeal to be forfeited.*—For the purpose of making the valuations of the lands and heritages of railway and canal and other companies by the assessor of railways and canals under this Act, it shall be lawful for such assessor of railways and canals to require the attendance before him of any persons as witnesses, and to examine such witnesses on oath, and also to call from time to time upon any railway or canal or other company to be included in his valuation for detailed statements of the yearly revenue of its undertaking, distinguishing the different sources thereof, and the amount derived from each such source, and also in the case of railways and canals of the cost as aforesaid of each of its stations, wharfs, docks, depôts, counting-houses, and other houses and places of business (including the solum on which such stations and others are erected), and also of the parishes, counties, and burghs in which such stations, wharfs, docks, depôts, counting-houses, and other houses and places of business are severally situated, and of the lineal measurement of the whole, any, each, and every part of its line, and to call for production from time to time of any books, vouchers, or other writings in the possession of any railway or canal or other company relating to or bearing upon any matters aforesaid, or to or upon the object of the inquiries of such assessor under this Act; and if any such company or its manager or secretary, or the chairman of its board of directors, all for the time being, shall wilfully refuse or delay to furnish any such statements, or to make any such production, when required by the assessor of railways and canals as aforesaid, such company shall not be entitled to appeal against or object to the valuation of such assessor of railways and canals for the year in which such refusal or delay takes place, anything in this Act to the contrary notwithstanding.

227. *Valuations of railways and canals, &c., when completed, to be authenticated, and communicated to the clerks of supply and town clerks, and to be in force for one year.*—The valuation roll to be made up annually as aforesaid by the assessor of railways and canals under this Act shall, as soon as may be after the thirtieth day of November in each year, be authenticated by the signature of such assessor, and such valuation roll shall then be in force as the valuation roll of railway and canal and other companies for the year commencing at the term of Whitsunday immediately preceding and ending at the term of Whitsunday immediately following; and the assessor of railways and canals under this Act shall thereupon transmit to the clerk of supply of each county and to the town clerk of each burgh in which any portion of the undertaking of any such company is situated a certified copy of the valuation, in terms of this Act, taken from such valuation roll, of the lands and heritages within such county or burgh respectively belonging to or leased by and forming part of the undertaking of such company; and such valuation relating to such company shall be engrossed by such clerk of supply or town clerk, as the case may be, in the valuation roll of such county or burgh, and shall be authenticated by the signature of such clerk of supply or town clerk, and shall be thenceforward deemed and taken to be a part of such valuation roll of such county or burgh.

228. *Valuation rolls of railways and canals, &c., to be transmitted to the general register house for preservation.*—The valuation rolls of railway and canal and other companies, to be made up by the assessor of railways and canals in terms of this Act, shall be periodically transmitted by the assessor of railways and canals to the lord clerk register, or his deputy, for preservation in the general register house, in like manner as the valuation rolls of counties and burghs are hereinafter directed to be periodically transmitted as aforesaid.

229. *Salary of the assessor of railways and canals to be contributed rateably by railway and canal companies, &c.*—The amount of the remuneration or salary of

the assessor of railways and canals under this Act, and of his clerks and other officers as aforesaid, shall, on or before the eleventh day of November in each year, be paid by the railway and canal and other companies having lands and heritages included in the valuation of railways and canals for the year to which such remuneration or salary applies, to the commissioners of Her Majesty's treasury, or to such person or persons as they may appoint to receive the same, each company paying a proportion of such remuneration or salary corresponding to the yearly rent or value of its lands and heritages, ascertained in terms of this Act, as compared with the yearly rent or value of the whole lands and heritages in Scotland of railway and canal and other companies included in such valuation; and in case of any difference of opinion as to the proportions in which such remuneration or salary should be borne by such companies respectively, in terms of this Act, the same shall be determined by the commissioners of Her Majesty's treasury, whose award thereon shall be final; and on or before the thirty-first day of December in each year the said remuneration or salary received from such companies as aforesaid shall be paid over by the commissioners of Her Majesty's treasury to the assessor of railways and canals; and the proportion of such remuneration or salary payable by each such company, in terms of this Act, shall be deemed to be a debt due by such company to the crown, and shall be recoverable in like manner as any other debt due to the crown is recoverable by law.

30. *Mistake or misnomer not to affect valuation.*—No valuation of any lands or heritages contained in any valuation roll under this Act shall be rendered void or be affected by reason of any mistake or variance in the names of such lands or heritages, or in the Christian or surname or designation of any proprietor or tenant or occupier thereof; and no valuation roll which shall be made up and authenticated in terms of this Act, and no valuation which shall be contained therein, shall be challengeable, or be capable of being set aside or rendered ineffectual, by reason of any informality, or of any want of compliance with the provisions of this Act, in the proceedings for making up such valuation or valuation roll.

31. *Proprietors of subjects under £4 to be chargeable with assessments.*—In all cases where any lands or heritages shall be separately let at a rent not amounting to four pounds per annum, and the names of the occupiers thereof shall not have been inserted in the valuation roll, the proprietor of such land and heritages shall be charged with and have to pay the whole of the assessments on such lands and heritages separately let as aforesaid; but every such proprietor charged with and paying such assessments shall have relief against the tenants and occupiers of such lands and heritages for reimbursements thereof, if and in so far as such assessments may by law be properly chargeable upon such tenant or occupiers.

Repealed 1875.

32. *Prison assessment to be upon valuations established by this Act, and not by 2 and 3 Vict., c. 42.*—From and after the establishment of valuations of the lands and heritages in Scotland under this Act, every assessment which shall or might lawfully be assessed or levied under an Act passed in the session of Parliament holden in the second and third years of the reign of Her present Majesty, intituled "An Act to improve Prisons and Prison Discipline in Scotland," upon any lands or heritages, according to the annual value of such lands or heritages, shall be assessed and levied upon the basis of the valuations for the time being established under this Act; and the said last-recited Act is hereby repealed to the extent which may be necessary to give effect to this enactment, but no further.

33. *Other public assessments leviable on real rent to be levied upon valuations established by this Act.*—Where, in any county, burgh, or town, any county, municipal, parochial, or other public assessment, or any assessment, rate, or tax

dder any Act of Parliament, is authorised to be imposed or made upon or ccording to the real rent of lands and heritages, the yearly rent or value of such nds and heritages, as appearing from the valuation roll in force for the time dder this Act in such county, burgh, or town, shall, from and after the establish- ent of such valuation therein, be always deemed and taken to be the just mount of real rent for the purposes of such county, municipal, parochial, or other ssessment, rate, or tax, and the same shall be assessed and levied according to ch yearly rent or value accordingly, any law or usage to the contrary notwith- anding: Provided always, that when the area of any parish church heretofore ected has been allocated among the heritors, according to their respective valued nts as appearing upon the present valuation rolls, all assessments for the repair ereof shall be imposed according to such valued rent; and where in any county, rgh, or town, any county, municipal, parochial, or other public assessment, or y assessment, rate, or tax under any Act of Parliament, other than poor rates, or might be assessed upon means and substance, such assessment shall, from d after the establishment of valuations under this Act, be assessed and levied on the yearly rent or value, in terms of this Act, of such lands and heritages thin such county, burgh, or town, one half upon the owners and the other half on the tenants and occupiers of such lands and heritages, but subject to the visions and exceptions herein-before made and provided as regards lands and ritages separately let at a rent not amounting to four pounds; and all Acts, vs, and usages to the contrary are hereby repealed in so far as necessary to give ect to this enactment, but no further.

334. *Valuation roll to be evidence in registration and appeal courts.*—In all estions and proceedings under any Act of Parliament relating to the franchise, to the representation of the people in Parliament, it shall be sufficient to refer an entry in the valuation roll in force for the time, or last in force under this t in any county or burgh, and such entry shall be received and taken in all ch questions and proceedings as conclusive proof that the gross yearly rent or lue of the lands or heritages specified therein is at the date of such reference, d has been from the commencement of the year to which such valuation roll plies, of the amount therein set forth; and it shall be competent in all cases, twithstanding anything in any existing Act of Parliament to the contrary, to er to such valuation roll in such appeal court, although such valuation roll may t have been produced or referred to in the registration court; and it shall be e duty of every sheriff clerk of a county and town clerk of a burgh officiating or o ought to officiate at any registration court or court of appeal under any such t of Parliament to have the valuation roll of the county or burgh, as the case y be, in force for the time under this Act, on the table of such registration rt or court of appeal, as the case may be, for reference, as aforesaid; and as on as each annual valuation roll of a county, or of a burgh not being a burgh ding or contributing to send a member to Parliament, shall have been com- ted under this Act, and when the same shall be required for the purposes of y registration or appeal court, the clerk of supply having the custody of such luation roll shall, when called upon to do so, transmit the same to the sheriff rk of the county, by whom it shall be retained, patent to all parties having erest therein, until the business of the registration and appeal courts of the year all be concluded, when it shall be forthwith returned by such sheriff clerk to ch clerk of supply.

335. *Valuation rolls to be made up in prescribed form, and to be transmitted to the neral register house for preservation.*—The valuation rolls to be made up in terms this Act shall be of such dimensions as may be prescribed by the lord clerk gister of Scotland, or his deputy; and at the expiration of six years from the te of the passing of this Act, and at the expiration of every subsequent period

of six years thenceforward, every clerk of supply and town clerk or other person, being custodier of the valuation rolls of any county or burgh under this Act, shall transmit or cause to be transmitted to the said lord clerk register or his deputy, in order to preservation thereof in the general register house of Scotland, the whole valuation rolls of such county or burgh then completed, and not previously transmitted, other than the valuation rolls of such county or burgh in force for the time being.

36. *Boundaries of burghs sending members to Parliament to be same as prescribed by* 2 & 3 *W.* 4, *c.* 65.—The limits and boundaries of such burghs as send, or contribute to send, a member or members to Parliament, shall, for the purposes of this Act, be taken and held to be according to the limits and boundaries prescribed by an Act passed in the session of Parliament holden in the second and third years of the reign of his late Majesty King William the Fourth, intituled "An Act to amend the Representation of the People in Scotland": Provided always, that in any burgh in which the ordinary jurisdiction of the magistrates shall not extend over the whole of the said boundaries, it shall be lawful to exclude therefrom, for the purposes of this Act, such part thereof, being beyond the ordinary jurisdiction of the magistrates, as may be mutually agreed on by the magistrates of the burgh and the commissioners of supply for the county, or in case of disagreement as shall be determined by the sheriff of such county: Provided always, that where more than one burgh contributes to send a member or members to Parliament, each such burgh shall notwithstanding be held to be distinct and separate burghs for the purposes of this Act; and the magistrates of each burgh respectively shall have and exercise all the powers herein conferred on magistrates of burghs: Provided also, that where the boundaries of any burgh are not prescribed by the before-recited Act of the second and third years of the reign of His Majesty King William the Fourth, the same shall be determined by the sheriff of the sheriffdom in which such burgh is situated, or, if such burgh be situated partly in one county and partly in another, by the sheriff of that sheriffdom in which the greater part of such burgh may be situated; and, as soon as may be after the passing of this Act, every sheriff to whom such power of fixing the boundaries of any burgh for the purposes of this Act is hereby committed shall, by letter to be addressed by him to the chief or senior magistrate or other administrator on behalf of such burgh, require such magistrate or other administrator of such burgh to attend him at a time and place to be fixed in such letter, and shall likewise intimate the same to the convener or conveners of the county or counties in which such burgh is situated, and shall at such time and place, or at any time or place to which the sheriff may adjourn the inquiry, take such evidence as may be adduced to him, or as he may think necessary, and shall thereupon, by writing under his hand, fix and determine the boundaries of such burgh for the purposes of this Act, and shall cause such written determination to be recorded in the sheriff court books of his county, and shall furnish an official extract therefrom to such magistrate or administrator, and to the clerk or clerks of supply of the county or counties within which such burgh is situated; and such determination shall, when so recorded, fix and determine the boundaries of such burgh for the purposes of this Act.

37. *Recovery of penalties.*—Every penalty imposed by this Act may be recovered by summary proceeding, upon complaint in writing made in name of an assessor under this Act to the sheriff of the sheriffdom in which the offence shall have been committed, or to the sheriff of any sheriffdom in which the offender may be found; and on such complaint being made such sheriff shall issue a warrant or order requiring the party complained against to appear on a day and at a time and place to be named in such order; and every such order shall be served on the party offending either in person or by leaving with some inmate at his usual place of abode a copy of such order, and of the complaint whereupon the same has pro-

eeded; and either upon the appearance or upon the default to appear of the party ffending it shall be lawful for the sheriff to proceed to the hearing of the com-laaint, and upon proof of the offence, either by the confession of the party com-laained against, or other legal evidence, and without any written pleadings or ecord of evidence, to convict the offender, and upon such conviction to decern and diljudge the offender to pay the penalty incurred, as well as such expenses as the haeriff shall think fit, and to grant warrant for imprisoning the offender until uch penalty and expenses shall be paid: Provided always, that such warrant haall specify the amount of such penalty and expenses, and shall also specify a eriod at the expiration of which the party shall be discharged, notwithstanding uch penalty or expenses shall not have been paid, which period shall in no case xceed three calendar months.

38. *Application of penalties.*—The sheriff by whom any penalty shall be imposed y virtue of this Act shall award such penalty to be applied for the purposes of his Act within the county or burgh in which the offence was committed, and shall rder the same to be paid over to the complainer or to some other person for that urpose: Provided always, that no person shall be liable to the payment of any nalty imposed by virtue of this Act unless such penalty shall have been prose-uted for within six calendar months after the commission of the offence for which has been incurred.

39. *Where assessments are levied under local Acts on a different valuation to that established by this Act, sheriff of the county to fix percentage.*—Where in any burgh parish or county under any statute any assessment, rate, or tax of a fixed mount or percentage has been assessed upon or levied from the proprietors or nants or occupiers of any lands and heritages, but according to a different luation from that established by this Act, it shall be lawful for the sheriff, on application from any person or persons authorised to assess or levy such assess-ent, rate, or tax, or from any ratepayer within such county, burgh, or parish, fix and determine, after such inquiry and notice as he shall think proper, what rcentage, according to the valuation to be made under this Act, corresponds ith and will yield as nearly as may be the sum which the percentage specified in ch statute should yield according to the valuation hitherto in use to be made up nder such statute, and the percentage so fixed by the sheriff shall thereafter, bject to all legal rights, be held to be the percentage provided by such statute.

40. *Rogue money, &c., to be assessed, first giving notice of the same.*—After the mpletion of the first valuation under this Act, it shall be in the power of the mmissioners of supply to assess on the said valuation and any subsequent valua-on the rogue money and all the other assessments now levied on the valued rent; ovided that notice of the resolution so to assess be given at the meeting of the id commissioners previous to the meeting at which such assessment is to be ade; but after such resolution has once been adopted by the said commissioners shall not be in their power to revert to the former mode of assessment. Repealed 1892.

41. *Liability to assessment not to be altered.*—Nothing contained in this Act shall er or affect any classification or power of classification, or any deduction or owances, or power of making deductions or allowances, from gross rental, made possessed by any body, persons or person, entitled to impose or levy assess-ents, but the same shall not affect the value to be inserted in the valuation roll terms of this Act; and nothing contained in this Act shall exempt from or nder liable to assessment any person or property not previously exempt from or ble to assessment.

42. *Interpretation clause.*—The following words and expressions, when used in is Act, shall in the construction thereof be interpreted as follows, except when

the nature of the provision or the context of the Act shall exclude or be repugnant to such construction ; (that is to say), the expression "lands and heritages" shall extend to and include all lands, houses, shootings, and deer forests, where such shootings or deer forests are actually let, fishings, woods, copse and underwood from which revenue is actually derived, ferries, piers, harbours, quays, wharfs, docks, canals, railways, mines, minerals, quarries, coalworks, waterworks, lime-works, brickworks, ironworks, gasworks, factories, and all buildings and pertinents thereof, and all machinery fixed or attached to any lands or heritages : Provided always, that no mine or quarry shall be assessed unless it has been worked during some part of the year to which such assessment applies ; the word "oath" shall include the affirmation of a Quaker, separatist, or Moravian ; the word "proprietor" shall apply to liferenters as well as fiars, and to tutors, curators, commissioners, trustees, adjudgers, wadsetters, or other persons who shall be in the actual receipt of the rents and profits of lands and heritages ; the word "factor" shall mean a person acting under a probative factory and commission for the proprietor or proprietors, including corporations being proprietors, for whom he is factor, and in the *bonâ fide* actual management as such factor of the lands and heritages belonging to such proprietor ; the word "burgh" shall apply only to a city, burgh, or town, being a royal burgh, or which sends or contributes as a burgh to send a member to Parliament ; the expression "magistrates of burghs" shall include the lord provost, or provost, or chief magistrate and magistrates and councils of burghs, and all persons being members for the time of such magistracy or council ; the word "town" shall extend to and include all burghs, as well royal and Parliamentary burghs as burghs of barony or regality, and all other burghs whatsoever, and generally all places situate within a county forming an area of assessment distinct from such county ; the word "county" shall include "stewartry," and shall include and apply to a county exclusive of the burghs situated therein ; the expression "the assessor" shall mean the assessor under this Act of the county or burgh or portion or district of the county or burgh for which he is assessor, as distinguished from the assessor of railways and canals under this Act.

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## SCHEDULE.

Schedule referred to in the foregoing Act was repealed in 1875. The form now in use will be found under 48 Vict., c. 16.

# ACT OF PARLIAMENT

TO

*mend the Act, Seventeenth and Eighteenth of Victoria, for the Valuation of Land in Scotland.*—[20 *and* 21 *Vict., cap.* 58.—25*th August* 1857.]

WWhereas an Act was passed in the seventeenth and eighteenth years of Her Majesty's reign, chapter ninety-one, for the valuation of lands and heritages in Scotland, and it is expedient to amend the said Act as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1... *Power to commissioners of supply and magistrates to appoint officers of inland revenue to be assessors.*—It shall be lawful for the commissioners of supply of each county and the magistrates of each burgh in Scotland respectively, if they shall think fit, to appoint the officer or officers of inland revenue, having the survey of the income tax and assessed taxes within such county or burgh, to be the assessors or assessor for the purpose of the said Act; and such officer or officers when so appointed, as long as such appointments remain unrecalled, shall in all respects and for all the purposes aforesaid stand in the place and shall have, use, exercise, and perform all the powers and duties of the person or persons whom the said commissioners and magistrates respectively are authorised to appoint for the like purposes, under or by virtue of the third section of the said Act; and in such case the expense attending the making up of valuation rolls by such officer or officers shall be defrayed by the commissioners of inland revenue, or as the commissioners of her Majesty's treasury shall direct in that behalf.

2. *Persons charged may appeal. Officer of inland revenue or appellant, if dissatisfied with decision of commissioners or magistrates, may demand a case for the opinion of the judges.*—All persons entitled to appeal against valuations made by the assessors appointed under the said Act shall also be entitled to appeal, under and subject to the like rules and regulations, against the valuations to be made by such officer or officers of inland revenue appointed as aforesaid under this Act; and if upon any such appeal any officer of inland revenue or the person appealing shall apprehend the determination of the said commissioners or magistrates hearing such appeal to be contrary to the true intent of the said Act, and shall then declare himself dissatisfied with such determination, it shall be lawful for such officer or appellant respectively to require the said commissioners or magistrates to state specially and to sign the case upon which the question arose, together with the determination thereupon, and to transmit such case to the commissioners of inland revenue, to the end that the same may be submitted to the senior lord ordinary and the lord ordinary officiating in exchequer causes in the court of session, for their opinion thereon; and such judges to whom such case may be submitted shall with all convenient speed give and subscribe their opinion thereon, and according to such opinion the valuation or assessment which shall have been the cause of the appeal shall be altered or confirmed.*

3. *If commissioners or magistrates do not appoint officers of inland revenue to be assessors, valuations not to be conclusive against assessments.*—Provided always, that if in any county or burgh the said commissioners or magistrates shall not appoint the officers of inland revenue to be such assessors as aforesaid, then no valuation made under the said Act by any other assessor or assessors shall be conclusive against or for the purpose of reducing, on appeal or otherwise, any assessment, rate, or charge under any Act of Parliament relating to the duties of excise, or the land tax or assessed taxes, or income tax, or any other duties, rates, or taxes under the care or management of the commissioners of inland revenue.

4. *Town of Maxwelltown to be deemed part of the stewartry of Kirkcudbright for purposes of*

* Amended by § 8 of the Act of 1867.

*recited Act.*—Whereas the town of Maxwelltown is locally situated within the stewartry of Kirkcudbright, but for certain purposes has been included within the parliamentary boundaries of the burgh of Dumfries, and doubts have arisen whether the said town of Maxwelltown lying within the said parliamentary boundaries is to be deemed for the purposes of the said recited Act within the said stewartry, and it is expedient that such doubts should be removed: Be it therefore enacted, that for the purposes of the said recited Act, and of levying, collecting, and enforcing all assessments, rates, and taxes which the commissioners of supply of the said stewartry are required or authorised to impose or levy, the said town of Maxwelltown shall be deemed and taken to form part of the said stewartry, and the owners and occupiers of lands and heritages within the said town shall be liable for and shall pay all assessments, rates, and taxes imposed and levied as aforesaid within the stewartry, any law or practice to the contrary notwithstanding: Provided always, that nothing herein contained shall affect, except as herein provided, any rights, privileges, or immunities belonging to or claimed by the owners and occupiers of lands and heritages in the said town of Maxwelltown, and this section shall be held to extend to and include all those portions of the parishes of Terregles and Troqueer which are within the parliamentary boundaries of the burgh of Dumfries.

# ACT OF PARLIAMENT

TO

*fine the Duties of the Assessor of Railways in Scotland in making up the Valuation Roll of Railways, and to amend in certain respects the Valuation of Lands (Scotland) Acts.*—[30 & 31 *Vict., cap.* 80.—12*th August* 1867.]

EREAS an Act was passed in the seventeenth eighteenth years of Her Majesty's reign, pter ninety-one, intituled "An Act for the ation of Lands and Heritages in Scotland," another Act was passed in the twentieth twenty-first years of Her Majesty's reign, pter fifty-eight, intituled "An Act to amend Act, Seventeenth and Eighteenth Victoria, he Valuation of Lands in Scotland":
nd whereas it is expedient to farther define duties of the assessor of railways in Scot- in making up the valuation rolls of rail- s under the first-recited Act, and to amend rtain other respects the provisions of both recited Acts:
e it enacted by the Queen's most Excellent esty, by and with the advice and consent he Lords Spiritual and Temporal, and mons, in this present Parliament as- bled, and by the authority of the same, as ws:

. *Short title.*—This Act shall be cited for all pooses as "The Valuation of Lands (Scotland) ndment Act, 1867."

. *Definition of term.*—The term "permanent " in this Act shall mean and include the or lines of railway, bridges under and over same, viaducts, tunnels, fences, and ditches g the said lines, signals and apparatus con- ed therewith.

. *One half of expense of maintaining permanent of railways to be deducted by assessor of rail- and canals before fixing* cumulo *value of way.*—In ascertaining the yearly rent or e in terms of the first-recited Act of the s and heritages in any parish, county, or gh belonging to or leased by any railway pany, and forming part of the undertaking ach company, one half of the expenses in- ed in maintaining or repairing the per- ent way of railways, and charged to revenue he published accounts of such railway com- y for the year preceding that for which the ation is made, shall be allowed by the ssor of railways and canals as a deduction re the *cumulo* yearly rent or value of each rail- is fixed, provided that such assessor is satis- that such expenses have been truly expended aintaining or repairing the permanent way of each such railway; Provided always, that the cost of repairs of stations, engine houses, workshops, wharfs, docks, depôts, counting houses, and other houses and places of business belonging to or leased by any railway company, and forming part of the undertaking of such company, shall not be deemed to be expenses to be allowed by the said assessor in terms of this section.

4. *Amendment of s.* 22 *of* 17 *&* 18 *Vict., c.* 91, *as to stations, &c.*—Whereas the twenty-second section of the first-recited Act, in providing the mode of ascertaining the yearly value or rent of the lands and heritages in any parish, county, or burgh belonging to or leased by any railway or canal company, and forming part of the undertaking of such company, fixed the deduction to be made from the *cumulo* yearly value or rent of the whole lands and heritages in Scotland as aforesaid of each such railway or canal company in respect of the cost of the stations, wharfs, docks, depôts, counting houses, and other houses and places of business in Scotland, of and connected with the undertaking of such company, at a sum equal to three pounds per centum of the whole cost thereof: And whereas such deduction was fixed at too small a sum, and should for the future be increased: Be it enacted as follows:

The twenty-second section of the first-recited Act shall be read and construed as if the words "five pounds per centum" were substituted for the words "three pounds per centum" wherever these latter words occur in the said section of the said first-recited Act.

5. *Separate valuation to be assigned, if required before* 1*st April in each year, to towns and populous places in which a general or local police Act is in force.*—The assessor of railways and canals shall, if required as herein-after provided, specify and assign separately the value of those portions of railways included within the limits of burghs, towns, or populous places (not being burghs in the sense of the twenty-seventh section of the first-recited Act, which section shall remain in full force and effect) which have adopted or shall hereafter adopt the provisions of the Acts of the thirteenth and fourteenth Victoria, chapter thirty-three, or of the twenty-fifth and twenty-sixth Victoria,

chapter one hundred and one, or in which any local police Act is or may hereafter be in force: Provided always, that it shall not be necessary for the said assessor to assign separately the value of the portions of railways included within the limits of any burgh, town, or populous place, in terms of this section, unless on or before the first day of April in each year the town clerk or clerk of the commissioners or trustees of police thereof, as the case may be, shall have required him so to assign the same; and such town clerk or clerk of the commissioners or trustees of police, when making such requisition, shall be bound to state the lineal measurement of the portions of the railway or railways belonging to or leased by any railway company, and forming part of the undertaking thereof, situated within the limits of such burgh, town, or populous place, and the assessor shall satisfy himself as to the correctness of such measurement; and the said assessor, immediately on the completion of the valuation roll made up by him under the recited Acts and this Act, shall transmit to each town clerk or clerk of the commissioners or trustees of police so requiring him as aforesaid a certified copy of the valuation, taken from such valuation roll, of the lands and heritages within such burgh, town, or populous place, as the case may be, belonging to or leased by and forming part of the undertaking of such company; and such valuation relating to such company shall be engrossed by such town clerk or clerk of the commissioners or trustees of police, as the case may be, in the roll or book of assessment of such burgh, town, or populous place made up in terms of the Acts of the thirteenth and fourteenth Victoria, chapter thirty-three, or of the twenty-fifth and twenty-sixth Victoria, chapter one hundred and one, or of the local Act in force in such burgh, town, or populous place; and such valuation shall be authenticated by the signature of such town clerk or clerk of the commissioners or trustees of police, as the case may be, and shall be thenceforward deemed and taken to be a part of such roll or book of assessment of such burgh, town, or populous place, as the case may be.*

**6.** *Valuation roll of railways made up by assessor of railways and canals to be open for inspection, &c.*—The valuation roll to be made up by the assessor of railways and canals, while in the hands of such assessor, shall be patent and accessible to all persons having interest therein, and the assessor shall, when required by any such person, exhibit to him a statement showing the principles and calculations on which the valuation of such assessor is founded, without payment of any fee; and pending the consideration of any appeal against the valuation of such assessor, he shall, if required, be bound to lodge the said statement in court six days before such appeal is to be heard.

**7.** *Time for lodging appeals against assessor's entries in valuation roll.*—All appeals or complaints against any entry in the valuation roll made up in terms of the said recited Acts and of this Act, either by the assessors appointed by the commissioners of supply of any county, or by the magistrates of any burgh, or by the assessor of railways and canals, shall, except as after provided, be lodged not later than the tenth day of September in each year, and every such appeal or complaint shall, except as aforesaid, be heard and determined not later than the thirtieth day of September in each year.†

**8.** *Section 2 of 20 & 21 Vict., c. 58, amended as herein stated.*—The second section of the second-recited Act is hereby amended to the effect of providing that hereafter the judges to whom the case therein referred to shall be submitted, instead of being the senior lord ordinary and the lord ordinary officiating in the exchequer causes in the court of session, shall be any two judges in the said court, who shall be named for that purpose from time to time by Act of Sederunt of the said court: Provided always, that any valuation which shall have been confirmed or altered in conformity with the opinion of said judges shall thereafter be final and not subject to review in any manner of way.

**9.** *Liability to assessment not to be altered by this Act.*—Nothing contained in this Act shall alter or affect any classification or power of classification, or any deduction or allowances, or power of making deductions or allowances from gross rental or annual value, made or possessed by any body, persons or person, entitled to impose or levy assessments, except that in estimating the amount of such deductions or allowances there shall not be allowed or included therein the proportion of the expenses of maintaining or repairing the permanent way of railways to be allowed by the assessor of railways and canals in terms of section third of this Act; and nothing contained in this section shall affect the value to be inserted in the valuation roll of railways and canals in terms of this Act; and nothing contained in this Act shall exempt from or render liable to assessment any person or property not previously exempt from or liable to assessment.

**10.** *Printing of valuation roll.*—It shall be lawful for the commissioners of supply of any county, or the magistrates of any burgh to resolve at any meeting of their number, ordinary or special, duly called, and by a majority of those attending and voting, that the valuation roll of such county or burgh for the current year shall be printed; and the expenses of such printing shall be deemed to be part of the expenses of making up such roll in terms of the eighteenth section of the first-recited Act, and shall be assessed for and levied accordingly: Provided always, that notice of the intention to move such resolution shall be inserted in the notice calling the meeting at which it is to be moved.

* § 5. By the Lands Valuation Act of 1887 it is provided that this section shall apply to waterworks, gasworks, &c. By 57 and 58 Vict., c. 36, the 1st November is substituted for 1st April.

† By 57 and 58 Vict., c. 36, the 10th April is substituted for 10th September; and 15th May for 30th September.

1. *Partial repeal of recited Acts.*—The recited ..., and all other laws, statutes, and usages, ... be and the same are hereby repealed, in ...ar as necessary to give effect to the pro...ons of this Act, but in all other respects ... shall remain in full force and effect.

2. *Commencement of Act.*—The first valua...rolls made up under the said recited Acts ... this Act shall be for the year from Whit...day one thousand eight hundred and sixty-...n to Whitsunday one thousand eight hun... and sixty-eight: Provided always, that ... such year only the time allowed to the assessor of railways and canals for making up his valuation roll, and transmitting copies thereof to each railway, canal, and other company, shall be and is hereby extended to the fifteenth day of September next; the time for complaining to the said assessor, or lodging a note of appeal to the lord ordinary officiating on the bills, or to the sheriff, as the case may be, against any valuation made by such assessor, shall be and is hereby extended to the tenth day of October next; and the time for hearing and determining any such complaint or appeal shall be and is hereby extended to the thirtieth day of November next.

Repealed 1...

# ACT OF PARLIAMENT

TO

*Amend the Acts relating to the Valuation of Lands and Heritages in Scotland.*—

[42 *and* 43 *Vict., cap.* 42.—11*th August* 1879.]

Whereas an Act was passed in the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act for the Valuation of "Lands and Heritages in Scotland;" and another Act was passed in the session of the twentieth and twenty-first years of the said reign, chapter fifty-eight, intituled "An Act to amend the Act "seventeenth and eighteenth of Victoria, for "the Valuation of Lands in Scotland;" and another Act was passed in the session of the thirtieth and thirty-first years of the said reign, chapter eighty, intituled "An Act to define the "duties of the Assessor of Railways in Scotland "in making up the Valuation Roll of Railways, "and to amend in certain respects the Valuation "of Lands (Scotland) Acts;" and it is expedient to amend the recited Acts as herein-after provided:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. *Short title and extent of Act.*—This Act may be cited for all purposes as the Valuation of Lands (Scotland) Amendment Act, 1879, and shall extend to Scotland only.

II. *Commencement of Act.*—This Act shall have effect from and after the first day of January one thousand eight hundred and eighty, which date is herein-after referred to as the commencement of this Act.*

III. *Recited Acts and this Act to be construed together.*—The recited Acts and this Act shall be read and construed together, and may together be referred to as the Valuation of Lands (Scotland) Acts.

IV. *County valuation committee to be appointed.*—From and after the commencement of this Act appeals and complaints under the Valuation of Lands (Scotland) Acts to the commissioners of supply in any county in Scotland shall not be heard and determined by the general body of commissioners of supply of such county, but shall be heard and determined by a standing committee of such commissioners, to be called the county valuation committee. The determination of a county valuation committee shall, for all purposes, be deemed to be the determination of the commissioners of supply by whom it is appointed.

V. *Provisions in regard to a county valuation committee.*—The following provisions shall have effect with respect to the appointment and proceedings of a county valuation committee; that is to say,—

(1.) The commissioners of supply shall annually at their statutory meeting on the thirtieth day of April, or on the day substituted therefor, in terms of the Act passed in the twenty-eighth year of the reign of Her present Majesty, chapter thirty-eight, or at any adjournment thereof, appoint from among themselves a county valuation committee, or they may appoint more than one such committee, and assign to any such committee such area of jurisdiction as they may think expedient:

(2.) A county valuation committee shall consist of not less than five nor more than twenty members:

(3.) A county valuation committee may from time to time fix the times and places of their meetings, of which notice shall be given by the clerk of supply of the county, in the same manner as notice is for the time given of meetings of the commissioners of supply:

(4.) The quorum of a county valuation committee shall be three members:

(5.) Any vacancy arising in any such committee from death, resignation, or other cause, may be from time to time filled up by the committee;

Any such committee may, if a quorum exists, act, notwithstanding vacancies therein:

(6.) A county valuation committee shall continue in office until another such committee is appointed as herein-before provided:

The members of a committee retiring may be reappointed:

(7.) A county valuation committee shall have power to elect one of their own number to act as chairman during their tenure of office, and until a chairman is appointed, and in case of his absence from any meeting, the committee shall elect one of their members present at the meeting to act as chairman of that meeting; and in the event of an equal division of the committee, the chairman shall have a second vote:

* § 2. Repealed—S. L. R. Act, 1894.

(8.) The clerk of supply of the county shall be the clerk of the county valuation committee, or of each such committee if there be more than one, and shall perform all such duties in relation to any such committee or committees as he is required by law to perform in relation to the commissioners of supply in general meeting assembled.

VII. *As to complaints made with regard to entries other than statement of value in valuation rolls.*—It shall be lawful for any person interested to complain to the commissioners of supply of any county or to the magistrates of any burgh under the Valuation of Lands (Scotland) Acts, to the effect that any particular set forth in any entry in the valuation roll for such county or burgh, as the case may be, other than the yearly rent or value of the lands and heritages to which such entry refers, has been set forth erroneously therein; and such complaint shall be made and disposed of in the same manner and subject to the same conditions and provisions (except in regard to the right of requiring a case to be stated) in and under which complaints that such yearly rent or value has been stated by the assessor in such valuation roll at other than the just and true amount thereof may be made and disposed of.

VIII. *Where assessors not officers of Inland Revenue, case may be demanded for opinion of two Judges of Court of Session.*—In the case of persons entitled to appeal against valuations made by assessors under the Valuation of Lands (Scotland) Acts, who are not officers of Inland Revenue appointed under the second recited Act, it shall be lawful for such person appealing, or for such assessor, if he shall apprehend the determination of the commissioners of supply in any county, or the magistrates of any burgh, upon such appeal as to the yearly rent or value of the lands and heritages to which such appeal relates, to be contrary to the true intent of the said Acts, and shall then declare himself dissatisfied with such determination, to require the said commissioners or magistrates to state specially and to sign the case upon which the question arose, setting forth the facts proved, together with the determination thereupon, and to transmit such case to the Commissioners of Inland Revenue, to the end that the same may be submitted to any two judges in the Court of Session, who shall be named for that purpose from time to time by Act of Sederunt of the said Court, for their opinion thereon; and such judges to whom such case may be submitted, shall with all convenient speed, give and subscribe their opinion thereon, and, according to such opinion, the valuation or assessment which shall have been the cause of the appeal shall be altered or confirmed.

The cases under this section, and also under the recited Acts, may be disposed of by the Judges in time of session or vacation, and in court or at chambers, and after hearing parties or not, at their discretion.

VIII. *Evidence to be taken in shorthand writing if required.*—Either party to any appeal or complaint to the commissioners of supply of any county, or the magistrates of any burgh, under the Valuation of Lands (Scotland) Acts, may, at the hearing of such appeal or complaint, require the evidence to be taken in shorthand writing at his expense, and in that event such evidence shall be taken accordingly.

IX. *Case to set forth grounds of appeal, &c.*—In stating any case, the commissioners of supply of any county, or the magistrates of any burgh, as the case may be, shall, in addition to the particulars now required to be stated, set forth the grounds of appeal or complaint, and the replies thereto in such terms as shall be submitted to them by the parties within ten days after the determination appealed against; and a certified copy of any evidence taken as aforesaid shall be submitted, along with the case, to the said judges who may, if they think fit to do so, remit the case to the commissioners or magistrates by whom it was stated, with such instructions as the said judges may consider necessary for having the case more fully stated.

X. *Further alterations of day of annual statutory meetings of commissioners of supply.*—Where the day for holding the annual statutory meeting of the commissioners of supply of any county has been altered under the provisions of the Commissioners of Supply Meetings (Scotland) Act, 1865 [28 and 29 Vict., cap. 38], it shall be lawful again, and from time to time, to alter such day, as nearly as may be in the manner and subject to the provisions and to the effect set forth in the said Act.

## EXTRACTS FROM

*Registration Amendment (Scotland) Act*, 1885.—[48 *Vict., cap* 16.—21*st May* 1885.]

. . . . . .

**3.** (4.) *Form of valuation roll.*—The valuation roll shall be in the form contained in the schedule to this Act until such form is altered by the Queen by order in council as aforesaid; and section five of the County Voters Registration (Scotland) Act, 1861, is hereby repealed and section four of the said Act and section sixteen of the Representation of the People (Scotland) Act, 1868, are hereby repealed in so far as these sections provide that the name of the person to whom the amount of feu duty, ground annual, or other yearly consideration payable as a condition of his right by any proprietor, is to be entered in the valuation roll: Provided that the second column of the valuation roll, headed "description and situation of subject," may be printed for any county without subdivision if the commissioners of supply of such county shall so determine.

. . . . . .

**6.** *Dwelling-houses to be entered in valuation roll.*—In every future valuation roll to be made up in any county or burgh the assessor shall specify each dwelling-house within the meaning of the Representation of the People Act, 1884.

**7.** *Register in divided parishes.*—Where a parish is divided into or forms part of more than one polling district, the register of voters in such parish shall be made up separately for each polling district.

**8.** *Register in parliamentary burghs merged in counties.*—Where any burgh has ceased as a burgh to return or to contribute to return a member to Parliament, the register of voters shall continue to be made up separately, but the duties hitherto performed by the town clerk shall be performed by the sheriff clerk.

. . . . . .

**12.** *Printing of valuation roll.*—It shall be lawful for the commissioners of supply of any county, or the magistrates of any burgh, to resolve at any meeting of their number, ordinary or special, duly called, and by a majority of those attending and voting, that the valuation roll of such county or burgh shall be printed for any period of years not exceeding ten, and it shall be lawful for such commissioners or magistrates to enter into contracts for printing the same, and the expenses of such printing shall be deemed to be part of the expenses of making up such roll, and shall be assessed for and levied accordingly: Provided always, that notice of the intention to move such resolution shall be inserted in the notice calling the meeting at which it is to be moved.

And section ten of the Valuation of Lands (Scotland) Amendment Act, 1867, is hereby repealed.

. . . . . .

### SCHEDULE.

Page——

VALUATION ROLL for the Burgh [*or* County] of for the Year 18 -18 . Parish.

| No. | Description and Situation of Subject. | | Proprietor. | Tenant. | Occupier. | Inhabitant Occupier not rated (48 Vict. c. 3, ss. 3 & 9). | Feu Duty or Ground Annual. | Yearly Rent or Value. |
|---|---|---|---|---|---|---|---|---|
| | Description. | Situation. | | | | | | |
| | | No. | | | | | | |

# ACT OF PARLIAMENT

TO

*mend the Law as to the Rating of Lands occupied for Sporting Purposes in Scotland.*—[49 *Vict., cap.* 15.—10*th May* 1886.]

Be it enacted by the Queen's most Excellent jesty, by and with the advice and consent the Lords Spiritual and Temporal, and mons, in this present Parliament assembled, by the authority of the same, as follows:

1. *Commencement and extent of Act.*—This shall come into operation on the first day January one thousand eight hundred and ty seven, and shall apply to Scotland only.

2. *Interpretation clause.*—The expression ae Valuation Acts" shall mean the Act enteenth and eighteenth Victoria, chapter ety-one, and any Acts amending the same.
he expression "the assessor" shall mean assessor appointed and acting under the uation Acts.
he expression "the Poor Law Act" shall an the Act eighth and ninth Victoria, pter eighty-three.

3. *Construction of Act.*—This Act shall be d and construed along with the Valuation s and the Poor Law Act.

4. *Amendment of* 17 *and* 18 *Vict., c.* 91, *s.* 42. he forty-second section of the Act seven-nth and eighteenth Victoria, chapter ninety-, shall be read and construed as if the ds "where such shootings or deer forests actually let" were not therein contained.

5. *Amendment of* 8 *and* 9 *Vict., c.* 83, *s.* 1.—e first section of the Poor Law Act shall be read and construed as if the definition of "lands and heritages" therein expressly referred to and included shootings and deer forests.

6. *Valuation of shootings and deer forests.*—In order to ascertain and assess under the Valuation Acts the yearly value of shootings and deer forests in Scotland, it shall be the duty of the assessor to enter separately for each parish, and in respect of each proprietor therein, the yearly value of the shootings over the lands and of the deer forests belonging to him in so far as situated within such parish.

7. *Rating of shootings and deer forests.*—All county, parochial, or other public assessments, and all assessments, rates, or taxes, under any Act of Parliament, authorised to be imposed or made upon or according to the annual value of lands and heritages ascertained under the Valuation Acts, or upon or according to the annual value of lands and heritages ascertained under the Poor Law Act, shall be imposed or made upon or according to the annual value of shootings and deer forests ascertained under the Valuation Acts, as amended by this Act, or upon the annual value thereof ascertained under the Poor Law Act, as amended by this Act, as the case may be.

8. *Short title.*—This Act may be cited for all purposes as the Sporting Lands Rating (Scotland) Act, 1886.

# ACT OF PARLIAMENT

TO

*Amend the Valuation of Lands (Scotland) Amendment Act*, 1867.—[50 *and* 51 *Vict., cap.* 51.—16*th September* 1887.]

Whereas an Act was passed in the thirtieth and thirty-first years of Her Majesty's reign, chapter eighty, to define the duties of the assessor of railways in Scotland in making up the valuation roll of railways:

And whereas it is expedient to further define the duties of the assessor of railways in Scotland in making up the valuation rolls of waterworks, gasworks, or other undertakings, the duty of making up the valuations of which said waterworks, gasworks, or other undertakings, is now or may hereafter be imposed upon him:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

I. *Short title.*—This Act shall be cited for all purposes as the Valuation of Lands (Scotland) Amendment Act, 1887.

II. *Section 5 of 30 and 31 Vict., c. 80, to apply to waterworks, &c.*—The provisions of section five of the said Act of the thirtieth and thirty-first years of the reign of Her present Majesty, chapter eighty, set forth in the schedule hereto annexed, which at present apply to railways only, shall be extended, and shall be held to apply to the valuations of all waterworks, gasworks, and other undertakings, the valuations of which are now, or may hereafter be, made up by the said assessor of railways.

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## SCHEDULE.

VALUATION OF LANDS (SCOTLAND) AMENDMENT ACT, 1867 (30 and 31 Vict., c. 80).

Section 5.

*Separate valuations to be assigned if required before 1st April to towns and populous places in which a general or local Police Act is in force.*—The assessor of railways and canals shall, if required as herein-after provided, specify and assign separately the value of those portions of railways included within the limits of burghs, towns, or populous places (not being burghs in the sense of the twenty-seventh section of the first-recited Act, which section shall remain in full force and effect), which have adopted or shall hereafter adopt the provisions of the Acts of the thirteenth and fourteenth Victoria, chapter thirty-three, or of the twenty-fifth and twenty-sixth Victoria, chapter one hundred and one, or in which any local police Act is or may hereafter be in force: Provided always, that it shall not be necessary for the said assessor to assign separately the value of the portions of railways included within the limits of any burgh, town, or populous place, in terms of this section, unless on or before the first day of April in each year the town clerk or clerk of the commissioners or trustees of police thereof, as the case may be, shall have required him so to assign the same; and such town clerk or clerk of the commissioners or trustees of police, when making such requisition, shall be bound to state the lineal measurement of the portions of the railway or railways belonging to or leased by any railway company, and forming part of the undertaking thereof, situated within the limits of such burgh, town, or populous place, and the assessor shall satisfy himself as to the correctness of such measurement; and the said assessor, immediately on the completion of the valuation roll made up by him under the recited Acts and this Act, shall transmit to each town clerk or clerk of the commissioners or trustees of police so requiring him as aforesaid a certified copy of the valuation, taken from such valuation roll, of the lands and heritages within such burgh, town, or populous place, as the case may be, belonging to or leased by and forming part of the undertaking of such company; and such valuation relating to such company shall be engrossed by such town clerk or clerk of the commissioners or trustees of police as the case may be, in the roll or book of assessment of such burgh, town, or populous place, made up in terms of the Acts of the thirteenth and fourteenth Victoria, chapter thirty-three, or of the twenty-fifth and twenty-sixth Victoria, chapter one hundred and one, or of the local Act in force in such burgh, town, or populous place; and such valuation shall be authenticated by the signature of such town clerk or clerk of the commissioners or trustees of police, as the case may be, and shall be thenceforward deemed and taken to be a part of such roll or book of assessment of such burgh, town, or populous place, as the case may be.*

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* By 57 and 58 Vict., c. 36, the 1st November is substituted for 1st April.

# ACT OF PARLIAMENT

TO

*end the Valuation of Lands (Scotland) Acts in regard to the duties of the Assessor of Railways and Canals.*—[57 *and* 58 *Vict., cap.* 36.—17*th August* 1894.]

e it enacted by the Queen's most Excellent esty, by and with the advice and consent he Lords Spiritual and Temporal, and Com- ns, in this present Parliament assembled, l by the authority of the same, as follows :

. *Short title.*—This Act shall be cited for all rposes as the Valuation of Lands (Scotland) ss Amendment Act, 1894.

II. *Assessor to make up valuation roll of rail- ys and canals annually by* 15*th March.*—For purposes of the valuation roll to be made by the assessor of railways and canals reinafter called the assessor) in terms of following Acts, viz., the Lands Valuation otland) Act, 1854, the Valuation of Lands otland) Amendment Act, 1867, and the uation of Lands (Scotland) Amendment , 1887 (hereinafter called the recited Acts) the year ending Whitsunday one thousand ht hundred and ninety-six and subsequent rs, in place of the fifteenth day of August, provided by the twenty-first section of the t recited Act, there shall be substituted 15th day of March as the day on or before ich the assessor shall inquire into and fix *cumulo* the yearly rent or value of all lands l heritages in Scotland belonging to or sed by each railway and canal company, l forming part of its undertaking, and in ce of the fifteenth day of May, as provided the twenty-third section of the said first ited Act there shall be substituted the eenth day of November previously as the on or before which intimations of the ire of any water company, or gas company, other company having any continuous lands l heritages liable to be assessed in more n one parish, county, or burgh, to have h lands and heritages assessed, shall be de to the sheriff.

III. *Valuation roll to be transmitted by assessor* 15*th March, &c.*—In place of the fifteenth of August, as provided by the twenty- rth section of the Act seventeen and hteen Victoria, chapter ninety-one, there ll be substituted the fifteenth day of March the day on or before which in each year the essor shall, in terms of the recited Acts, nsmit to each railway and canal and other mpany included in his valuation a copy of the entries in his roll; and in place of the eighth day of September there shall be substituted the eighth day of April as the day on or before which any company considering themselves aggrieved by such valuation may obtain redress by satisfying such assessor that they have well-founded ground of complaint, and obtain an alteration by him of his valuation accordingly; and in place of the tenth day of September, as provided by the seventh section of the Valuation of Lands (Scotland) Amendment Act, 1867, there shall be substituted the tenth day of April as the day on or before which all appeals or complaints against any entry in the valuation roll by such railway, canal, or other company, or by any parish, county, or burgh, shall be lodged; and all such appeals or complaints against, and objections to, any such valuation shall be heard and determined and any deliverance pronounced on or before the fifteenth day of May following.

IV. *Requisition for separate valuations to be made by* 1*st November annually.*—In place of the first day of April, provided by the fifth section of the Valuation of Lands (Scotland) Amendment Act, 1867, and the second section of the Valuation of Lands (Scotland) Amendment Act, 1887, there shall be substituted the first day of November in each year, as the day on or before which the town clerk or clerk of the commissioners or trustees of police of any burgh, town, or populous place, as defined by the said section, shall require the assessor of railways and canals to specify and assign the valuation of railways, canals, and other undertakings separately in the valuation roll, in so far as situated within the limits of any such burgh, town, or populous place.

V. *Authentication of valuation roll by trans- mission assessor, and to persons interested.*—The valuation roll to be made up annually by the assessor of railways and canals under the recited Acts and this Act shall, as soon as may be after the fifteenth day of May in each year, be authenticated by the signature of such assessor, and such valuation roll shall then be in force as the valuation roll of railway and canal and other companies for the year commencing at the term of Whitsunday, being the

said fifteenth of May, and the said assessor shall thereupon transmit to each county burgh, town, or populous place, certified copies thereof, as provided in the said recited Acts.

VI. *This Act not to affect dates for exacting payment of assessments from railway and other companies.* — Nothing in this Act contained shall alter or affect the dates on which payment may be demanded or exacted of any assessment, rate, or tax chargeable upon or according to the valuation appearing in the valuation roll of railways, canals, and other undertakings, and such assessment, rate, or tax shall, notwithstanding the earlier completion of such valuation roll, as by this Act provided, be demanded or exacted in respect of such undertakings only when demanded or exacted in respect of other lands and heritages, and not earlier than it could be demanded or exacted if the said valuation roll of railways, canals, and other undertakings were completed at the same date as the valuation roll of all other lands and heritages.

VII. *Extension of meaning of word company.* —For the purposes of the valuation roll to be made up by the assessor of railways and canals for the year ending Whitsunday one thousand eight hundred and ninety-five and subsequent years, the provisions of sections twenty to twenty-nine inclusive of the Act seventeen and eighteen Victoria, chapter ninety-one, and of any Act amending the same, and of this Act, shall extend to and include such railways, tramways, canals, water-works, gas-works, and other undertakings belonging to, or leased or occupied by, any corporation, burgh commissioners, trustees, or local authority as are referred to in the said sections, and the words companies and company occurring therein shall be read accordingly.

VIII. *Partial repeal of recited Acts.* — The recited Acts, and all other laws, statutes, and usages, shall be, and the same are hereby, repealed, in so far as necessary to give effect to the provisions of this Act, but in all other respects they shall remain in full force and effect.

# WEIGHTS AND MEASURES ACTS.

# ACT OF PARLIAMENT

TO

*Consolidate the Law relating to Weights and Measures.*—[41 & 42 *Vict.*, *cap.* 49.—8*th August* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

## PRELIMINARY.

1. *Short title.*—This Act may be cited as the Weights and Measures Act, 1878.

Rep. 2. *Commencement.*—This Act shall not come into operation until the first day of January one thousand eight hundred and seventy-nine, which day is herein-after referred to as the commencement of this Act.

## I.—LAW OF WEIGHTS AND MEASURES.

3. *Uniformity of weights and measures.*—The same weights and measures shall be used throughout the United Kingdom.

## STANDARDS OF MEASURE AND WEIGHT.

4. *Imperial standards of measure and weight.*—The bronze bar and the platinum weight, more particularly described in the first part of the first schedule to this Act, and at the passing of this Act deposited in the Standards Department of the Board of Trade in the custody of the warden of the standards, shall continue to be the imperial standards of measure and weight, and the said bronze bar shall continue to be the imperial standard for determining the imperial standard yard for the United Kingdom, and the said platinum weight shall continue to be the imperial standard for determining the imperial standard pound for the United Kingdom.

5. *Parliamentary copies of imperial standards.*—The four copies of the imperial standards of measure and weight, described in the second part of the first schedule to this Act, and deposited as therein mentioned, shall be deemed to be parliamentary copies of the said imperial standards.

The Board of Trade shall as soon as may be after the commencement of this Act cause an accurate copy of the imperial standard of measure and an accurate copy of the imperial standard of weight to be made of the same form and material as the said standards, and it shall be lawful for Her Majesty in Council, on the representation of the Board of Trade, to approve the copies so made, and the copies when so approved shall be of the same effect as the said parliamentary

ess, and are in this Act included under the name parliamentary copies of the erial standards of measure and weight.

. *Restoration of imperial standards.*—If at any time either of the imperial ndards of measure and weight is lost or in any manner destroyed, defaced, or erwise injured, the Board of Trade may cause the same to be restored by erence to or adoption of any of the parliamentary copies of that standard, or of of them as may remain available for that purpose.

. *Restoration of parliamentary copies.*—If at any time any of the parliamentary ies of either of the imperial standards is lost or in any manner destroyed, aced, or otherwise injured, the Board of Trade may cause the same to be ored by reference either to the corresponding imperial standard, or to one of other parliamentary copies of that standard.

. *Secondary (Board of Trade) standards of measure and weight.*—The second- standards of measure and weight which, having been derived from the erial standards, are at the commencement of this Act in use under the ection of the Board of Trade, and are mentioned in the second schedule to Act, and no others (save as herein-after mentioned), shall be secondary ndards of measure and weight, and shall be called Board of Trade standards.
f at any time any of such standards is lost or in any manner destroyed, aced, or otherwise injured, the Board of Trade may cause the same to be restored reference either to one of the imperial standards or to one of the parliamentary ies of those standards.
The Board of Trade shall from time to time cause such new denominations of ndards, being either equivalent to or multiples or aliquot parts of the imperial ghts and measures ascertained by this Act, or being equivalent to or multiples ach coin of the realm for the time being, as appear to them to be required, in ition to those mentioned in the second schedule to this Act, to be made and y verified, and those new denominations of standards when approved by Her jesty in Council shall be Board of Trade standards in like manner as if they e mentioned in the said schedule.
It shall be lawful for Her Majesty by order in council to declare that a Board Trade standard for the time being of any denomination, whether mentioned in said schedule or approved by order in council, shall cease to be such a ndard.
Such standards of the Board of Trade as are equivalent to or multiples of any n of the realm for the time being shall be standard weights for determining the ness of the weight of and for weighing such coin.

. *Local standards of measure and weight.*—The standards of measure and ght which are at the commencement of this Act legally in use by inspectors of ghts and measures for the purpose of verification or inspection, and all copies the Board of Trade standards which after the commencement of this Act are pared with those standards and verified by the Board of Trade for the purpose being used by inspectors of weights and measures under this Act as standards the verification or inspection of weights and measures, shall be called local ndards.

## Imperial Measures of Length.

0. *Imperial standard yard.*—The straight line or distance between the centres the two gold plugs or pins (as mentioned in the first schedule to this Act) in bronze bar by this Act declared to be the imperial standard for determining

the imperial standard yard measured when the bar is at the temperature of sixty-two degrees of Fahrenheit's thermometer, and when it is supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar, and to facilitate its free expansion and contraction from variations of temperature, shall be the legal standard measure of length, and shall be called the imperial standard yard, and shall be the only unit or standard measure of extension from which all other measures of extension, whether linear, superficial, or solid, shall be ascertained.

11. *Linear measures derived from imperial standard yard.*—One-third part of the imperial standard yard shall be a foot, and the twelfth part of such foot shall be an inch, and the rod, pole, or perch in length shall contain five such yards and a half, and the chain shall contain twenty-two such yards, the furlong two hundred and twenty such yards, and the mile one thousand seven hundred and sixty such yards.

12. *Superficial measures derived from the imperial standard yard.*—The rood of land shall contain one thousand two hundred and ten square yards according to the imperial standard yard, and the acre of land shall contain four thousand eight hundred and forty such square yards, being one hundred and sixty square rods, poles, or perches.

## Imperial Measures of Weight and Capacity.

13. *Imperial standard pound.*—The weight *in vacuô* of the platinum weight (mentioned in the first schedule to this Act), and by this Act declared to be the imperial standard for determining the imperial standard pound, shall be the legal standard measure of weight, and of measure having reference to weight, and shall be called the imperial standard pound, and shall be the only unit or standard measure of weight from which all other weights and all measures having reference to weight shall be ascertained.

14. *Imperial weights derived from imperial standard pound.*—One-sixteenth part of the imperial standard pound shall be an ounce, and one-sixteenth part of such ounce shall be a dram, and one seven-thousandth part of the imperial standard pound shall be a grain.

A stone shall consist of fourteen imperial standard pounds, and a hundredweight shall consist of eight such stones, and a ton shall consist of twenty such hundredweights.

Four hundred and eighty grains shall be an ounce troy.

All the foregoing weights except the ounce troy shall be deemed to be avoirdupois weights.

15. *Imperial measures of capacity.*—The unit or standard measure of capacity from which all other measures of capacity, as well for liquids as for dry goods, shall be derived, shall be the gallon containing ten imperial standard pounds weight of distilled water weighed in air against brass weights, with the water and the air at the temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches.

The quart shall be one-fourth part of the gallon, and the pint shall be one-eighth part of the gallon.

Two gallons shall be a peck, and eight gallons shall be a bushel, and eight such bushels shall be a quarter, and thirty-six such bushels shall be a chaldron.

Repealed 1889.

116. *Measure of capacity for goods formerly sold by heaped measure.*—A bushel the sale of any of the following articles, namely, lime, fish, potatoes, fruit, or other goods and things which before (the passing of the Weights and Measures , 1835, that is to say) the ninth day of September one thousand eight hundred l thirty-five, were commonly sold by heaped measure, shall be a hollow cylinder ving a plane base, the internal diameter of which shall be double the internal pth, and every measure used for the sale of any of the above-mentioned articles ich is a multiple of a bushel, or is a half bushel or a peck, shall be made of the ne shape and proportion as the above-mentioned bushel.

117. *Measure of capacity when used to be stricken or filled up.*—In using an perial measure of capacity, the same shall not be heaped, but either shall be icken with a round stick or roller, straight and of the same diameter from end end, or if the article sold cannot from its size or shape be conveniently stricken ll be filled in all parts as nearly to the level of the brim as the size and shape the article will admit.

### Metric Equivalents of Imperial Weights and Measures.

118. *Equivalents of metric weights and measures in terms of imperial weights and asures.*—The table in the third schedule to this Act shall be deemed to set forth equivalents of imperial weights and measures and of the weights and measures rein expressed in terms of the metric system, and such table may be lawfully d for computing and expressing, in weights and measures, weights and asures of the metric system.

### Use of Imperial Weights and Measures.

119. *Trade, contracts, sales, dealings, &c., to be in terms of imperial weights or asures.*—Every contract, bargain, sale, or dealing, made or had in the United ngdom for any work, goods, wares, or merchandise, or other thing which has en or is to be done, sold, delivered, carried, or agreed for by weight or measure, ll be deemed to be made and had according to one of the imperial weights or asures ascertained by this Act, or to some multiple or part thereof, and if not made or had shall be void; and all tolls and duties charged or collected cording to weight or measure shall be charged and collected according to one of imperial weights or measures ascertained by this Act, or to some multiple or rt thereof.

Such contract, bargain, sale, dealing, and collection of tolls and duties as is in s section mentioned is in this Act referred to under the term "trade."

No local or customary measures, nor the use of the heaped measure, shall be wful.

Any person who sells by any denomination of weight or measure other than one the imperial weights or measures, or some multiple or part thereof, shall be ble to a fine not exceeding forty shillings for every such sale.

120. *Sale by avoirdupois weight, with exceptions.*—All articles sold by weight ll be sold by avoirdupois weight; except that—

(1.) Gold and silver, and articles made thereof, including gold and silver thread, lace, or fringe, also platinum, diamonds, and other precious metals or stones, may be sold by the ounce troy or by any decimal parts of such ounce; and all contracts, bargains, sales, and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had shall be valid: and

(2.) Drugs when sold by retail, may be sold by apothecaries weight.

Every person who acts in contravention of this section shall be liable to a fine not exceeding five pounds.

21. *Exception for contract, &c., in metric weights and measures.*—A contract or dealing shall not be invalid or open to objection on the ground that the weights or measures expressed or referred to therein are weights or measures of the metric system, or on the ground that decimal subdivisions of imperial weights and measures, whether metric or otherwise, are used in such contract or dealing.

22. *Exception for sale of article in vessel not represented as being of imperial or local measure.*—Nothing in this Act shall prevent the sale, or subject a person to a fine under this Act for the sale, of an article in any vessel, where such vessel is not represented as containing any amount of imperial measure, nor subject a person to a fine under this Act for the possession of a vessel where it is shown that such vessel is not used nor intended for use as a measure.

23. *Penalty on price lists, &c., denoting greater or less weight or measure than the same denomination of imperial weight or measure.*—Any person who prints, and any clerk of a market or other person who makes, any return, price list, price current, or any journal or other paper containing price list or price current, in which the denomination of weights and measures quoted or referred to denotes or implies a greater or less weight or measure than is denoted or implied by the same denomination of the imperial weights and measures under this Act, shall be liable to a fine not exceeding ten shillings for every copy of every such return, price list, price current, journal, or other paper which he publishes.

24. *Penalty on use or possession of unauthorised weight or measure.*—Every person who uses or has in his possession for use for trade a weight or measure which is not of the denomination of some Board of Trade standard, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and the weight or measure shall be liable to be forfeited.

## Unjust Weights and Measures.

25. *Penalty on use or possession of unjust measures, weights, balances, or weighing machines.*—Every person who uses or has in his possession for use for trade any weight, measure, scale, balance, steelyard, or weighing machine which is false or unjust, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and any contract, bargain, sale or dealing made by the same shall be void, and the weight, measure, scale, balance, or steelyard, shall be liable to be forfeited.*

26. *Penalty for fraud in use of weight, measure, balance, &c.*—Where any fraud is wilfully committed in the using of any weight, measure, scale, balance, steelyard, or weighing machine, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and the weight, measure, scale, balance, or steelyard shall be liable to be forfeited.*

27. *Penalty on sale of false weight, measure, balance, &c.*—A person shall not wilfully or knowingly make or sell, or cause to be made or sold, any false or unjust weight, measure, scale, balance, steelyard, or weighing machine.

* See also § 3 of the Act of 1889.

Every person who acts in contravention of this section shall be liable to a fine not exceeding ten pounds, or in the case of a second offence fifty pounds.

### Stamping and Verification of Weights and Measures.

83. *Stamping of weights and measures with denomination.*—Every weight, except where the small size of the weight renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof in legible figures or letters.

Every measure of capacity shall have the denomination thereof stamped on the side of such measure in legible figures and letters.

A weight or measure not in conformity with this section shall not be stamped with such stamp of verification under this Act as is hereinafter mentioned.

90. *Stamping of verification on measures and weights.*—Every measure and weight whatsoever used for trade shall be verified and stamped by an inspector with a stamp of verification under this Act.

Every person who uses or has in his possession for use for trade any measure or weight not stamped as required by this section, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and shall be liable to forfeit the said measure or weight, and any contract, bargain, sale, or dealing made by such measure or weight shall be void.

91. *Lead or pewter weights.*—A weight made of lead or pewter, or of any composure thereof, shall not be stamped with a stamp of verification or used for trade, unless it be wholly and substantially cased with brass, copper, or iron, and visibly stamped or marked "cased."

Provided that nothing in this section shall prevent the insertion into a weight of a plug of lead or pewter as is *bonâ fide* necessary for the purpose of adjusting or of affixing thereon the stamp of verification.

Any person guilty of any offence against or disobedience to the provisions of this section, shall be liable to a penalty not exceeding five pounds, or in case of a second offence ten pounds.

92. *Stamping of verification on weights for coin.*—Every coin weight, not less in weight than the weight of the lightest coin for the time being current, shall be verified and stamped by the Board of Trade with a mark of verification under this Act, and otherwise shall not be deemed a just weight for determining the weight of gold and silver coin of the realm.

Every person who uses any weight declared by this section not to be a just weight shall be liable to a fine not exceeding fifty pounds.

93. *Forgery, &c., of stamps on measures or weights.*—If any person forges or counterfeits any stamp used for the stamping under this Act of any measure or weight, or used before the commencement of this Act for the stamping of any measure or weight, under any enactment repealed by this Act, or wilfully increases or diminishes a weight so stamped, he shall be liable to a fine not exceeding fifty pounds.

Any person who knowingly uses, sells, utters, disposes of, or exposes for sale any measure or weight with such forged or counterfeit stamp thereon, or a weight increased or diminished, shall be liable to a fine not exceeding ten pounds.

All measures and weights with any such forged or counterfeit stamp shall be forfeited.*

* See also § 1 of the Act of 1889.

## II.—Administration.

### (*a.*) Central.

### Board of Trade.

33. *Powers and duties of Board of Trade as to standards of weights and measures, &c.*—The Board of Trade shall have all such powers and perform all such duties relative to standards of measure and weight, and to weights and measures, as are by any Act or otherwise vested in or imposed on the treasury, or the comptroller-general of the exchequer, or the warden of the standards; and all things done by the Board of Trade, or any of their officers, or at their office, in relation to standards of weights and measures in pursuance of this Act shall be as valid, and have the like effect and consequences, as if the same had been done by the treasury, or by the comptroller-general or other officer of the exchequer, or by the warden of the standards, or at the office of the exchequer.

It shall be the duty of the Board of Trade to conduct all such comparisons, verifications, and other operations with reference to standards of measure and weight, in aid of scientific researches or otherwise, as the Board of Trade from time to time thinks expedient, and to make from time to time a report to Parliament on their proceedings and business under this Act.

### Custody and Verification of Standards and Copies.

34. *Custody of imperial and Board of Trade standards to remain with Board of Trade.*—The imperial standards of measure and weight, the Board of Trade standards of measure and weight, and all balances, apparatus, books, documents, and things used in connection therewith or relating thereto, deposited at the passing of this Act in the Standards Department, or in any other office of the Board of Trade, shall remain and be in the custody of the Board of Trade.

35. *Custody and periodical verification of parliamentary copies of imperial standards.*—The parliamentary copies of the imperial standards of measure and weight mentioned in part two of the first schedule to this Act shall continue to be deposited as therein mentioned.

The copies of the imperial standards of measure and weight made in pursuance of this Act, when approved by Her Majesty in Council, shall be deposited at some office of the Board of Trade, and be in the custody of the Board of Trade.

The Board of Trade shall cause the parliamentary copies of the imperial standards of measure and weight, except the copy immured in the new palace at Westminster, to be compared once in every ten years with each other, and once in every twenty years with the imperial standards of measure and weight.

36. *Periodical verification of Board of Trade standards.*—Once at least in every five years the Board of Trade shall cause the Board of Trade standards for the time being to be compared with the parliamentary copies of the imperial standards of measure and weight made and approved in pursuance of this Act and with each other, and to be adjusted or renewed, if requisite.

37. *Verification by Board of Trade of local standards.*—The Board of Trade shall cause to be compared with the Board of Trade standards and verified at such place as the Board of Trade in each case direct all copies of any of those standards which are submitted for the purpose by any local authority, and have been used or intended to be used as local standards, and if they find the same fit for the purpose of being used by inspectors of weights and measures under this

as standards for the verification and inspection of weights and measures, ll cause them to be stamped as verified or re-verified in such manner as to w the date of such verification or re-verification, and every such verification ll be evidenced by an indenture, and every such re-verification shall be denced by an indorsement upon the original indenture of verification, or by a indenture of verification.

ny such indenture or indorsement, if purporting to be signed (either before or r the passing of this Act) by an officer of the Board of Trade, shall be dence of the verification or re-verification of the weights and measures therein rred to.

ny such indenture or indorsement shall not be liable to stamp duty, nor shall fee be payable on the verification or re-verification of any local standard.

n account shall be kept by the Board of Trade of all local standards verified e-verified.

8. *Power of Board of Trade to verify metric weights and measures.*—Whereas Board of Trade have obtained accurate copies of the metric standards men-ed in part two of the third schedule to this Act, and it is expedient to make provision herein-after mentioned for the verification of metric weights and sures, be it therefore enacted as follows:

he Board of Trade may, if they think fit, cause to be compared with the metric dards in their custody and verified all metric weights and measures which submitted to them for the purpose, and are of such shape and construction may be from time to time in that behalf directed by the Board of Trade, and ch the Board of Trade are satisfied are intended to be used for the purpose of nce or of manufacture, or for any lawful purpose not being for the purpose of de within the meaning of this Act.

9. *Verification and stamping of coin weights.*—The Board of Trade, on pay-nt of such fee, not exceeding five shillings, as they from time to time prescribe, ll cause all coin weights required by this Act to be verified, to be compared h the standard weights for weighing coin, and, if found to be just, stamped h a mark approved of by the Board, and notified in the *London Gazette*.

ll fees under this section shall be paid into the Exchequer.

## (*b*) Local Administration.

### Local Standards.

0. *Provision of local standards by local authority.*—The local authority ntioned in the fourth schedule to this Act) of every county and borough from e to time shall provide such local standards of measure and weight as they m requisite for the purpose of the comparison by way of verification or pection, in accordance with this Act, of all weights and measures in use in ir county or borough, and shall fix the places at which such standards are to be posited.

he said local authority shall also provide from time to time proper means for ifying weights and measures by comparison with the local standards of such hority, and for stamping the weights and measures so verified.

1. *Periodical verification of local standards.*—A local standard of weight shall be deemed legal nor be used for the purposes of this Act unless it has been ified or re-verified within five years before the time at which it is used.

local standard of measure shall not be deemed legal nor be used for the poses of this Act unless it has been verified or re-verified within ten years ore the time at which it is used.

A local standard of weight or measure which has become defective in consequence of any wear or accident, or has been mended, shall not be legal nor be used for the purpose of this Act until it has been re-verified by the Board of Trade.

A local standard may, save as aforesaid, be re-verified, for the purpose of this section, by such local comparison thereof as is hereinafter mentioned, if on that local comparison it is found correct, but otherwise shall be, and in any case may be, re-verified by the Board of Trade.

A local comparison of a local standard shall be made by an inspector of weights and measures for the county or borough in which such standard is used comparing the same, in the presence of a justice of the peace, with some other local standard which has been verified or re-verified by the Board of Trade, in the case of a weight within the previous five years, and in the case of a measure within the previous ten years.

Upon a local comparison where the local standard is found correct the justice shall sign an indorsement upon the indenture of verification of that standard, stating such local comparison and verification, and the error, if any, found thereon, and the indorsement so signed shall be transmitted to the Board of Trade to be recorded in the account of the verification of local standards. The indorsement when so recorded shall be evidence of the local comparison and verification, and a statement of the record thereof, if purporting to be signed by an officer of the Board of Trade, shall be evidence of the same having been so recorded.

It shall be lawful for Her Majesty from time to time, by order in council, to define the amount of error to be tolerated in local standards when verified or re-verified by the Board of Trade, or when re-verified by such a local comparison as is authorised by this section.

42. *Production of local standards.*—The local standards shall be produced by the person having the custody thereof, upon reasonable notice, at such reasonable time and place within the county, borough, or place for which the same have been provided, as any person by writing under his hand requires, upon payment by the person requiring such production of the reasonable charges of producing the same.

### Local Verification and Inspection of Weights and Measures.

43. *Appointment of inspectors of weights and measures.*—Every local authority shall from time to time appoint a sufficient number of inspectors of weights and measures for safely keeping the local standards provided by such authority, and for the discharge of the other duties of inspectors under this Act; and where they appoint more than one such inspector, shall allot to each inspector (subject to any arrangement made for a chief inspector or inspectors) a separate district, to be distinguished by some name, number, or mark; and the local authority may suspend or dismiss any inspector appointed by them or appoint additional inspectors, as occasion may require, and shall assign reasonable remuneration to each inspector for his duties.

A local authority may, if they think fit, appoint different persons to be inspectors for verification and for inspection respectively of weights and measures under this Act.

Rep. 1889. A maker or seller of weights or measures, or a person employed in the making or selling thereof, shall not be an inspector of weights and measures under this Act.

An inspector of weights and measures shall forthwith on his appointment enter into a recognizance to the Crown (to be sued for in any court of record) in the sum of two hundred pounds for the due performance of the duties of his office, and for the due payment, at the times fixed by the local authority appointing him, of all fees received by him under this Act, and for the safety of the local

ddards and the stamps and appliances for verification committed to his charge, for their due surrender immediately on his removal or other cessation from e to the person appointed by the local authority to receive them.

41. *Verification and stamping by inspectors of weights and measures.*—The l authority shall from time to time fix the times and places within their sdiction at which each inspector appointed by them is to attend for the poose of the verification of weights and measures; and the inspector shall nnd, with the local standards in his custody, at each time and place fixed, and ll examine every measure or weight which is of the same denomination as of such standards and is brought to him for the purpose of verification, and ppare the same with that standard, and if he find the same correct shall stamp ith a stamp of verification in such manner as best to prevent fraud; and in case of a measure or of a weight of a quarter of a pound or upwards, shall ther stamp thereon a name, number, or mark distinguishing the district for ch he acts.

e shall also enter in a book kept by him minutes of every such verification, give, if required, a certificate under his hand of every such stamping.

n inspector appointed by the local authority for a county may enter a place hin the district of an inspector appointed by any other local authority, and e verify and stamp the weights and measures of any person residing within own district, but if he knowingly stamp a weight or measure of any person ding in the district of an inspector legally appointed by another local authority, hall be liable to a fine not exceeding twenty shillings for every weight or sure which he so stamps.

55. *Validity of weights and measures stamped throughout the United Kingdom.* weight or measure duly stamped by an inspector under this Act shall be a l weight or measure throughout the United Kingdom, unless found to be false njust, and shall not be liable to be re-stamped because used in any place other than that in which it was originally stamped.

63. *Power to stamp measures made partly of metal and partly of glass.*—Where easure for liquids is constructed with a small window or transparent part ough which the contents, whether to the brim or to any other index thereof, be seen without impediment, such measure may be verified and stamped by ectors under this Act, although such measure is made partly of metal and ly of glass or other transparent medium, and that whether such measure esponds exactly to a Board of Trade standard, or whether it exceeds such dard, but has the capacity of such standard indicated by a level line drawn ough the centre of the window or transparent part. Repealed 1889.

77. *Fees for comparison and stamping.*—An inspector under this Act may take espect of the verification and stamping of weights and measures such fees not eeding those specified in the fifth schedule to this Act as the authority ointing him from time to time fix, and shall at such times not less often than e a quarter as the said authority direct, account for and pay over to the surer of the local rate or such person as the said authority direct all fees taken him.

Where the Board of Trade, upon the application of any local authority from e to time represent to Her Majesty that it would be expedient to alter the fees en by the inspectors of such authority under this Act (whether specified in the schedule or in any order previously made under this section) or, for the purpose dapting those fees to the local standards provided by such authority, to add he said fees, it shall be lawful for Her Majesty by order in council from time ime to alter or add to the said fees. Repealed 1889.

48. *Power to inspect measures, weights, scales, &c., and to enter shops, &c., for that purpose.*—Every inspector under this Act authorised in writing under the hand of a justice of the peace, also every justice of the peace, may at all reasonable times inspect all weights, measures, scales, balances, steelyards, and weighing machines within his jurisdiction which are used or in the possession of any person or on any premises for use for trade, and may compare every such weight and measure with some local standard, and may seize and detain any weight, measure, scale, balance, or steelyard which is liable to be forfeited in pursuance of this Act, and may for the purpose of such inspection enter any place, whether a building or in the open air, whether open or enclosed, where he has reasonable cause to believe that there is any weight, measure, scale, balance, steelyard, or weighing machine which he is authorised by this Act to inspect.

Any person who neglects or refuses to produce for such inspection all weights, measures, scales, balances, steelyards, and weighing machines in his possession or on his premises, or refuses to permit the justice or inspector to examine the same or any of them, or obstructs the entry of the justice or inspector under this section, or otherwise obstructs or hinders a justice or inspector acting under this section, shall be liable to a fine not exceeding five, or, in the case of a second offence, ten pounds.

49. *Penalty on inspector for misconduct.*—If an inspector under this Act stamps a weight or measure in contravention of any provision of this Act, or without duly verifying the same by comparison with a local standard, or is guilty of a breach of any duty imposed on him by this Act, or otherwise misconducts himself in the execution of his office, he shall be liable to a fine not exceeding five pounds for each offence.

## Local Authorities.

50. *Local authorities and local rate.*—For the purposes of this Act "the local authority" and "the local rate" shall mean in each of the different areas mentioned in the first column of the fourth schedule to this Act the authority and the rate or fund mentioned in that schedule in connection with that area:

Provided that in England the council of a borough which has not a separate court of quarter sessions shall not, unless they so resolve, be the local authority for the purposes of this Act, and if they so resolve and provide local standards and appoint inspectors after the commencement of this Act, they shall forthwith give notice of such resolution and appointment, under the corporate seal of the borough, to the clerk of the peace of the county in which the borough is situate, and after the expiration of one month from the day on which that notice of the said appointment is given the powers of inspectors of weights and measures appointed by the justices of the county shall, as to such borough and the weights and measures of persons residing therein, cease; but until such notice is given the borough shall be deemed to form part of the said county in like manner as if the same were not a borough.

Where at the commencement of this Act legal local standards are provided and inspectors are appointed by the council of a borough not having a separate court of quarter sessions, that council shall continue to be the local authority until they otherwise resolve.

51. *Expenses of local authority.*—The expense of providing and re-verifying local standards, the salaries of the inspectors, and all other expenses incurred by the local authority under this Act shall be paid out of the local rate.

The treasurer of the county in which a borough in England having a separate court of quarter sessions is situate shall exclude from the account kept by him of

ums expended out of the county rate to which the borough is liable to contri-
all sums expended in pursuance of this Act.

. *Power of local authorities to combine for purposes of Act.*—Any two or more
authorities may combine, as regards either the whole or any part of the areas
in their jurisdiction, for all or any of the purposes of this Act, upon such
ss and in such manner as may be from time to time mutually agreed upon.
n inspector appointed in pursuance of an agreement for such combination
, subject to the terms of his appointment, have the same authority, jurisdiction,
duties as if he had been appointed by each of the authorities who are parties
ch agreement.

. *Power to local authority to make byelaws as to local verification, &c.*—Any
authority from time to time, with the approval of the Board of Trade, may
, and when made, revoke, alter, and add to, byelaws for regulating the com-
on with the local standards of such authority, and the verification and
pping of weights and measures in use in their county or borough, and for
lating the local comparison of the local standards of such authority, and
rally for regulating the duties under this Act of the inspectors appointed by
ocal authority or of any of those inspectors. Such byelaws may impose fines
xceeding twenty shillings for the breach of any byelaw, to be recovered on
mary conviction. The Board of Trade before approving any such byelaws
cause them to be published in such manner as they think sufficient for giving
e thereof to all persons interested.*

. *Appointment of inspectors in towns and other places.*—Where a town or other
has been or may hereafter be authorised under any Act, whether local or
rwise, to appoint inspectors or examiners of weights and measures, or where
other place has been or may hereafter be, by charter, Act of Parliament or
rwise, possessed of legal jurisdiction, and such town or place is for the time
provided with legal local standards, the magistrates of such town or place,
her persons authorised as aforesaid, may appoint inspectors of weights and
ures within the limits of their jurisdiction, and suspend and dismiss such
ctors, and such inspectors shall within such limits exclusively have the same
r and discharge the same duties as inspectors of weights and measures
nted under this Act by the local authority for the county, and shall pay
and account for the fees received by them under this Act, to such persons as
be duly authorised by the magistrates or other persons appointing them.

. *Power of vestry, &c., in metropolis to put an end to appointment of inspectors
ights and measures under local Act.*—Where in any place in the metropolis
t is to say, in the parishes and places in which the Metropolitan Board of
s have power to levy the consolidated rate—any vestry commissioners or
body have any duties or powers, under any local Act, charter or otherwise,
ation to the appointment of inspectors or examiners of weights and measures,
vestry commissioners or body may, at a meeting specially convened for the
se, of which not less than fourteen days' notice has been given, resolve
t is expedient that their said duties and powers should cease in such

clerk or other like officer of such vestry commissioners or body shall give
of such resolution to the clerk of the peace for the county in which such
is situate, and the clerk of the peace shall lay such notice before the next
cable court of quarter sessions for the county, and after the receipt of such

* See also § 1 of the Act 1889.

notice by the court of quarter sessions the appointment, and all powers of appoint ment, of any inspector or examiner appointed under such local Act, charter o otherwise, shall cease in the said place, without prejudice to any proceedings the pending for penalties or otherwise.

### Legal Proceedings.

56. *Prosecution of offences and recovery of fines.*—All offences under this A may be prosecuted and all fines and forfeitures under this Act may be recovere on summary conviction before a court of summary jurisdiction in manner pr vided by the Summary Jurisdiction Act.

The court when hearing and determining an information or complaint und this Act shall be constituted either of two or more justices of the peace in pet sessions sitting at a place appointed for holding petty sessions, or of some mag trate or officer sitting alone or with others at some court or other place appoint for the administration of justice and for the time being empowered by law to alone any act authorised to be done by more than one justice of the peace.

57. *Provisions as to summary proceedings.*—The following enactments sh apply to proceedings under this Act before a court of summary jurisdiction ; (th is to say,)

Repealed 1884.

1. The description of any offence in the words of this Act, or in similar word shall be sufficient in law ; and
2. Any exception, exemption, proviso, excuse, or qualification, whether it do or does not accompany in the same section the description of the offence, m be proved by the defendant, but need not be specified or negatived in t information or complaint, and, if so specified or negatived, no proof in relati to the matter so specified or negatived shall be required on the part of t informant or complainant ; and
3. A warrant of committment shall not be held void by reason of any defe therein, if it be therein alleged that the offender has been convicted, a there is a good and valid conviction to sustain the same.
4. Such portion of any fine under this Act, not exceeding a moiety, as the cou of summary jurisdiction before whom a person is convicted think fit to dire may, if the court in their discretion so order, be paid to the informer.
5. All weights, measures, scales, balances, and steelyards forfeited under th Act shall be broken up, and the materials thereof may be sold or oth wise disposed of as a court of summary jurisdiction direct, and the proce of such sale shall be applied in like manner as fines under this Act.

58. *Limitation as to conviction for second offences.*—A person shall not be lia to any increased penalty for a second offence under any section of this Act unl that offence was committed after a conviction within five years previously for offence under the same section.

59. *Evidence as to possession.*—Where any weight, measure, scale, balance, ste yard, or weighing machine is found in the possession of any person carrying trade within the meaning of this Act, or on the premises of any person whi whether a building or in the open air, whether open or enclosed, are used for tra within the meaning of this Act, such person shall be deemed for the purposes this Act, until the contrary is proved, to have such weight, measure, scale, balan steelyard, or weighing machine in his possession for use for trade.

60. *Appeal for conviction.*—Any person who feels himself aggrieved by a co viction or order of a court of summary jurisdiction under this Act may app therefrom, subject in England to the conditions following ; that is to say,

(1.) The appeal shall be made to the next practicable court of general or quarter sessions having jurisdiction in the county or place in which the decision of the court was given, and holden not less than twenty-one days after the day on which such decision was given; and

(2.) The appellant shall, within ten days after the day on which the decision was given, serve notice on the other party and on the clerk of the court of summary jurisdiction of his intention to appeal, and of the general grounds of such appeal; and

(3.) The appellant shall, within three days after the day on which he gave notice of appeal, enter into a recognisance before a court of summary jurisdiction, with or without a surety or sureties as the court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or the appellant may, if the court of summary jurisdiction thinks it expedient, instead of entering into a recognisance, give such other security, by deposit of money with the clerk of the court of summary jurisdiction or otherwise, as the court deems sufficient; and

(4.) Where the appellant is in custody a court of summary jurisdiction may, if it seem fit, on the appellant entering into such recognisance or giving such other security as aforesaid, release him from custody; and

(5.) The court of appeal may adjourn the hearing of the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just; and

(6.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction or order appealed against a memorandum that such conviction or order has been quashed, and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction or order; and

(7.) Every notice in writing required by this section to be given by an appellant may be signed by him, or by his agent on his behalf, and may be transmitted in a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of the post.

Repealed 1884.

31. *Provision as to action against person acting in execution of Act.*—In an action any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, tender of amends before the action is commenced may in lieu of or in addition to any other plea be pleaded, if the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim. If the action was commenced after such tender, or is proceeded with after such payment, and the plaintiff does not recover more than the sum tendered or paid respectively, the plaintiff shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to his cost, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

## III.—Miscellaneous.

32. *Continuance of inquisition recorded for ascertaining rents and tolls payable.* Every inquisition which, in pursuance of any Act hereby repealed, has been

taken for ascertaining the amount of contracts to be performed or rents to be paid in grain or malt, or in any other commodity or thing, or with reference to the measure or weight of any grain, malt, or other commodity or thing, and the amount of any toll, rate, or duty payable according to any weight or measure in use before the passing of the said Act, and has been enrolled of record in Her Majesty's Court of Exchequer, shall continue in force, and may be given in evidence in any legal proceeding, and the amount ascertained by such inquisition shall, when converted into imperial weights and measures, continue to be the rule of payment in regard to all such contracts, rents, tolls, rates, or duties.

63. *Orders in council.*—It shall be lawful for Her Majesty in council from time to time to make orders for the purposes of this Act, and to revoke and vary any such order.

All orders in council made under this Act shall be published in the *London*, *Edinburgh*, and *Dublin Gazettes*, and shall be forthwith laid before both Houses of Parliament, and shall have full effect as part of this Act.

64. *Effects of schedules.*—The schedules to this Act, with the notes thereto, shall be construed and have effect as part of this Act.

65. *Construction of Acts referring to repealed enactments.*—Where an enactment refers to any Act repealed by this Act, or to any enactment thereof, the same shall be construed to refer to this Act or to the corresponding enactment of this Act.

### Savings and Definitions.

66. *Saving as to models of gas holders under* 22 *&* 23 *Vict. c.* 66.—Nothing in this Act shall affect the validity of the models of gas holders verified and deposited in the standards department of the Board of Trade in pursuance of the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter sixty-six, intituled "An Act for regulating measures used in sales of gas," and of the Acts amending the same, and the provisions of this Act with respect to Board of Trade standards shall apply to such models; and the provisions of this Act with respect to defining the amount of error to be tolerated in local standards when verified or re-verified, shall apply to defining the amount of error to be tolerated in such copies of the said models of gas holders as are provided by any justices, council, commissioners, or other local authority in pursuance of the said Acts.

67. *Saving as to rights of the Founders Company.*—Nothing in this Act shall extend to prohibit, defeat, injure, or lessen the rights granted by charter to the master, wardens, and commonalty of the mystery of founders of the city of London.

68. *Saving as to London.*—Nothing in this Act shall prohibit, defeat, injure, or lessen the right of the mayor and commonalty and citizens of the city of London, or of the Lord Mayor of the city of London for the time being, with respect to the stamping or sealing of weights and measures, or with respect to the gauging of wine or oil, or other gaugeable liquors.

69. *Act not to abridge the power of the leet jury, &c.*—Nothing in this Act shall extend to supersede, limit, take away, lessen, or prevent the authority which any person or body politic or corporate, or any person appointed at any court leet for any hundred or manor, or any jury or ward inquest, may have or possess for the examining, regulating, seizing, breaking, or destroying any weights, balances, or measures within their respective jurisdictions, and for the purposes of this section

court of burgesses of the city of Westminster shall be deemed to be a body ce, and nothing in this Act shall be deemed to repeal or supersede the Acts ing to that court, or lessen, diminish, or alter the powers of the same.

*Definitions.*—In this Act, unless the context otherwise requires,—
e expression "the Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any Acts amending the same:
e expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Act or any Acts therein referred to:
e expression "quarter sessions" includes general sessions:
e expression "Treasury" means the Commissioners of Her Majesty's Treasury:
e expression "person" includes a body corporate:
e expression "stamping" includes casting, engraving, etching, branding, or otherwise marking, in such manner as to be so far as practicable indelible, and the expression "stamp" and other expressions relating thereto shall be construed accordingly:
e expression "coin weight" means a weight used or intended to be used for weighing coin:
e expression "Weights and Measures Act, 1835," means the Act of the fifth and sixth years of the reign of King William the Fourth, chapter sixty-three, intituled "An Act to repeal an Act of the fourth and fifth year of His present Majesty relating to weights and measures, and to make other provisions instead thereof."

## IV.—Application of Act to Scotland.

is Act shall apply to Scotland with the following modifications:

*Application of imperial weights and measures to tolls, &c.*—In the applica- of this Act to Scotland, the expression "rents and tolls" includes all stipends duties, customs, casualties, and other demands whatsoever payable in grain, or meal, or any other commodity or thing.
e fiars prices of all grain in every county shall be struck by the imperial eer, and all other returns of the prices of grain shall be set forth by the same, out reference to any other measure whatsoever.
y person who acts in contravention of this provision shall be liable to a fine exceeding five pounds.

*Recovery and application of penalties.*—All offences under this Act which be prosecuted, and all fines and forfeitures under this Act which may be ered on summary conviction, may in Scotland be prosecuted or recovered, expenses, before the sheriff or sheriff substitute or two or more justices of the of the county, or the magistrates of the burgh wherein the offence was itted or the offender resides, at the instance either of the procurator fiscal any person who prosecutes.
ry person found liable in Scotland in any fine recoverable summarily under ct shall, failing payment thereof immediate or within a specified time, as se may be, and expenses, be liable to be imprisoned for a term not exceeding

sixty days, and the conviction and warrant may be in the form number three Schedule K. of the Summary Procedure Act, 1864.

All fines and forfeitures so recovered, subject to any payment made to t informer, shall be paid as follows:

(*a.*) To the Queen's and Lord Treasurer's Remembrancer, on behalf of H Majesty, when the court is the sheriff court:

(*b.*) To the collector of county rates, in aid of the county general assessme when the court is the justice of the peace court:

(*c.*) To the treasurer of the burgh, in aid of the funds of the burgh, when t court is a burgh court:

(*d.*) To the treasurer of the board of police, or commissioners of police, in a of the police funds, when the court is a police court.

73. *Appeal.*—An appeal against a conviction under this Act in Scotland sh be to the Court of Justiciary at the next circuit court, or where there are circuit courts, to the High Court of Justiciary at Edinburgh, and not otherwi and such appeal may be made in the manner and under the rules, limitations, a conditions contained in the Act of the twentieth year of the reign of King Geo the Second, chapter forty-three, intituled "An Act for taking away and abolishi heritable jurisdictions in Scotland," or as near thereto as circumstances adm with this variation, that the appellant shall find caution to pay the fine and expen awarded against him by the conviction or order appealed from, together with a additional expenses awarded by the court dismissing the appeal.

74. *Definitions as regards Scotland.*—In the application of this Act Scotland,—

The expression "enter into a recognizance" means grant a bond of caution:

The expression "any court of record" includes the Court of Session and t ordinary sheriff court:

The expression "burgh" shall include royal burgh and parliamentary burgh:

The expression "plaintiff" means pursuer, and the expression "defendan means defender:

The expression "solicitor" means writer or agent:

The expression "Summary Jurisdiction Act" means the Summary Procedu Act, 1864, inclusive of any Act amending the same.

75. *Power of sheriff.*—A sheriff or sheriff substitute shall have the same pow in relation to a local comparison of standards, and to the inspection, comparis seizure, and detention of weights and measures, and to entry for that purpose, is given by this Act to a justice of the peace.

PART V. applies to Ireland only.

## VI.—REPEAL.

86. *Repeal.*—The Acts mentioned in the first part of the sixth schedule to th Act are hereby repealed to the extent in the third column of that schedule me tioned; subject to the following qualification, that is to say, that so much of th said Acts as is set forth in the second part of that schedule shall be re-enacted manner therein appearing, and shall be in force as if enacted in the body of th Act.

Provided that,—

(1.) Every inspector appointed in pursuance of any enactment hereby repeale shall continue in office as if he had been appointed in pursuance of this Act and

(1) Any person holding office as examiner of weights and measures under any enactment repealed by this Act, and not being an inspector of weights and measures within the meaning of this Act, shall continue in office and receive the same remuneration, and have the same powers and duties, and be subject to the same liabilities and to the same power of dismissal as if this Act had not passed.

(2) Every notice published in a Gazette in relation to coin weights in pursuance of any enactment hereby repealed shall continue in force.

(3) All weights and measures duly verified and stamped in pursuance of any enactment hereby repealed, shall continue and be as valid as if they had been verified and stamped in pursuance of this Act, and that although such weights or measures could not have been verified and stamped in pursuance of this Act; and all weights and measures which at the commencement of this Act may lawfully be used without being stamped with a stamp of verification or a stamp of their denomination, and which are required by this Act to be stamped with such a stamp, may, notwithstanding they are not so stamped, be used until the expiration of six months after the commencement of this Act, without being subject to be seized or forfeited, and without rendering the person using or having possession of the same subject to any fine.

(4) This repeal shall not affect—

(*a.*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; nor

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; nor

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*d.*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed: and

(5) This repeal shall not revive any enactment, right, office, privilege, matter, or thing not in force or existing at the commencement of this Act.*

* See § 36, and the fifth schedule of the Act of 1889.

# SCHEDULES.

## FIRST SCHEDULE.

### PART I.

#### Imperial Standards.

The following standards were constructed under the direction of the Commissioners of Her Majesty's Treasury, after the destruction of the former imperial standards in the fire at the Houses of Parliament.

The imperial standard for determining the length of the imperial standard yard is a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun-metal; near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch, at the bottom of this hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of this pin there are cut three fine lines at intervals of about the one-hundredth part of an inch transverse to the axis of the bar, and two lines at nearly the same interval parallel to the axis of bar; the measure of length of the imperial standard yard is given by the interval between the middle transversal line at one end and the middle transversal line at the other end, the part of each line which is employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins; and such bar is marked "copper 16 oz., tin 2½, zinc 1. Mr. Baily's metal. No. 1 standard yard at 62°·00 Fahrenheit. Cast in 1845. Troughton & Simms, London."

The imperial standard for determining the weight of the imperial standard pound is of platinum, the form being that of a cylinder nearly 1·35 inch in height and 1·15 inch in diameter, with a groove or channel round it, whose middle is about 0·34 inch below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted; the edges are carefully rounded off, and such standard pound is marked, P.S. 1844, 1 lb.

### PART II.

#### Parliamentary Copies of Imperial Standards.

The following copies of the standards above mentioned in part one of this schedule were constructed at the same time as the above standards. They are of the same construction and form as the above standards, and they are respectively marked and deposited as follows:—

(1.) One of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin 2½, zinc 1. Mr. Baily's metal. No. 2 standard yard at 61°·94 Fahrenheit. Cast in 1845. Troughton & Simms, London;" and one of the copies of the imperial standard for determining the imperial standard pound marked No. I., P.C. 1844, 1 lb., have been deposited at the Royal Mint;

(2.) One other of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin 2½, zinc 1. Mr. Baily's metal. No. 3 standard yard at 62°·10 Fahrenheit. Cast in 1845. Troughton & Simms, London," and one other of the copies of the imperial standard for determining the imperial standard pound marked No. 2, P.C. 1844, 1 lb., have been delivered to the Royal Society of London;

(3.) One other of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin 2½, zinc 1. Mr. Baily's metal. No. 5 standard yard at 62°·16 Fahrenheit. Cast in 1845. Troughton & Simms, London," and one other of the copies of the imperial standard for determining the imperial standard pound marked No. 3, P.C. 1844, 1 lb., have been deposited in the Royal Observatory of Greenwich;

(4.) The other of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin 2½, zinc 1. Mr. Baily's metal. No. 4 standard yard at 61°·98 Fahrenheit. Cast in 1845. Troughton & Simms, London," and the other of the copies of the imperial standard for determining the imperial standard pound marked No. 4, P.C. 1844, 1 lb., have been immured in the New Palace at Westminster.

## SECOND SCHEDULE.

### Board of Trade Standards.

NDARDS of the measures and weights following are at the commencement of this Act in use under the direction of the Board of Trade.

| Denomination of Standard. | Denomination of Standard. |
|---|---|
| MEASURES OF LENGTH. | MEASURES OF CAPACITY. |
| 100 feet. | Bushel. |
| 66 feet or a chain of 100 links. | Half-bushel. |
| Rod, pole, or perch. | Peck. |
| 10 feet. | |
| 6 ,, or 2 yards. | Gallon. |
| 5 ,, | Half-gallon. |
| 4 ,, | Quart. |
| 3 ,, or 1 yard. | Pint. |
| 2 ,, | Half-pint. |
| 1 foot. | Gill. |
| 1 inch divided into 12 duodecimal, 10 decimal, and 16 binary equal parts. | Half-gill. |
| | Quarter-gill. |
| | MEASURES USED IN THE SALE OF DRUGS. |
| | Fluid ounces:— 4, 3, 2, 1. |
| | Fluid drachms:— 4, 3, 2, 1. |
| | Minims:— 30, 20, 10, 5, 4, 3, 2, 1. |

*Note.*—The brass gallon marked "Imperial Standard Gallon, Anno Domini MDCCCXXIV., ...o V Giv Regis," which has a diameter equal to its height, and was made in pursuance of ...o. 4, c. 74, s. 6, and is at the passing of this Act in the custody of the Warden of the Standards, ...l be deemed to be a Board of Trade standard for the gallon.

| ...enomination of Standard. | Denomination of Standard. | Denomination of Standard. |
|---|---|---|
| ...AVOIRDUPOIS WEIGHTS. | TROY BULLION WEIGHTS. | DECIMAL GRAIN WEIGHTS. |
| 56 pounds. | 500 ounces. | 4,000 grains. |
| 28 ,, | 400 ,, | 2,000 ,, |
| 14 ,, | 300 ,, | 1,000 ,, |
| 7 ,, | 200 ,, | 500 ,, |
| 4 ,, | 100 ,, | 300 ,, |
| 2 ,, | 50 ,, | 200 ,, |
| 1 pound. | 40 ,, | 100 ,, |
| 8 ounces. | 30 ,, | 50 ,, |
| 4 ,, | 20 ,, | 30 ,, |
| 2 ,, | 10 ,, | 20 ,, |
| 1 ounce. | 5 ,, | 10 ,, |
| 8 drams. | 4 ,, | 5 ,, |
| 4 ,, | 3 ,, | 3 ,, |
| 2 ,, | 2 ,, | 2 ,, |
| 1 dram. | 1 ounce | 1 grain. |
| ½ ,, | 0·5 ,, | 0·5 ,, |
| 240 grains, commonly called 10 pennyweights. | 0·4 ,, | 0·3 ,, |
| | 0·3 ,, | 0·2 ,, |
| | 0·2 ,, | 0·1 ,, |
| 120 grains, commonly called 5 pennyweights. | 0·1 ,, | 0·05 ,, |
| | 0·05 ,, | 0·03 ,, |
| | 0·04 ,, | 0·02 ,, |
| 72 grains, commonly called 3 pennyweights. | 0·03 ,, | 0·01 ,, |
| | 0·02 ,, | |
| | 0·01 ,, | |
| 48 grains, commonly called 2 pennyweights. | 0·005 ,, | |
| | 0·004 ,, | |
| | 0·003 ,, | |
| 24 grains, commonly called 1 pennyweight. | 0·002 ,, | |
| | 0·001 ,, | |

COIN WEIGHTS.

| Denomination of Coin. | Standard Weight. | |
|---|---|---|
| | Imperial Weight. | Metric Weight. |
| | Grains. | Grams. |
| GOLD: | | |
| Five pound, | 616·37239 | 39·94028 |
| Two pound, | 246·54895 | 15·97611 |
| Sovereign, | 123·27447 | 7·98805 |
| Half-sovereign, | 61·63723 | 3·99402 |
| SILVER: | | |
| Crown, | 436·36363 | 28·27590 |
| Half-crown, | 218·18181 | 14·13795 |
| Florin, | 174·54545 | 11·31036 |
| Shilling, | 87·27272 | 5·65518 |
| Sixpence, | 43·63636 | 2·82759 |
| Groat or fourpence, | 29·09090 | 1·88506 |
| Threepence, | 21·81818 | 1·41379 |
| Twopence, | 14·54545 | 0·94253 |
| Penny, | 7·27272 | 0·47126 |
| BRONZE: | | |
| Penny, | 145·83333 | 9·44984 |
| Halfpenny, | 87·50000 | 5·66990 |
| Farthing, | 43·75000 | 2·83495 |

THIRD SCHEDULE.

PART I.—METRIC EQUIVALENTS.

TABLE of the Values of the Principal Denominations of Measures and Weights on the Metric System expressed by means of Denominations of Imperial Measures and Weights, and of the Values of the Principal Denominations of Measures and Weights of the Imperial system expressed by means of Metric Weights and Measures.

MEASURES OF LENGTH.

| Metric Denominations and Values. | | Equivalents in Imperial Denominations. | | | |
|---|---|---|---|---|---|
| | Metres. | Miles. | Yards. | Feet. | Ins. Decimals. |
| Myriametre, | 10,000 | 6 or | 376<br>10,936 | 0<br>0 | 11·9<br>11·9 |
| Kilometre, | 1,000 | | 1,093 | 1 | 10·79 |
| Hectometre, | 100 | | 109 | 1 | 1·079 |
| Dekametre, | 10 | | 10 | 2 | 9·7079 |
| Metre, | 1 | | 1 | 0 | 3·3708 |
| Decimetre, | $\frac{1}{10}$ | | | | 3·9371 |
| Centimetre, | $\frac{1}{100}$ | | | | 0·3937 |
| Millimetre, | $\frac{1}{1000}$ | | | | 0·0394 |

## MEASURE OF SURFACE.

| Metric Denominations and Values. | | Equivalents in Imperial Denominations. | |
|---|---|---|---|
| —— | Square Metres. | Acres. | Square Yards. Decimals. |
| Hectare, i.e. 100 Ares, - | 10,000 | 2 or | 2280·3326 11,960·3326 |
| Dekare, i.e. 10 Ares, - - | 1,000 | | 1196·0333 |
| Are, - - - - - | 100 | | 119·6033 |
| Centiare, i.e. $\frac{1}{100}$ Are, - | 1 | | 1·9160 |

## MEASURES OF CAPACITY.

| Metric Denominations and Values. | | Equivalents in Imperial Denominations. | | | | | | |
|---|---|---|---|---|---|---|---|---|
| —— | Cubic Metres. | Quarters. | Bushels. | Pecks. | Gallons. | Quarts. | Pints. | Decimals. |
| Kilolitre, i.e. 1,000 Litres, - - | 1 | 3 | 3 | 2 | 0 | 0 | 0·77 | |
| Hectolitre, i.e. 100 Litres, - - | $\frac{1}{10}$ | | 2 | 3 | 0 | 0 | 0·077 | |
| Dekalitre, i.e. 10 Litres, - - | $\frac{1}{100}$ | | | 1 | 0 | 0 | 1·6077 | |
| Litre, - - - - - - | $\frac{1}{1000}$ | | | | | | 1·76077 | |
| Decilitre, i.e. $\frac{1}{10}$ Litre, - - | $\frac{1}{10000}$ | | | | | | 0·176077 | |
| Centilitre, i.e. $\frac{1}{100}$ Littre, - - | $\frac{1}{100000}$ | | | | | | 0·0176077 | |

## WEIGHTS.

| Metric Denominations and Values. | | Equivalents in Imperial Denominations. | | | | |
|---|---|---|---|---|---|---|
| —— | Grams. | Cwts. | Stones. | Pounds. | Ounces. | Drams. Decimals. |
| Millier, - - - - | 1,000,000 | 19 | 5 | 6 | 9 | 15·04 |
| Quintal, - - - - | 100,000 | 1 | 7 | 10 | 7 | 6·304 |
| Myriagram, - - - | 10,000 | | 1 | 8 | 0 | 11·8304 |
| Kilogram, - - - | 1,000 | | | 2 | 3 | 4·3830 |
| | | (or 15432·3487 grains) | | | | |
| Hectogram, - - - | 100 | | | | 3 | 8·4383 |
| Dekagram, - - - | 10 | | | | | 5·6438 |
| Gram, - - - - | 1 | | | | | 0·56438 |
| Decigram, - - - | $\frac{1}{10}$ | | | | | 0·056438 |
| Centigram, - - - | $\frac{1}{100}$ | | | | | 0·0056438 |
| Milligram, - - - | $\frac{1}{1000}$ | | | | | 0·00056438 |

MEASURES OF LENGTH.

| Imperial Measures. | Equivalents in Metric Measures. | | | |
|---|---|---|---|---|
| | Millimetre. | Decimetre. | Metre. | Kilometre. |
| Inch, | =25·39954 | | | |
| Foot or 12 inches, | — | =3·04794 | = 0·30479 | |
| Yard, or 3 feet, or 36 inches, | — | — | = 0·91438 | |
| Fathom, or 2 yards, or 6 feet, | — | — | = 1·82877 | |
| Pole, or 5½ yards, | — | — | = 5·02911 | |
| Chain, or 4 poles, or 22 yards, | — | — | = 20·11644 | |
| Furlong, 40 poles, or 220 yards, | — | — | = 201·16437 | =0·20116 |
| Mile, 8 furlongs, or 1760 yards, | — | — | =1,609·31493 | =1·60931 |

MEASURES OF SURFACE.

| Imperial Measures. | Equivalents in Metric Measures. | | | |
|---|---|---|---|---|
| | Square Decimetres. | Square Metres. | Ares. | Hectares. |
| Square inch, | = 0·06451 | | | |
| Square foot, or 144 square inches, | = 9·28997 | = 0·092900 | | |
| Square yard, or 9 square feet, or 1296 square inches. | =83·60971 | = 0·836097 | | |
| Pole or perch, or 34¼ square yds., | — | =25·291939 | | |
| Rood, or 40 perches, or 1210 square yards. | — | — | =10·116776 | |
| Acre, or 4 roods, or 4840 square yards. | — | — | — | = 0·40467 |
| Square mile or 640 acres, | — | — | — | =258·98945 |

MEASURES OF CAPACITY.

| Imperial Measures. | Equivalents in Metric Measures. | | | |
|---|---|---|---|---|
| | Decilitres. | Litres. | Dekalitres. | Hectolitres. |
| Gill, | =1·41983 | =0·14198 | | |
| Pint or 4 gills, | =5·67932 | =0·56793 | | |
| Quart or 2 pints, | — | =1·13587 | | |
| Gallon or 4 quarts, | — | =4·54346 | | |
| Peck or 2 gallons, | — | =9·08692 | =0·90869 | |
| Bushel, or 8 gallons, or 4 pecks, | — | — | =3·63477 | |
| Quarter or 8 bushels, | — | — | — | =2·90781 |

CUBIC MEASURES.

| Imperial Measures. | Equivalents in Metric Measures. | | |
|---|---|---|---|
| | Cubic Centimetres. | Cubic Decimetres. | Cubic Metres. |
| Cubic inch, | 16·38618 | | |
| Cubic foot or 1728 cubic inches, | — | 28·31591 | |
| Cubic yard or 27 cubic feet, | — | — | 0·76451 |

WEIGHTS.

| Imperial Weights. | Equivalents in Metric Weights. | | | |
|---|---|---|---|---|
| | Grams. | Dekagrams. | Kilograms. | Millier or Metric Ton. |
| ain - - - - - - | = 0·06479895 | | | |
| am - - - - - | = 1·77185 | | | |
| ace, avoirdupois, or 16 rams, or 437·5 grains. | = 28·34954 | = 2·83495 | | |
| UND, or 16 ounces, or 256 rams, or 7000 grains. | =453·59265 | =45·35927 | = 0·45359 | |
| ndredweight or 112 lbs. | — | — | = 50·80238 | |
| or 20 cwt. - - - - | — | — | =1016·04754 | =1·01605 |
| ace, troy, or 480 grains - | = 31·103496 | = 3·11035 | | |

PART II.

METRIC STANDARDS.

List of metric standards in the custody of the Board of Trade at the passing of this Act :—

*Measures of Length.*

Double metre or 2 metres.
METRE or 1 metre.
Decimetre or 0·1 ,,
Centimetre or 0·01 ,,
Millimetre or 0·001 ,,

*Weights.*

20, 10, 5, 2 kilograms.
1 KILOGRAM.
500, 200, 100, 50, 20, 10, 5, 2, 1 grams.
5, 2, 1 decigrams.
5, 2, 1, 0·5 milligrams.

*Measures of Capacity.*

20, 10, 5, 2 litres.
LITRE.
0·5 litre or 500 cubic centimetres.
0·2 ,, 200 ,,
0·1 ,, 100 ,,
0·05 ,, 50 ,,
0·02 ,, 20 ,,
0·01 ,, 10 ,,
0·005 ,, 5 ,,
0·002 ,, 2 ,,
0·001 ,, 1 ,,

FOURTH SCHEDULE.

LOCAL AUTHORITIES.

ENGLAND.

| Area. | Local Authority. | Local Rate. |
|---|---|---|
| nty - - - - - - | The justices in general or quarter sessions assembled. | The county rate. |
| nty of the city of London - | The court of the Lord Mayor and aldermen of the city. | The consolidated rate. |
| ough - - - - - - | The mayor, aldermen, and burgesses acting by the council. | The borough fund and borough rate. |

SCOTLAND.

| | | |
|---|---|---|
| nty - - - - - - | The justices in general or quarter sessions assembled. | The county general assessment. |
| gh - - - - - - | The magistrates. - - - | The police assessment. |

IRELAND.

| | | |
|---|---|---|
| County - - - - - - | The grand jury acting at any assizes or presenting term. | The presentments to be made by the grand jury. |
| Such portion of the police district of Dublin metropolis as is without the municipal boundary of the borough of Dublin. | The Commissioners of the Dublin metropolitan police. | The funds applicable to defray the expenses of the Dublin metropolitan police. |
| Borough - - - - - - | Town Council - - - | Rate to be levied by the council, or if the borough is liable to county cess and no rate is levied in the borough, the county cess of the county in which the borough or the larger part thereof is situate. |

*Notes.*

For the purposes of this schedule—

The expression "county," as regards England, does not include a county of a city or a county of a town, but includes every riding, division, or parts of a county having a separate court of quarter sessions. The Soke of Peterborough shall be deemed to be a county, but every other liberty of a county not forming part of the city of London shall be deemed to form part of the county in which the same is situate or which it adjoins, and if it adjoins more than one county, then of the county with which it has the longest common boundary.

The expression "borough," as regards England, means any place for the time being subject to the Municipal Corporation Act, 1835, and any Act amending the same, which has a separate commission of the peace.*

The expression "county," as regards Ireland, includes a riding and a county of a city and a county of a town.

The county of Dublin shall be deemed not to include any portion of the police district of Dublin metropolis.

The two constabulary districts of the county of Galway shall respectively be deemed to be counties for the purposes of this Act.

The expression "borough," as regards Ireland, means any borough or town corporate.

In the borough of Dublin the rate to be levied by the council shall mean the improvement rate.

## FIFTH SCHEDULE.

(Repealed 1889.)

## SIXTH SCHEDULE.

### First Part.

*Enactments repealed.*

A description or citation of a portion of an Act is inclusive of the word, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this schedule, in order to preclude henceforth the necessity of looking back to previous Acts.

| Session and chapter. | Title or short title of Act. | Extent of repeal. |
|---|---|---|
| 31 Edw. 3, st. 1. - - | The statute made at Westminster on the Monday next after the feast of Easter, in the thirty-first year, statute the first. | Chapter two. |
| 6 Anne, c. 11. - - (5 & 6 Anne, c. 8 in Ruffhead.) - - - | An Act for the union of the two kingdoms of England and Scotland. | Article seventeen. |

* Now "The Municipal Corporations Act, 1882."

| Session and chapter. | Title or short title of Act. | Extent of repeal. |
|---|---|---|
| 6 Geo. 2, c. 20. - - | An Act to prevent the counterfeiting of gold and silver lace, and for settling and adjusting the proportions of fine silver and silk, and for the better making of gold and silver thread. | Section five. |
| 6 Geo. 3, c. 102. - - | An Act for the more effectual prevention of the use of defective weights, and of false and unequal balances. | The whole Act. |
| 6 Geo. 3, c. 85. - - | An Act for the better regulation of mills. | Section one from "and any person or persons appointed" down to "with respect to weights and balances," and from "and every miller or other person as aforesaid, in whose mill shall be found any weight or weights" to the end of the section. |
| 6 Geo. 3, c. 143. - - | An Act to explain and amend an Act made in the thirty-fifth year of the reign of His present Majesty, intituled "An Act for the more effectual prevention of the use of defective weights and of false and unequal balances." | The whole Act. |
| 6 Geo. 3, c. 43. - - | An Act for the more effectual prevention of the use of false and deficient measures. | The whole Act. |
| 9 Geo. 4, c. 74. - - | An Act for ascertaining and establishing uniformity of weights and measures. | The whole Act, except section twenty-five. |
| 9 Geo. 4., c. 12. - - | An Act to prolong the time of the commencement of an Act of the last session of Parliament for ascertaining and establishing uniformity of weights and measures, and to amend the said Act. | The whole Act. |
| 5 & 6 Will. 4., c. 63. - | An Act to repeal an Act of the fourth and fifth year of His present Majesty relating to weights and measures, and to make other provisions instead thereof. | The whole Act. |
| 16 & 17 Vict., c. 29. - | An Act for regulating the weights used in sales of bullion. | The whole Act. |
| 16 & 17 Vict., c. 79. - | An Act for making sundry provisions with respect to municipal corporations in England. | Section five. |
| 18 & 19 Vict., c. 72. - | An Act for legalising and preserving the restored standards of weights and measures. | The whole Act. |
| 22 & 23 Vict., c. 56. - | An Act to amend the Act of the fifth and sixth years of King William the Fourth, chapter sixty-three, relating to weights and measures. | The whole Act. |
| 23 & 24 Vict., c. 119. - | An Act to amend the law relating to weights and measures in Ireland. | The whole Act. |
| 24 & 25 Vict., c. 75. - | An Act for amending the Municipal Corporations Act. | Section six. |
| 25 & 26 Vict., c. 76. - | The Weights and Measures (Ireland) Amendment Act, 1862. | The whole Act, except section two, and Part three and so much of Part four as relates to Part three. |
| 25 & 26 Vict., c. 102. - | The Metropolis Management Amendment Act, 1862. | Section one hundred and one. |
| 27 & 28 Vict., c. 117. - | The Metric Weights and Measures Act, 1864. | The whole Act. |
| 29 & 30 Vict., c. 82. - | An Act to amend the Acts relating to the standard weights and measures, and to the standard trial pieces of the coin of the realm. | The whole Act. |

| Session and chapter. | Title or short title of Act. | Extent of repeal. |
|---|---|---|
| 30 & 31 Vict., c. 94. - | An Act to provide for the inspection of weights and measures and to regulate the law relating thereto, in certain parts of the police district of Dublin metropolis. | The whole Act. |
| 33 & 34 Vict., c. 10. - | The Coinage Act, 1870 | Section seventeen, from the beginning of the section down to "weight of and for weighing such coin," and from "all weights which are not less in weight" to the end of the section. |

SECOND PART.

*Enactments re-enacted.*

5 & 6 Will. 4, c. 63, s. 9.

Repealed 1889.

*Sale of coals by weight and not by measure.*—All coals, slack, culm, and cannel of every description shall be sold by weight, and not by measure. Every person who sells any coals, slack, culm, or cannel of any description by measure, and not by weight, shall be liable on summary conviction to a fine not exceeding forty shillings for every such sale.

5 & 6 Will. 4, c. 63, s. 26.

*Supply of weigh-masters in Ireland with scales, and copies of local standards.*—In Ireland, in every city or town, not being a county of itself, every person, persons, or body corporate exercising the privilege of appointing a weigh-master, shall supply him with accurate scales, and with an accurate set of copies of the local standards, and in default shall be liable on summary conviction to a fine of twenty pounds, and the accuracy of such set of copies shall be certified under the hand of some inspector of weights and measures. They shall also, once at least in every five years, cause such copies to be re-adjusted by comparison with some local standards which have been verified by the Board of Trade, and in default shall be liable on summary conviction to a fine of five pounds.

Such set of copies shall for the purpose of comparison and verification be considered local standards, and shall be used for no other purpose whatever, and if they are so used the person using the same shall be liable on summary conviction to a fine of five pounds.

22 & 23 Vict., c. 56, ss. 6, 8, 12.

*Owners of markets to provide scales, &c.*—The owners or managers of any public market in Great Britain where goods are exposed for sale or kept shall provide proper scales and balances and weights and measures or other machines, for the purpose of weighing or measuring all goods sold, offered, or exposed for sale in any such market, and shall deposit the same at the office of the clerk or toll collector of such market, or some other convenient place, and shall have the accuracy of all such scales and balances and weights and measures or other machines tested at least twice in every year by the inspector of weights and measures of and for the county, borough, or place where the market is situate;

All expenses attending the purchase, adjusting, and testing thereof shall be paid out of the moneys collected for tolls in the market;

Such clerk or toll collector shall at all reasonable times, whenever called upon so to do, weigh or measure all goods which have been sold, offered, or exposed for sale in any such market, upon payment of such reasonable sum as may from time to time be decided upon by the said owners or managers, subject to the approval and revision of the justices in general or quarter sessions assembled if such market be in England, or of the sheriff if it be in Scotland;

For every contravention of this section the offender shall be liable, on summary conviction, to a fine not exceeding five pounds.

22 & 23 Vict., c. 56, ss. 7, 8, 12.

*Power to clerks of markets to inspect goods sold, &c., and if weighing found deficient, to summon the offender.*—Every clerk or toll collector of any public market in Great Britain, at all reasonable times, may weigh or measure all goods sold, offered, or exposed for sale in any such market; and if upon such weighing or measuring any such goods are found deficient in weight or measure or otherwise contrary to the provisions of this Act, such clerk or toll collector shall take the necessary proceedings for recovering any fine, to which the person selling, offering, or exposing for sale, or causing to be sold, offered, or exposed for sale, such goods, is liable, and the court convicting the offender may award out of the fine to such clerk or toll collector such reasonable remuneration as to the court seems fit.

For every offence against or disobedience to this section the offender shall be liable on summary conviction to a fine not exceeding five pounds.

# ACT OF PARLIAMENT

FOR

*ending the Law relating to Weights and Measures, and for other purposes connected therewith.*—[52 *and* 53 *Vict., cap.* 21.—26*th July* 1889.]

Whereas it is expedient to amend the Weights and Measures Act, 1878 reein-after referred to as the principal Act), and the law relating to the sale of l.: Be it therefore enacted by the Queen's most Excellent Majesty, by l with the advice and consent of the Lords Spiritual and Temporal, and mmons, in this present Parliament assembled, and by the authority of the ee, as follows:

## PART I.—Weights and Measures.

.. *Verification of weighing instruments.*—(1.) Every weighing instrument used ttrade shall be verified and stamped by an inspector of weights and measures h a stamp of verification under this Act.

2.) Every person who, after the expiration of twelve months from the commencement of this Act, uses, or has in his possession for use, for trade any ghing instrument not stamped as required by this Act, shall be liable to a fine exceeding two pounds, or in the case of a second offence five pounds.

3.) The power of making byelaws conferred by section fifty-three of the ncipal Act shall extend to the making of byelaws for giving effect to this tion.

4.) Section thirty-two of the principal Act shall apply to weighing instruments like manner as it applies to weights and measures.

.. *Local verification of metric weights and measures.*—The Board of Trade may, ney think fit, at the expense of the local authority, deposit with any inspector weights and measures copies of any of the metric standards in their custody, cause to be verified with any copy so deposited any metric weights and asures which can under section thirty-eight of the principal Act be compared h the metric standards in their custody.

.. *Amendment of* 41 *&* 42 *Vict., c.* 49, *ss.* 25 *and* 26.—The fine for a second or a sequent offence under section twenty-five or section twenty-six of the principal shall be a sum not exceeding twenty pounds, and the provisions of the said tion twenty-six with respect to forfeiture shall apply to weighing instruments in like manner as they apply to weights, measures, scales, balances, and llyards.

.. *Liability to imprisonment in cases of fraud.*—Where a person is convicted er any section of the principal Act or this Act of a second or subsequent nce, and the court by which he is convicted is of opinion that such offence was mitted with intent to defraud, he shall be liable, in addition to or in lieu of fine, to be imprisoned with or without hard labour for a term not exceeding months.

5. *Repeal of* 41 & 42 *Vict. c.* 49, *ss.* 16, 46.—The following sections of the principal Act are hereby repealed :

(*a.*) Section sixteen, relating to the measure of capacity for goods formerly sold by heaped measure ;

(*b.*) Section forty-six, giving power to stamp measures made partly of metal and partly of glass.

6. *New denominations of standards.*—The Board of Trade shall from time to time cause such new denominations of standards for the measurement of electricity, temperature, pressure, or gravities as appear to them to be required for use for trade to be made and duly verified, and those new denominations of standards when approved by Her Majesty in Council shall, whether derived from imperial or from other standards, be Board of Trade standards, in like manner as if they were mentioned in the second schedule to the principal Act.

7. *Working standards.*—Any local authority may provide for the use of their officers working standards of measure and weight, and scale-beams of such material and in such form as the Board of Trade may approve, and those standards may, if verified in such manner as the Board of Trade from time to time direct, be used for the inspection and verification of weights and measures as if they were local standards.

8. *Power for Board of Trade to take fees.*—(1.) The Board of Trade may, on the comparison and verification of weights and measures, not being standards for the use of a local authority or their officers, and not being coin weights, and on the examination or testing of weighing or measuring instruments, charge and take such fees as may from time to time be approved by the Treasury.

(2.) The fees taken under this section may be applied in such manner and to such extent as the Treasury may from time to time direct, in aid of money provided by Parliament for expenses of the Board of Trade under this Act, and if and as far as not so applied shall be paid into the Exchequer.

9. *General regulations.*—(1.) Every local authority within the meaning of this Act, and every other person or authority having power to appoint inspectors of weights and measures, shall, with the approval of the Board of Trade, make for the guidance of the inspectors appointed or employed by that authority or person, and may from time to time with the like approval amend or rescind general regulations with respect to—

(*a.*) the procedure to be observed in the verification and stamping of weights, measures, and weighing and measuring instruments, including the prohibition of stamping in cases where the material or mode of construction appears likely to facilitate the commission of fraud ; and

(*b.*) the inspection of weights, measures, and weighing and measuring instruments.

(2.) If any such authority or person, on being required by the Board of Trade to make, amend, or rescind any general regulations in pursuance of this section, fails to comply with the requirement, the Board of Trade may make, amend, or rescind such regulations, and any regulations so made or amended shall have effect as if made by that authority or person.

(3.) All regulations made under this section shall be duly observed and kept published in such manner as the Board of Trade from time to time shall direct.

10. *Provision as to local inquiries.*—(1.) The Board of Trade may from time to time appoint an officer to hold a local inquiry with respect to the administration of the law relating to weights and measures within the jurisdiction of any local authority.

2.) The appointment may be made either on the application of the l authority or without such application, but with the concurrence of the asury.

3.) The officer so appointed shall visit the office of the local inspector of ghts and measures, and shall, among other things, inquire into the procedure rved in the verification and inspection of weights, measures, and weighing ruments within that jurisdiction; and, on the completion of the local iry, shall report to the Board of Trade and to the local authority on the dition and equipment of the office visited, and on the mode in which the relating to weights and measures is being carried out within the jurisdiction hat authority.

4.) Where the appointment is made on the application of a local authority, costs incurred in relation to the inquiry, including the remuneration of any er engaged in the inquiry, not exceeding three guineas a day, shall be paid the local authority applying for or assenting to the inquiry, and the Board of de may certify the amount of the costs incurred, and any sum so certified directed by the Board to be paid by any local authority shall be a debt to Crown from that authority.

5.) Where the appointment is made otherwise than on the application of local authority, the costs incurred in relation to the inquiry, including the uneration aforesaid, shall be paid out of moneys provided by Parliament.

11. *Qualification of inspectors of weights and measures.*—(1.) The Board of de shall provide for the holding of examinations for the purpose of ascertaining whether persons acting or appointed to act as inspectors of weights and sures possess sufficient practical knowledge for the proper performance of r duties as such, and for the grant of certificates to persons who satisfactorily such examinations.

2.) In the case of persons who have been appointed inspectors before the mencement of this Act, the passing of an examination under this section shall permissive, but not obligatory; but a person who, after the commencement of Act, is for the first time appointed to be an inspector of weights and sures shall not act as such unless and until he has obtained such a certificate foresaid.

3.) There shall be charged in respect of the examinations under this section fees as the Board of Trade, with the concurrence of the Treasury, from to time direct, and all such fees shall be applied in such manner and to extent as the Treasury from time to time direct, in aid of money provided Parliament for expenses of the Board of Trade under this Act, and if and as as not so applied shall be paid into the Exchequer.

12. *Inspector not to be maker, seller, or adjuster of weights, measures, or weighing ruments.*—(1.) An inspector of weights and measures shall not, during the he holds office, be a person deriving any profit from or employed in the ing, adjusting, or selling of weights, measures, or measuring or weighing ruments.

2.) Provided that in any district where, on the representation of the local ority, it appears to be desirable for an inspector of weights and measures e allowed to adjust weights and measures, the Board of Trade may, if they k fit, authorise an inspector appointed by that local authority to act as an ster of weights and measures.

3.) An inspector so authorised may for any such adjustment make such ges as the local authority approve, and shall account for and pay any ey received by him in respect of such charges in such manner as the local ority direct.

13. *Fees for verification and stamping by inspectors.*—(1.) An inspector of weights and measures may take in respect of the verification and stamping of weights, measures, and weighing instruments, the fees specified in the first schedule to this Act, and no others, and no discount shall be allowed, and such inspector shall at such times, not less often than once a quarter, as the local authority direct, account for and pay over to the local authority, or as they direct, all fees so taken.

(2.) If the Board of Trade represent to Her Majesty that it would be expedient to fix fees to be paid on the verification and stamping of weights, measures, or weighing instruments, in cases other than those specified in the said schedule, it shall be lawful for her Majesty, by order in council, from time to time to direct such fees to be paid.

14. *Publication of convictions.*—Where a person is convicted before any court of any offence under the principal Act or this Act, the court may, if it thinks fit, cause the conviction to be published in such manner as it thinks desirable.

15. *Application of* 41 & 42 *Vict.*, *c.* 49, s. 66, *to gas standards.*—The provisions of the principal Act and of this Act as to the verification and re-verification of local and working standards shall apply to the standards used by any local authority in testing meters under the Act of the Session held in the twenty-second and twenty-third years of the reign of Her present Majesty, chapter sixty-six, intituled "An Act for regulating measures used in sales of gas," and the Acts amending the same.

16. *Powers to London county council to exercise jurisdiction throughout the county.* — Notwithstanding anything in section fifty-four of the principal Act, and any other provision in that or any other Act, the inspectors of weights and measures appointed by the London county council shall alone within the whole of the county of London, exclusive of the city of London, have the powers and discharge the duties of inspectors of weights and measures appointed under the principal Act; provided that any inspector of weights and measures who, at the passing of this Act, though not an officer of the county council, holds office in any parish or place in the county of London, exclusive of the city of London, shall become an officer of that council, and if removed from such appointment by the London county council he shall be entitled to be regarded as an existing officer under the Local Government Act, 1888, and to receive such compensation as existing officers whose offices are affected are under that Act entitled to receive.

17. *Provision as to city of London.*—Notwithstanding anything in section sixty-seven or sixty-eight of the principal Act, a person using weights or measures in the city of London shall not be required to have his weights or measures verified or stamped by more than one authority.

18. *Provision of copies of local standards in Ireland.*—The copies required to be provided by the local authority in Ireland of their local standards, and the scales and stamps used by inspectors of weights and measures in Ireland, shall be of such material and in such form as the Board of Trade may approve.

19. *Amendment of* 41 & 42 *Vict.*, *c.* 49, *as to inspectors in Ireland.*—(1.) Notwithstanding anything in the principal Act, the township commissioners shall have power to appoint and shall appoint inspectors of weights and measures in each of the townships in Ireland mentioned in the second schedule to this Act, in lieu of the *ex officio* inspectors under section eighty-one of the principal Act; and in each of the different areas of the said townships, for the purposes of the principal Act

this Act, "the local rate" shall mean the rate to be levied by the township missioners, or, if the township is liable to county cess and no rate is levied in ownship, the county cess of the county of Dublin.

) Notwithstanding anything in the same section of the principal Act, the issions of the principal Act and of this Act concerning the taking of fees by ectors of weights and measures shall apply to the *ex officio* inspectors in Ireland, the fees taken by those inspectors elsewhere than in the Dublin metropolitan e district shall be applied for the benefit of the Royal Irish Constabulary in manner as the Lord Lieutenant, with the assent of the Treasury, may direct, ect, however, to a deduction of such amount as the Treasury may from time ne sanction for expenses incurred by the Board of Trade in execution of their s in Ireland under the principal Act and this Act.

) Whereas the rank of acting inspector in the Dublin metropolitan police force been abolished, therefore in the same section of the principal Act a reference rgeants of the Dublin metropolitan police force shall be substituted for the ence to acting inspectors.

## PART II.—Sale of Coal.

. *Coal to be sold by weight.*—(1.) All coal shall be sold by weight only, except e by the written consent of the purchaser it is sold by boat load or by waggons bs delivered from the colliery into the works of the purchaser.

) If any person sells coal otherwise than is required by this section he shall able to a fine not exceeding five pounds for every such sale.

. *Weight ticket or note on delivery of coal over two hundredweight.*—(1.) Where quantity of coal exceeding two hundredweight is delivered by means of any cle to a purchaser, the seller of the coal shall therewith deliver, or cause to be vered, or to be sent by post or otherwise, to the purchaser or to his servant, re any part of the coal is unloaded, a ticket or note according to the form in third schedule to this Act, or according to a form to the like effect.

.) If default is made in complying with the requirements of this section with ect to the delivery or sending of a ticket or note, or if the quantity of coal vered is less than the quantity expressed in the ticket or note, the seller of the shall be liable to a fine not exceeding five pounds.

.) If any person attending on any such vehicle, having received any such et or note for delivery to the purchaser, refuses or neglects to deliver it as ired by this section, or, on being requested so to do, to exhibit it to any ector of weights and measures, or other officer appointed for the purpose by local authority, he shall be liable to a fine not exceeding five pounds.

2. *Tare weight of vehicle where coal sold in bulk.*—(1.) Where any quantity of exceeding two hundredweight is conveyed for delivery on sale in a vehicle in , the seller of the coal shall, unless the vehicle is provided by the purchaser, se the weight of the vehicle, as well as of the coal contained therein, to be viously ascertained by a weighing instrument stamped by the inspector of ghts and measures, and being on or near to the place from which the coal is ught, and shall from time to time cause the tare weight of the vehicle to be ked thereon in such manner as the local authority approve.

.) In any such case the seller of the coal shall insert or cause to be inserted he ticket required by this Act to be given by him a statement of the correct ght of the vehicle, or of the vehicle and of the animal drawing it where both weighed together with the load, as well as of the correct weight of the coal tained in the vehicle.

(3.) If any person fails to comply with the requirements of this section, he shal be liable to a fine not exceeding five pounds.

23. *Frauds by drivers of coal carts.*—If the person in charge of any vehicle i which coal is being carried wilfully makes any false statement as to the tar weight of the vehicle, or wilfully does any act by which either the seller or th purchaser of the coal is defrauded, he shall be liable to a fine not exceeding fiv pounds.

24. *Penalty on deficiency in weight of coal on small sales.*—If any person on th sale of coal in any quantity not exceeding two hundredweight fraudulently delive to the purchaser a less quantity of coal than is agreed to be sold, he shall be liabl to a fine not exceeding five pounds.

25. *Weighing instrument to be kept in place where coal sold by retail.*—(1.) Whe coal is sold by retail for delivery at the place where it is kept for sale and there not at or near such place any weighing instrument stamped by an inspector weights and measures at which the coal can be weighed, the seller shall keep a that place a weighing instrument stamped as aforesaid, and shall, if so require by any purchaser, or by any inspector of weights and measures, or by any othe officer appointed for the purpose by the local authority, weigh any coal before th sale or delivery thereof.

(2.) If any person fails to comply with the requirements of this section he sha be liable to a fine not exceeding for a first offence two pounds, and for any sub sequent offence five pounds.

26. *Erection and maintenance of weighing instruments.*—(1.) The local authorit may erect and maintain fixed weighing instruments at convenient places for th purpose of weighing coal, and may provide, furnish, and maintain portable weigh ing instruments for the same purpose, and may appoint proper persons to keep an attend any such instruments.

(2.) If the keeper of any such fixed weighing instrument refuses, without reason able excuse, to weigh or re-weigh any vehicle or coal, or so weighs any vehicle c coal as wilfully to defraud either the seller or the purchaser of coal, he shall b liable to a fine not exceeding five pounds.

27. *Power to require weighment of coal or vehicle.*—(1.) Any seller or purchas of coal, person in charge of a vehicle in which coal is carried, inspector of weigh and measures, or other officer appointed for the purpose by the local authority, ma require that any coal or any vehicle used for the carriage of coal in bulk be weighe or re-weighed by any weighing instrument stamped by an inspector of weigh and measures.

Provided as follows:

(*a.*) No seller of coal or person in charge of a vehicle in which coal is carrie shall be required under this section to carry coal beyond such distance, n exceeding half a mile, as may be prescribed in that behalf by the loc authority:

(*b.*) Where any such coal or vehicle has at the instance of the purchaser bee weighed or re-weighed in pursuance of this section, and found to be of th weight stated in that behalf by the seller of the coal or the person in charg of the vehicle, the purchaser shall be liable to the payment of all reasonab costs actually incurred of and incidental to the weighing or re-weighing.

(2.) If any person obstructs any weighing or re-weighing authorised by th section he shall be liable to a fine not exceeding five pounds.

28. *Power to make byelaws with respect to the sale of coal.*—(1.) Any local auth rity may from time to time make, revoke, and alter byelaws,

((*a.*) regulating for the purposes of this Act the sale of coal in quantities not exceeding two hundredweight ; and

((*b.*) requiring, either generally or in specified classes of cases, a weighing instrument, of a form approved by the local authority, to be carried with any vehicle in which coal is carried for sale or delivery to a purchaser ; and

((*c.*) prescribing the distance beyond which coal is not to be required to be carried for the purpose of being weighed or re-weighed in pursuance of this Act ; and

((*d.*) fixing the fees to be paid for the use of any weighing instrument maintained by the local authority ;

dd may by such byelaws impose fines, recoverable summarily, and not exceeding each case five pounds, for the breach of any such byelaw.

((2.) Every byelaw made under this section shall, before being brought into eration, be approved by the Board of Trade and be published in such manner the local authority think sufficient for giving notice thereof to all persons terested, and a copy of every such byelaw shall be sent by the local authority to ee Board of Trade.

229. *Power to weigh coal in shop or vehicle*—(1.) Any inspector of weights and easures or officer appointed for the purpose by the local authority may, at all asonable times, enter any building or part of a building or other place in which al is sold or kept or exposed for sale, and may stop any vehicle carrying coal for le or for delivery to a purchaser, and may test any weights and weighing in- ruments found in any such place or vehicle, and may weigh any load, sack, or her less quantity of coal, found in any such place or vehicle, or which is in course delivery to any purchaser.

((2.) If it appears to a court of summary jurisdiction that any load, sack, or less antity so weighed is of less weight than that represented by the seller, the rson selling or keeping or exposing the coal for sale, or the person in charge of ee vehicle, as the case may be, shall be liable to a fine not exceeding five unds.

((3.) Any person who obstructs or hinders any inspector acting under this section all be liable to a fine not exceeding five, or, in the case of a second or subsequent ence ten, pounds.

230. *Power to make local exemptions.*—Her Majesty the Queen may, from time time, on the application of the local authority for any area, and on being satis- d that the provisions made by or under any local Act in force at the commence- ent of this Act, with respect to the sale of coal in that area are more stringent an the corresponding provisions of this part of this Act, by order in council empt that area from the provisions of this part of this Act to such extent, and der such conditions, as may appear to Her Majesty in council expedient.

231. *Extent.*—This part of this Act, except the provision requiring coal to be sold weight only, shall not extend to Scotland.

## PART III.—Bread.

232. *Explanation of law as to bakers.*—Nothing in the enactments referred to in e fourth schedule to this Act shall render any baker or seller of bread, or the urneyman, servant, or other person employed by such baker or seller of bread, ble to any forfeiture or penalty for refusing to weigh in the presence of the rchaser any bread conveyed or carried out in any cart or other carriage, unless is requested so to do by or on behalf of the purchaser.

PART IV.—SUPPLEMENTAL.

33. *Saving for liabilities otherwise than under Act.*—(1.) No proceeding or conviction for any offence punishable under this Act shall affect any civil remedy to which any person aggrieved by the offence may be entitled.

(2.) This Act shall not exempt any person from any indictment or other proceeding for an offence which is punishable at common law or under some Act of Parliament other than this Act, so that no person be punished twice for the same offence.

(3.) Where proceedings are taken before any court against any person in respect of any offence punishable under this Act, and the offence is also punishable at common law or under some Act of Parliament other than this Act, the court may direct that, instead of those proceedings being continued, proceedings shall be taken against that person at common law or under some Act of Parliament other than this Act.

34. *Construction of Act.*—This Act and the principal Act shall be construed together as one Act.

35. *Definitions.*—In this Act, unless the context otherwise requires,—

"Weighing instruments" includes scales, with the weights belonging thereto, scale-beams, balances, spring-balances, steelyards, weighing machines, and other instruments for weighing:

"Measuring instruments" includes any instrument for the measurement of length, capacity, volume, temperature, pressure, or gravity, or for the measurement and determination of electrical quantities:

"Vehicle" means any carriage, cart, waggon, truck, barrow, or other means of carrying coal by land, in whatever manner the same may be drawn or propelled, but does not include a railway truck or waggon:

"Inspector" means an inspector under the principal Act:

Other expressions have the same meaning as in the principal Act: Provided that the expression "local authority" shall, in its application to England, be construed subject to the provisions of the Local Government Act, 1888, and the expression "weighing machine" in the principal Act shall include any weighing instrument as defined by this Act.

36. *Repeal.*—(1.) The enactments specified in the fifth schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

(2.) The repeal of any enactment by this Act shall not affect—

(*a.*) the past operation of any enactment so repealed, or anything duly done or suffered under any enactment so repealed; or

(*b.*) any right or liability acquired or incurred under any enactment so repealed; or

(*c.*) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or

(*d.*) any power, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid; and any such power, legal proceeding, and remedy may be exercised and carried on as if this Act had not passed.

37. *Commencement.*—This Act shall come into operation on the first day of January one thousand eight hundred and ninety, which date is in this Act referred to as the commencement of this Act:

Provided as follows:

(*a.*) At any time after the passing of this Act any appointment, byelaw, or

regulation may be made, and any other thing may be done, which appears to a local authority to be necessary or proper for the purpose of bringing this Act into operation at the commencement thereof ;

(*bb.*) In Ireland, where a grand jury is the local authority, so much of this Act as concerns the powers and duties of the local authority and the consequences of the exercise of such powers and duties shall come into operation on the first day of May one thousand eight hundred and ninety.

38. *Saving for corporation of Dublin.*—Nothing in this Act, or the principal Act, shall be held to affect any right or privilege conferred upon the lord mayor, aldermen, and burgesses of Dublin by charter or statute.

39. *Short titles.*—This Act may be cited as the Weights and Measures Act, 1889 ; and the principal Act and this Act may be cited together as the Weights and Measures Acts, 1878 and 1889.

# SCHEDULES.

## FIRST SCHEDULE.

*Fees to be taken on the verification and stamping of Weights, Measures, and Weighing Instruments by Inspectors of Local Authorities.*

### *Weights.*

| | s. | d. |
|---|---|---|
| Avoirdupois: | | |
| Each weight of 100 lb. (cental) | 0 | 4 |
| ,, ,, ,, 56 lb. and 28 lb. | 0 | 3 |
| ,, ,, ,, 14 lb. and 7 lb. | 0 | 2 |
| ,, ,, from 4 lb. to 1 lb. inclusive, | 0 | 1 |
| ,, ,, ,, 8 oz. to ½ dram, inclusive, | 0 | 0½ |
| ,, ,, ,, 4000 grains to $\frac{1}{100}$th of a grain, inclusive, | 0 | 0½ |
| ,, ,, ,, 240 to 24 grains, inclusive, commonly called pennyweights, | 0 | 0½ |
| Troy: | | |
| Each weight from 500 oz. to 100 oz., inclusive, | 0 | 4 |
| ,, ,, ,, 50 oz. to 10 oz., inclusive, | 0 | 2 |
| ,, ,, ,, 5 oz. to $\frac{1}{1000}$th of an oz., inclusive, | 0 | 1 |
| Apothecaries: | | |
| Each weight from 10 oz. to 1 oz., inclusive, | 0 | 2 |
| ,, ,, ,, 4 drachms to ½ grain, inclusive, | 0 | 1 |

### *Measures.*

| | s. | d. |
|---|---|---|
| Length: | | |
| Each measure from 100 feet to 7 feet, inclusive, | 0 | 3 |
| ,, ,, ,, 6 feet to 4 feet, inclusive, | 0 | 2 |
| ,, ,, of a yard, 2 feet, foot and inch respectively, including their subdivisions, | 0 | 1 |
| Measures from 0·500 to 0·001 inch, in the form of wire-gauge plates: | | |
| For each notch, or for each internal gauge or separate size, from half an inch to $\frac{1}{1000}$th of an inch, | 0 | 0½ |
| Capacity: | | |
| Dry and liquid measures: | | |
| Each measure of 4 bushels (32 gallons) and 1 bushel (8 gallons), | 0 | 6 |
| ,, ,, from 5 gallons to 2 gallons (peck), inclusive, | 0 | 3 |
| ,, ,, ,, 1 gallon to ¼ gill, inclusive, | 0 | 1 |
| Apothecaries: | | |
| Each subdivided measure containing not more than twelve subdivisions, | 0 | 1 |
| ,, ,, ,, containing more than twelve subdivisions but not more than fifteen, | 0 | 1½ |
| ,, ,, ,, containing more than fifteen subdivisions but not more than eighteen, | 0 | 1½ |
| ,, ,, ,, containing more than eighteen subdivisions but not more than twenty-one, | 0 | 1¾ |
| ,, ,, ,, containing more than twenty-one subdivisions but not more than twenty-four, | 0 | 2 |
| ,, ,, ,, containing more than twenty-four subdivisions but not more than thirty, | 0 | 2½ |
| ,, ,, ,, containing more than thirty subdivisions but not more than thirty-six, | 0 | 3 |
| ,, ,, ,, containing more than thirty-six subdivisions but not more than forty-two, | 0 | 3½ |
| ,, ,, ,, containing more than forty-two subdivisions but not more than fifty, | 0 | 4 |
| ,, ,, ,, containing more than fifty subdivisions but not more than one hundred, | 0 | 6 |
| ,, ,, ,, containing more than one hundred subdivisions but not more than one hundred and fifty, | 0 | 9 |
| ,, ,, ,, containing more than one hundred and fifty, | 1 | 0 |
| Each separate measure from 40 fluid oz. to 10 fluid oz., inclusive, | 0 | 2 |
| ,, ,, ,, ,, 10 fluid oz., | 0 | 0½ |

*Weighing Instruments.*

| | s. | d. |
|---|---|---|
| For 10 tons and above, | 10 | 0 |
| For under 10 tons and above 1 ton, | 5 | 0 |
| For 1 ton and above 5 cwts., | 2 | 0 |
| For 5 cwts. and above 1 cwt., | 1 | 6 |
| For 1 cwt. and above 56 lbs., | 1 | 0 |

exclusive of cost of cartage and lifting of standards in each of the above cases.

| | | |
|---|---|---|
| For 56 lb. and above 14 lb., | 0 | 6 |
| For 14 lb. and above 1 lb., | 0 | 3 |
| For 1 lb. or under, | 0 | 2 |

## SECOND SCHEDULE.

(*Applies to Ireland only*).

## THIRD SCHEDULE.

*Weight Ticket or Consignment Note on Delivery of Coal over Two Hundredweight.*

To Mr. *A.B.* [*Here insert the name of the buyer*].

I Take notice that you are to receive herewith tons cwt. lbs. of coal.

[*When sold in sacks, add*]

sacks, each containing cwt.

[*When sold in bulk, add*]

| | tons. | cwts. | lbs. |
|---|---|---|---|
| Weight of coal and vehicle, | | | |
| Tare weight of vehicle, | | | |
| Nett weight of coal herewith delivered to purchaser, | | | |

*C.D.* [*here insert the name of the seller*].

To *E.F.* [*here insert the name of the person in charge of the vehicle.*]

Where coal is delivered by means of a vehicle the seller must deliver or send by post or otherwise to the purchaser or his servant, before any part of the coal is unloaded, a ticket or note in this form.

Any seller of coal who delivers a less quantity than is stated in this ticket or note is liable to a fine.

Any person attending on a vehicle used for the delivery of coal who, having received a ticket or note for delivery to the purchaser, refuses or neglects to deliver it to the purchaser or his servant, is liable to a fine.

## FOURTH SCHEDULE.

(*Applies to London only*).

## FIFTH SCHEDULE.

ENACTMENTS REPEALED.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 41 & 42 Vict., c. 49. | The Weights and Measures Act, 1878. | Section sixteen.<br>Section forty-three, from "A maker or seller of weights" to "measures under this Act."<br>Section forty-six.<br>Section forty-seven.<br>Section eighty-six, so far as it re-enacts section nine of the Weights and Measures Act, 1835.<br>The Fifth Schedule. |

# POLICE ACTS.

NOTE.—*The powers of a Secretary of State under this Act are now vested in the Secretary for Scotland.*

## ACT OF PARLIAMENT

TO

*Render more effectual the Police in Counties and Burghs in Scotland.*—[20 *and* 21 *Vict., cap.* 72.—25*th August* 1857.]

Whereas an Act was passed in the eleventh year of King George the First (chapter twenty-six), "for more effectual disarming the Highlands in that part of Great Britain called Scotland, and for the better securing the peace and quiet of that part of the Kingdom," whereby the freeholders of every shire, county, or district in Scotland were authorised to assess the several shires or stewartries for raising a sufficient fund to defray the charges of apprehending, subsisting, and prosecuting criminals; and another Act was passed in the session of Parliament holden in the second and third years of King William the Fourth (chapter sixty-five), "to amend the Representation of the People in Scotland," whereby the collection and application of the said fund commonly called "rogue money" was transferred from the freeholders to the commissioners of supply; and another Act was passed in the session of Parliament holden in the second and third years of Her Majesty (chapter sixty-five), "to amend the mode of assessing the rogue money in Scotland, and to extend the purposes of such assessment," whereby the commissioners of supply of any county were authorised to levy with and as part of the rogue money an additional assessment for the maintenance of a constabulary or police force in such county, and such additional assessments have been levied and such force has been established in some counties in Scotland: And whereas an Act was passed in the session of Parliament holden in the third and fourth years of King William the Fourth (chapter forty-six), "to enable burghs in Scotland to establish a general system of police," which Act was subsequently amended by an Act passed in the session of Parliament holden in the tenth and eleventh years of Her Majesty (chapter thirty-nine); and an Act was passed in the session of Parliament holden in the thirteenth and fourteenth years of Her Majesty (chapter thirty-three), "to make more effectual provision for regulating the police of towns and populous places in Scotland, and for paving, draining, cleansing, lighting, and improving the same;" and the three last-recited Acts have been adopted in whole or in part in some burghs in Scotland: And whereas it is expedient that further and other provision be made for securing an efficient police force throughout Scotland: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Commissioners of supply to establish police force.*—On the twenty-ninth day of September, or on some other day thereafter not later than the thirty-first day of October one thousand eight hundred and fifty-seven, the commissioners of supply of every county in Scotland shall hold a meeting on such day and at such hour and place as may be publicly notified by the convener of the commissioners

upply by advertisement at least twenty-one days previous to such meeting ae *Edinburgh Gazette*, and in some one or more newspapers published in such nty, or, if there be no such newspaper, then in some one or more newspapers lished in an adjoining county or counties, and at such meeting or at any ournment thereof (not later than the said thirty-first day of October) the said missioners of supply shall proceed to establish, from and after the fifteenth of March one thousand eight hundred and fifty-eight, a sufficient police force such county, and for that purpose shall declare the number of constables they oose should be appointed, and the rates of pay which it would be expedient to to the chief and other constables, and shall report such their proceedings riting to one of Her Majesty's principal Secretaries of State.

. *Commissioners of supply to appoint police committee to carry Act into execution.* he commissioners of supply of every county shall at their first meeting for the ooses of this Act, or at any adjournment thereof as aforesaid, on the twenty-h day of September, or on some other day thereafter not later than the tty-first day of October, and in all subsequent years at their statutory meeting the thirtieth day of April, appoint certain of their own number, being not e than fifteen and not less than three, which persons so appointed, along with Majesty's lieutenant and the sheriff of the county (or, in the absence of such iff, one of his substitutes to be by him nominated for that purpose), shall be ed "the police committee," to manage and transact all or any matters which police committee is hereby required or authorised to do, execute, or perform; every such committee shall also have such or so many of the powers and horities and discretion by this Act given to and reposed in such commissioners upply as such commissioners of supply shall think proper to delegate to such mittee; and such police committee shall elect one of their own number to be r chairman, and any three members of such police committee shall be a rum, and entitled to exercise all the powers of such police committee; and at meetings of such police committee the majority present and voting shall rule decision; and where the votes of those present shall be equal the chairman of police committee, or in his absence any member chosen by said committee to oreses of the meeting, shall have a casting vote in addition to his own vote; such committee may from time to time appoint sub-committees with such of powers of the said committee as they may think fit.

. *Rules for government, pay, &c., of constables to be made by Secretary of State.* ules for the government, pay, clothing, and accoutrements and necessaries of n constables as may be appointed under this Act shall from time to time be de by one of Her Majesty's principal Secretaries of State, but not so as to rease the number of men proposed to be appointed; and the rules so made ll be sent to the clerk of supply for every county, and shall be by him com-nicated to the chairman of the police committee, the sheriff-clerk, and justice peace clerk of such county respectively; and it shall be lawful for such retary of State, upon the representation of the commissioners of supply of the nty setting forth any special reasons, from time to time to suspend any part such rules, or to amend or add to such rules, so as to make them applicable to special circumstances of such county; and all such rules shall be binding on persons whom they may concern; and copies of all such rules shall be laid ore both Houses of Parliament within six weeks after the making thereof, if liament be then sitting, and if Parliament be not then sitting then within six eks after the meeting of Parliament.

. *Chief constable of the county to be appointed; and may serve for more than one nty.*—As soon as any such rules, as finally settled, shall have been received m the Secretary of State, the chairman of the police committee of the county

shall call a meeting of the said committee on not less than ten or more than twenty days' notice, and at such meeting or at any adjournment thereof such police committee shall, subject to the approval of one of Her Majesty's principal Secretaries of State, appoint a person duly qualified according to the rules to be chief constable of the county from and after the said fifteenth day of March one thousand eight hundred and fifty-eight; and in every case of vacancy of the office of chief constable the chairman of the police committee shall call a meeting of the police committee as aforesaid, and at such meeting or at any adjournment thereof such police committee shall, subject to the like approval, appoint a fit person to be chief constable; and every chief constable may hold his office until dismissed by the police committee; and it shall be lawful to appoint the same chief constable for two or more adjoining counties, if the commissioners of supply of such counties shall agree to join in such appointment.

5. *Number of constables may be increased or diminished.*—It shall be lawful for the commissioners of supply, on the recommendation of the police committee of any county, from time to time, with the consent of one of Her Majesty's principal Secretaries of State, to increase or diminish the number of constables appointed under this Act for such county.

6. *Chief constable to appoint the other constables.*—The chief constable shall, subject to the approval of the police committee, appoint the other constables to be appointed for the county, and a superintendent to be at the head of the constables in each division of the county, and may dismiss all or any of them, and shall have the general disposition and government of all the constables so to be appointed, subject to such lawful orders as he may receive from the sheriff, or from the justices of the peace in general or quarter sessions assembled, and to the rules established for the government of the force in terms of this Act: Provided always, that in the case of any conflicting orders being issued by the sheriff and justices of the peace assembled as aforesaid, the orders of the sheriff shall be followed by the chief constable, until the decision of one of Her Majesty's principal Secretaries of State shall be pronounced on the subject, which decision, unless in so far as the same may be afterwards altered or modified by one of Her Majesty's principal Secretaries of State, shall be final and conclusive.

7. *Additional constables may be appointed at the cost of individuals.*—It shall be lawful for the chief constable of any county, with the approval of the sheriff or of the justices of the county in general or quarter sessions assembled (if he shall think fit), on the application of any person or persons, setting forth the necessity thereof, to appoint and cause to be sworn in any additional number of constables, at any place within the limits of his authority, at the charge of the person or persons by whom the application shall be made, but subject to the orders of the chief constable, and for such time as he shall think fit; and every such constable shall have all the powers, privileges, and duties of other constables appointed under this Act: Provided always, that it shall be lawful for the person or persons on whose application such appointment shall have been made, upon giving fourteen days' notice in writing to the chief constable, to require that the constables so appointed shall be discontinued, and thereupon the chief constable shall discontinue such additional constables.

Rep. 1858.

8. *Power to appoint additional constables to keep the peace on public works. Company or parties carrying on such works to pay expenses of such constables.*—It shall be lawful for the sheriff of any county within whose jurisdiction the works of any railway, canal, or other public work of a similar nature shall be in progress of construction, upon the application of the company or other parties carrying on any such public work, or for any two justices of the peace of such county usually

ing in the district in or through which any such public work may be in the rse of construction, on similar application, to direct from time to time the chief stable of such county to appoint such additional number of constables as such riff or justices may think fit, for the special purpose of keeping the peace, and the security of persons and property against crimes and unlawful acts, within limits of such public works, and within a mile therefrom, and such constables appointed shall be specially charged with such duties, and shall have all the wers, privileges, and duties of other constables appointed under the Act; and h sheriff or justices shall decern the company or other parties carrying on such blic works to make payment to the clerk of supply of the county of the wages allowances of such constables so appointed, at such rate and at such time and such manner as the sheriff or justices shall appoint: Provided always, that the e so paid shall not exceed the highest rate paid for the time to any other con- ble of the county; and where the company or other parties carrying on any blic work shall refuse or neglect, within fourteen days next after demand reof, to pay any such wages and allowances, or any part thereof, as shall by h sheriff or justices have been directed to be paid, it shall be lawful for such riff or justices forthwith to cause the same to be levied, together with the penses of levying the same, by poinding and sale of the goods and effects of the mpany or other parties liable to pay such wages and allowances. Repealed 1858.

9. 8 & 9 *Vict.*, *cap.* 3, *repealed after twelve months from the date of this Act.*—e Act passed in the session of Parliament holden in the eighth year of Her jesty (chapter three), "for the appointment of constables or other officers for pping the peace near public works in Scotland," shall be and the same is hereby pealed: Provided always, that the said last-mentioned Act shall continue in force twelve months after the passing of this Act as regards all constables or peace- cers appointed and doing duty under the said last-mentioned Act. Repealed 1875.

10. *Chief constable to appoint a deputy.*—The chief constable shall, subject to the proval of the police committee, appoint one of the superintendents or other officer the police force to act as his deputy in case of his being incapable, from illness necessary absence from the county, to perform the duties of chief constable of county; and the deputy so appointed shall, in such case as aforesaid, and also case of any vacancy of the office of chief constable by death or other- se, have all the powers, privileges, and duties of the chief constable: Provided ways, that no deputy chief constable shall be capable of continuing to act with powers of chief constable during any vacancy of the office for more than three nths after the vacancy has been occasioned.

11. *Oath to be taken by constables. Powers of constables.*—The chief constable d other persons so appointed shall, before the sheriff or any justice of the peace the county, take the following oath; *videlicet*,—

"I hereby swear that I will faithfully discharge the duties of the office of con- ble."

And shall have all the powers and privileges which any constable or police cer duly appointed has by virtue of the common law, or of any statute, made or be made, throughout the county for which they are so appointed, and also in all tached parts of other counties locally situated within such county, and also in y harbour, bay, loch, or anchorage within or adjoining such county, and in ery burgh situated wholly or in part in such county, and also in any county joining to the county for which they are appointed; and it shall be lawful to y constable appointed for any one of the border counties of England or Scotland spectively, (that is to say,) the counties of Northumberland, Cumberland, Berwick, oxburgh, or Dumfries, to execute within any of such counties the lawful warrant

of any sheriff, justice of the peace, or other magistrate for the apprehension of any person accused or convicted of a criminal offence committed, or for the recovering of any goods alleged to have been stolen within the county of which such constable had been duly appointed one of the constables, in like manner as such warrant might be executed by such constable within the said last described county.

12. *Duties of constables.*—The constables to be appointed in any county under this Act are hereby required, authorised, and empowered to guard, patrol, and watch within the county, according to such regulations as may from time to time be prescribed by competent authority under this Act, and to bring before the sheriff or justices of the peace, one or more, all persons who may be found within the county actually engaged in or committing any criminal, riotous, or disorderly conduct or act, includes offences committed on any turnpike or statute labour road, or otherwise, in contravention of the provisions of the general or any local turnpike Act, or of the general or any local statute labour Act, or accused or suspected of having committed crimes, delinquencies, or offences, of whatsoever description, and at what place soever the same may have been or are suspected to have been committed, whether the same be of such a kind as can competently be tried before such sheriff or justices, or be of a nature requiring to be remitted for trial before a higher tribunal, or which, from having been committed beyond the bounds of the county, fall to be tried in another jurisdiction ; and such constables shall perform all the duties attaching to constables or police officers within any county at the date of the passing of this Act, and shall carry into effect, as far as may be, the whole provisions and regulations herein contained.

13. *Constables may, in certain cases, accept bail or deposit.*—Upon the apprehension of any person charged with any offence, such as may be competently tried by any justice or justices of the peace, it shall be lawful for the chief constable, or any superintendent of police, or any constable duly authorised by the police committee, and in charge for the time being of any station house, strong room, or lock-up, to accept, but only if he shall think fit, of bail or deposit that such person shall appear for examination and trial before the sheriff or justice of the peace court at some time and place to be specified, and at all after diets of court, and to liberate the person so apprehended upon bail being found to an amount not exceeding ten pounds, or upon the deposit of any money or article of value to the amount of the bail fixed ; and such constable or other officer shall enter in a book to be kept for that purpose the names, residence, and occupation of the party, and person or persons, if any, accepted as bail, and the amount and condition thereof, and if deposit be accepted shall forthwith enter the same in such book, and grant an acknowledgment for the money or article so deposited ; and every such bail shall be equally effectual and operative in all respects as if taken or accepted by any magistrate.

14. *Warrants and deliverances in criminal proceedings to be executed by constables.*—All warrants and deliverances which may be issued in any criminal proceeding within any county by the sheriff or any justice or justices of the peace of such county, or magistrates of burghs forming part of such county for the purposes of this Act, may be served and executed, and all services, citations, and executions in any criminal proceedings before such sheriffs, justices, or magistrate may be made and given by any constable of such county appointed under this Act.

15. *Constables to perform all duties connected with the police.*—The constables acting under this Act shall, in addition to their ordinary duties, perform all such duties connected with the police in their respective counties as the sheriff or the justices of the peace of the county may from time to time direct and require.

6. *Constables not to receive to their own use fees for performance of their ...es.*—It shall not be lawful for any constable acting under this or any of the ...ed Acts to receive to his own use any fee for the performance of any act ... by him in the execution of his duty as such constable; but this enactment ... not extend to prevent the receipt by any such constable of any fee or ... payment legally payable which he may be liable to account for and ...cover to the clerk of supply of the county, or otherwise for the use of ...county.

7. *Constables disqualified from voting at certain elections.*—No constable ...inted by virtue of this Act shall, during the time he shall continue to be such ...table, or within six months after he shall have ceased to be such constable, ...apable of giving his vote for the election of a member to serve in parliament ...he county in which he is so appointed, or any part thereof, or for any county ...ining thereunto, or for any royal or parliamentary burgh or town within any ...e said counties; nor shall any such constable,] by word, message, writing, or ...y other manner, endeavour to induce any elector to give, or to abstain from ...g, his vote for the choice of any person to be a member to serve in parliament ...oresaid; and if any such constable shall offend therein he shall forfeit the ... of twenty pounds, to be recovered by any person who will sue for the same ...ction of debt, to be commenced within six months after the commission of the ...ce; and one moiety of the sum so recovered shall be paid to the informer, ...the other moiety thereof to the clerk of supply of the county, to be by him ...ed for the purposes of the police under this Act: Provided always, that ...ing in this enactment contained shall subject any constable to any penalty ...my act done by him at or concerning any of the said elections in the discharge ...ss duty.*

8. *Constables exempted from serving on juries, &c.*—All constables holding ... under this Act shall be exempt from being returned and from serving upon ...juries whatsoever, or in the militia, nor shall they be inserted in any jury ...

9. *Constables not prevented from receiving half pay.*—No office or employment ...constable under this Act shall prevent the holder thereof from receiving any ...pay or pension to which, if he did not hold or have such office or employment, ...ight be or become entitled.

10. *Penalty on constables for neglect of duty.*—Every constable appointed under ...Act who shall be guilty of any neglect or violation of duty in his office of ...able, and shall be convicted thereof before the sheriff or any two justices ...e peace, shall be liable to a penalty not exceeding ten pounds, the amount of ...h penalty may be deducted from any salary or wages due to such offender, ... the discretion of the sheriff or justices by whom he shall be convicted, he ... be imprisoned, with or without hard labour, for any time not exceeding one ...th.

11. *Constables not to resign without leave or notice.*—No constable appointed ...r this Act shall be at liberty to resign his office, or to withdraw himself from ...duties thereof, unless expressly allowed to do so, in writing, by the chief ...able or superintendent under whom he may be placed, or unless he shall ... to such chief constable or superintendent one month's notice in writing of

* § 17. The words in brackets repealed 1887.

his intention ; and every constable who shall resign or withdraw himself without such leave or notice shall be liable, on being convicted thereof, to forfeit all arrears of pay then due to him, or to a penalty of not more than five pounds.

22. *Constables dismissed to deliver up accoutrements, &c.*—Every constable appointed under this Act who shall be dismissed from or shall cease to hold and exercise his office, and who shall not forthwith deliver over all the clothing, accoutrements, appointments, and other necessaries which may have been supplied to him for the execution of his duty to the chief constable or superintendent, or to such person and at such time and place as shall be directed by the said chief constable or superintendent, shall be liable, on being convicted thereof before the sheriff or any two justices of the peace, to imprisonment, with or without hard labour, for any time not exceeding one month ; and it shall be lawful for the sheriff or any justice of the peace to issue his warrant to search for and seize to the use of the county police all the clothing, accoutrements, appointments, and other necessaries which shall not be so delivered over, wherever the same may be found.

23. *Penalty on unlawful possession of accoutrements, and assuming dress of constables.*—Every person, not being a constable appointed under this Act, who shall have in his possession any article, being part of the clothing, accoutrements, or appointments supplied to any such constable, and who shall not be able satisfactorily to account for his possession thereof, or who shall put on the dress, or take the name, designation, or character of any person appointed as such constable, for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, shall, in addition to any other punishment to which he may be liable for such offence, be liable, on being convicted thereof, to a penalty not exceeding ten pounds.

24. *Penalty on publicans harbouring constables during the hours of duty.*—If any victualler or keeper of any house, shop, room, or other place for the sale of any liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any constable appointed under this Act, or permit such constable to abide or remain in his house, shop, room, or other place, to the neglect of his duty, during any part of the time appointed for his being on such duty, every such victualler or keeper as aforesaid, being convicted thereof, shall for every such offence forfeit and pay any sum not exceeding five pounds.

25. *Horses, &c., in the service of the police exempted from toll.*—No toll shall be demanded or taken on any turnpike road or bridge for any horse or police van, carriage, or cart, passing along such road or bridge, in the service of any police force established under the provisions of this Act ; provided that the constable in charge of such horse, van, carriage, or cart, if not the chief constable, shall produce an order in writing under the hand of the chief constable, or shall have his dress according to the regulations of the police force at the time of claiming the exemption ; and every person who shall fraudulently claim or take the benefit of the exemption from toll herein contained, not being lawfully entitled thereunto, shall for every such offence be liable to a penalty not exceeding five pounds, and in all such cases the proof of exemption shall be upon the person claiming the same.

26. *Chief constable to make reports.*—Every chief constable shall, when so required, make reports to the police committee, sheriff, and justices of the peace, and magistrates of burghs forming part of any county for the purposes of this Act, or consolidated therewith under this Act, of all matters which they shall

respectively require of him concerning the police of the county or burgh respectively, and shall obey all lawful orders and warrants of the sheriff and justices in the execution of his duty.

27. *Allowances to chief constable, &c., for necessary expenses.*—In addition to the salary to be paid to the chief constable of the county, reasonable allowances shall be made to him for extraordinary expenses necessarily incurred by him, and by the constables under his orders, in the apprehension of offenders, and in the execution of his and their duty under this Act; and all such allowances shall be examined and audited, and, if not disallowed, paid by the commissioners of supply.

28. *Expenses of county police to be defrayed out of police assessments.*—The salaries and allowances of the chief constable and other constables, and all expenses incurred in providing them with such clothing, accoutrements, and necessaries as may be allowed by the rules to be established under this Act, and all other expenses incurred in putting this Act into execution, shall be defrayed by the commissioners of supply of the county out of the police assessments to be made and levied by them in terms of this Act.

29. *Police assessments to be levied for the purposes of this Act.*—The commissioners of supply of every county shall once in each year impose an assessment for the purposes of this Act, to be called "The Police Assessment," upon all lands and heritages within such county, according to the yearly value thereof, as established by the valuation rolls in force for the year of assessment, under an Act passed in the session of Parliament holden in the seventeenth and eighteenth years of Her Majesty (chapter ninety-one), "for the valuation of lands and heritages in Scotland," and otherwise in terms of the said last-mentioned Act, and that at such rate in every year as the said commissioners shall deem necessary, in order to provide sufficient funds for all the purposes of this Act, including such sum as may be requisite to cover the expenses of assessment, collection, and management, and any arrears of preceding years; and the said assessment so to be laid on in each year shall be payable, as for the period from Whitsunday in such year to Whitsunday in the year immediately following, and may be levied either on the proprietor or tenant of all such lands and heritages; but such tenant, in case of his paying such assessment, shall be entitled to deduct the amount from the rent payable by him: Provided always, that the said commissioners shall not levy assessment in respect of any dwelling house, shop, or other such premises, or any offices or outhouses connected therewith, which shall be unoccupied and unfurnished during the whole period to which such assessment applies: Provided also, that the expenses of the period from the fifteenth day of March one thousand eight hundred and fifty-eight to the fifteenth day of May one thousand eight hundred and fifty-eight shall be deemed to be expenses of the year from Whitsunday one thousand eight hundred and fifty-eight to Whitsunday one thousand eight hundred and fifty-nine. Repealed 1875.

30. *Regulations as to payment of small assessments.*—In the case of premises within any county not situated within the landward part of such county, let at a rent under four pounds, or for a less period than half a year, deduction shall be allowed by the said commissioners of the assessment for each entire period of six months from Whitsunday to Martinmas, or from Martinmas to Whitsunday, during which any such premises shall be unoccupied or not furnished.

31. *Commissioners of supply may grant relief for assessment in case of poverty.*—The commissioners of supply of any county may, on the ground of poverty or inability of any person liable in police assessment under this Act in respect of

any lands and heritages in value not amounting to four pounds per annum, remit in whole or part payment of the said assessment by such person in such manner as the commissioners shall in their discretion think just and reasonable, but upon no other account whatsoever.

32. *Mode of recovering assessments.*—The whole powers and right of issuing summary warrants for recovery of the land and assessed taxes shall be applicable to the rogue money and the police assessment as hereby authorised to be assessed and levied; and sheriffs, magistrates, justices of the peace, and other judges shall grant like warrants for the recovery of such rogue money and such police assessment, in the like form and under the like penalties as is provided in regard to such land and assessed taxes and other public taxes; and all rogue money and police assessment imposed in virtue of this Act shall, in the case of bankruptcy or insolvency, be paid out of the first proceeds of the estate, and shall be preferable to all other debts of a private nature due by the parties assessed.

33. *Disputes as to assessments to be summarily settled.*—Any dispute which may arise between the Commissioners of Supply of any county, or any person or persons acting under them, on the one part, and any person holding himself aggrieved on the other, relating to any assessment of rogue money or any police assessment under this Act which it may not be competent or convenient to try and determine in the sheriff's small debt court, shall be determined in a summary manner by the sheriff of the sheriffdom in which such dispute shall arise, or of the sheriffdom the Commissioners of Supply of which have laid on such assessment; and such sheriff shall, on a written petition being presented to him by either of the said parties, appoint them to appear before him, and shall then investigate the matter in dispute in such way as he may think proper, and decide the same summarily, and such decision shall be final, and shall not be liable to appeal, or to suspension, advocation, or reduction, or any other form of review.

Repealed 1875.

34. *Recited Act*, 2 & 3 *Vict.*, *cap.* 65, *repealed. As to assessments levied prior to passing of this Act.*—The recited Act of the second and third years of Her Majesty (chapter 65) shall be and the same is hereby repealed: Provided always, that any constables appointed in any county under the said recited Act may continue to act as such constables until the appointment of constables in such county under this Act; provided also, that any assessments laid on and levied or in the course of collection under the said recited Act, prior to the passing of this Act, may be levied and applied in terms of the said recited Act as if this Act had not been made, and any surplus of such assessments beyond what may be required for the purposes of the said recited Act shall be applied to the purposes of this Act in the county from which such assessments are levied.

35. *Detached parts of counties to be taken as part of the county in which locally situated.*—In assessing for the purposes of this Act, the Commissioners of Supply shall assess and tax the whole county in terms of this Act, including all detached parts of other counties forming part of such county for the purposes of this Act, and excluding all detached parts of their own county forming parts of other counties for the purposes of this Act; and for the purposes of this Act all detached parts of counties shall be considered as forming part of that county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary.

36. *Sheriffs and Justices may act in detached parts of other counties locally situate within their counties.*—It shall be lawful for any sheriff or justice of the peace of any county to act as sheriff or justice of the peace in all things whatsoever concerning or in anywise relating to any detached part of any other county which

is surrounded in whole or in part by the county for which such sheriff or justice of the peace acts; and all acts of such sheriff or justice, and of any constable or other officer in obedience thereto, shall be as good, and all offenders in such detached part may be committed for trial, tried, convicted, and sentenced, and judgment and execution may be had upon them, in like manner as if such detached part were to all intents and purposes part of the county for which such sheriff or justice acts; and all constables and officers of such detached part are hereby required to obey the warrants, orders, and acts of such sheriff or justice, and to perform their several duties in respect thereof under the pains and penalties to which any constable or other officer may be liable for a neglect of duty.

37. *Contributions to be paid on account of detached parts of counties.*—It shall be lawful for the Commissioners of Supply of any county, for the purpose of obtaining the sum which ought to be contributed from any detached part of any other county towards any police assessment under this Act, from time to time to issue a warrant under the hands of two or more of them, by which warrant they shall require the Commissioners of Supply of the county to which such detached part belongs to pay to them or to their collector under this Act, out of the monies collected in such last-mentioned county by way of police assessment, the amount mentioned in the warrant; and the persons to whom any such warrant shall be directed shall, within forty days from the delivery of such warrant to them, pay the amount or cause the same to be paid to the collector of the county from which such warrant shall have issued, and such collector paying the same shall be allowed therefor in his accounts with his county; and every such warrant shall specify the rate in the pound at which the sum mentioned therein shall be computed; and delivery of a copy of any such warrant, certified by the clerk of supply or collector under this Act of the county from which it emanates, to the clerk of supply or collector under this Act of the county to the Commissioners of Supply of which such warrant is directed, shall be held to be delivery of such warrant to such last-mentioned Commissioners of Supply.

38. *How such contributions to be reimbursed.*—For the purpose of reimbursing the collector or other person by whom any such sum shall have been paid, the Commissioners of Supply of the county to which such detached part belongs shall pay on a police assessment, at the rate mentioned in the warrant, upon such detached part of their county, and such assessment shall be levied and collected thereon in like manner as the police assessment is levied and collected under this Act by the Commissioners of Supply of any county for the expenses of the police of their own county.

39. *In case of default in payment the amount may be levied directly on the detached district.*—If payment shall not be made within the said forty days, according to the exigency of the warrant, or if it shall seem more convenient to the Commissioners of Supply of the first-mentioned county, it shall be lawful for them to levy the full amount of the police assessment upon any such detached part of another county in respect of which such amount is demandable; and for the purpose of levying and collecting such assessments the Commissioners of Supply of such first-mentioned county shall have within every such detached part of another county the same powers which they have for levying and collecting police assessments under this Act within the limits of their own county, and such assessments may be levied and collected by the like methods as if such detached parts of another county were to all intents part of such first-mentioned county.

40. *Collector under this Act to be appointed by Commissioners of Supply.*—The Commissioners of Supply of every county shall from time to time appoint one or more collectors of police assessments under this Act to act during their pleasure;

and each such collector shall be allowed, by way of remuneration for collecting assessments authorised to be levied under this Act, and for the performance of the whole duties of his office under this Act, a sum not exceeding the rate of five pounds per centum upon all such sums as he shall collect and receive; and each such collector, before he shall be permitted to take upon him the execution of the said office, shall grant bond, with a sufficient surety or sureties, to the said commissioners, for his intromissions, and for the just and faithful execution of his office, to such an amount as the said commissioners shall think reasonable; and any collector who may be convicted of wilfully secreting or not accounting to the said commissioners for any sum of money received by him as collector shall forfeit treble the amount thereof to the said commissioners, and that without prejudice to any punishment to which he may be liable in respect thereof; and any collector of police assessment under this Act may act as collector of any other assessment, rate, or tax which is or may be leviable under any Act of Parliament or otherwise.

41. *Collector to lodge all monies received by him in bank.*—Every collector of every county under this Act shall be bound to lodge all money received by him in a bank of issue, or in one of the branches of such bank within the county, to be fixed by the said commissioners, upon an account to be opened in the name of the commissioners, and to be operated upon by the commissioners or the police committee to be appointed under this Act, or any two or more of them, or by any person to be appointed for that purpose by such commissioners or police committee for the purposes of this Act.

42. *Collector, &c., to keep separate accounts of receipts and expenditure.*—The collector of every county, and every officer of the county, or other person intromitting with any sums received or paid under this Act, shall keep a separate account thereof, and shall produce the same when called upon, and at least once in every year, to the Commissioners of Supply, by whom the same shall be examined, and, if allowed, passed.

43. *In case of insolvency of collectors, deficiency may be assessed.*—In case any collector shall become insolvent, and that any sums chargeable against him shall not be paid by him or his cautioners or sureties, then and in every such case the sum deficient shall be assessed along with and as part of the next or any succeeding annual assessment under this Act.

44. *Books of accounts and minutes of proceedings to be kept by Commissioners of Supply.*—Accounts of all property, heritable and moveable, vested in the Commissioners of Supply for the purposes of this Act, showing the return of such property, and of all money received and disbursed, and all orders and proceedings of the said commissioners, shall be kept in books by the clerk of supply, collector, or other person who may be appointed by the commissioners; and all such books of accounts and proceedings whatsoever may at all reasonable times be inspected and perused, without fee or reward, by any person assessed, and also by any person entitled to any money due and owing on the credit of such assessment; and such persons may take copies of or extracts from any of such books, accounts, and proceedings, and the said respective assessments, without fee or reward; and any person in whose custody or power any such books, accounts, and proceedings are who shall refuse inspection thereof, or to permit copies or extracts to be taken as aforesaid, shall be liable to a penalty not exceeding ten pounds; and in case any person who shall be assessed shall be dissatisfied with any accounts which shall have been made up as aforesaid, or with any of the items or articles contained in any such accounts, such person may complain against the same by petition to the sheriff, in which complaint shall be specified the grounds of objection to such

accounts, items, or articles; and the sheriff shall proceed and hear and determine the matter of such complaint, and his decision shall be final.

45. *Accounts of receipts and expenditure to be annually made out and published.*—The Commissioners of Supply of every county shall annually, and previous to the fifteenth day of March in each year, cause to be made out a just and accurate account of all the monies received and expended in the execution of this Act, showing from what sources such monies have been received, and to what purposes the same have been laid out and applied during the year to Whitsunday immediately preceding; and such account, so soon as the same shall have been audited as hereinafter provided, shall be signed by the convener or any two of the Commissioners of Supply and the clerk of supply, and shall be deposited with such clerk of supply, who shall forthwith cause to be printed and inserted in one or more of the newspapers published or circulating in the county authenticated abstracts of such yearly accounts, and shall permit any person assessed under this Act within such county to inspect and examine such accounts, at all reasonable times, without fee or reward.

46. *Auditors to be appointed.*—The Commissioners of Supply of every county shall annually appoint one or more persons, not being commissioners, to be auditor or auditors of the accounts of the commissioners under this Act, and may pay to such auditors a reasonable remuneration for their time and trouble, not exceeding two guineas each for every day they shall be fully employed on such audit, and all such expenses as such auditors shall be put to attending the auditing of the said accounts; and if any dispute arise as to the amount of the remuneration and expenses to be paid to such auditors, it shall be settled by the sheriff, whose decision shall be final.

47. *Auditors to inspect and audit accounts, and appeal may be taken against any part of such audit to the sheriff.*—The auditors so appointed shall attend at such time and place as may be fixed by the said commissioners, and from time to time shall proceed to audit the accounts of the said commissioners for the preceding year; and the said commissioners shall, as soon as may be after the twenty-fifth day of March in every year, lay before such auditors the accounts for the year to fifteenth day of March preceding, accompanied with proper vouchers in support of the same, and all books, papers, and writings in their custody or power relating thereto; and any person interested in the said accounts, either as a creditor or as a ratepayer, may be present at the audit of such accounts, by himself or his agent, and may make any objection to any part of such accounts; and if such accounts be found correct, such auditors shall sign the same in token of their allowance thereof; but if such auditors think there is just cause to disapprove of any part of such accounts, they shall make such abatements from or alterations of such accounts as to them shall seem just, and in either case shall ascertain and fix the balance arising on such accounts; and if the said commissioners be dissatisfied with the result of such audit, they may appeal to the sheriff, whose decision shall be final: Provided always, that the said audit shall be completed in every year as soon as may be after the said twenty-fifth day of March, and at latest by the thirteenth day of April in such year; provided also, that unless the balance, as ascertained and fixed by the auditors, shall be appealed to the sheriff within fourteen days from the date of such ascertainment, such balance shall be final and conclusive, and not subject to review.

48. *Three Commissioners of Supply to be a quorum. Preses at meetings to have casting vote.*—In all proceedings under this Act any three Commissioners of Supply shall be deemed to be a quorum of such commissioners, and shall be entitled to exercise all the powers conferred on the general body of commissioners under this

Act, and the majority present and voting shall rule the decision; and where the votes of those present shall be equal, the preses of the meeting shall have a casting vote in addition to his own vote.

49. *Convener to act as preses.*—In all meetings of Commissioners of Supply under or with reference to this Act, their convener, or, in the absence of the convener, the person who may be elected by such meeting to act as its preses, shall be preses of such meeting.

50. *Papers and documents emanating from the Commissioners of Supply and police committee, how to be authenticated.*—For the purposes of this Act the signature of the convener or of the preses of a meeting of Commissioners of Supply or of the chairman or preses of a meeting of the police committee adhibited to any paper or document shall be equivalent to the signatures of the whole Commissioners of Supply or of the whole of the police committee present at a meeting thereof respectively; and the addition to such signature of the word "convener" "chairman," or "preses" shall be good *primâ facie* evidence that such signature is the signature of such convener, chairman, or preses, as the case may be, and that such paper or document is genuine and authentic.

51. *Actions by or against Commissioners of Supply how to be brought, and not to abate.*—All actions, suits, or proceedings in respect of any matter or thing relating to the execution of this Act to be brought by or against the Commissioners of Supply of any county shall be in the name of the clerk of supply or collector appointed under this Act for the time being, as the party pursuer or defender representing the said commissioners; and no such action, suit, or proceeding wherein the commissioners shall be concerned as pursuers or defenders in the name of the clerk of supply or collector shall cease or abate by the death, resignation, or removal of any such clerk of supply or collector, or by any change in the said commissioners; but the clerk of supply or collector for the time being shall be deemed to be the pursuer or defender, as the case may be, in every such action, suit, or proceeding.

52. *Power to grant, out of the superannuation fund, gratuities to incapacitated constables.*—It shall be lawful for the Commissioners of Supply of any county, if they think fit, on the report of the police committee, and upon the recommendation of the chief constable, and upon his certifying that any constable belonging to the police force of the county, who is sixty years of age, is incapable, from infirmity of mind or body, to discharge the duties of his office, to order that such constable shall receive, out of the police assessment to be levied as aforesaid, such sum in gross, as a gratuity upon his retirement, as to the said Commissioners of Supply may seem proper. Repealed 1890.

53. *Power to grant superannuations to chief constables.*—It shall be lawful for the Commissioners of Supply of any county, if they think fit, on the report of the police committee, to grant to any chief constable of the county, on his ceasing to be such chief constable, a sum by way of superannuation allowance, and such superannuation allowance shall be paid out of the police assessments to be levied under this Act, and shall, in the case of a county which is divided into police districts, be deemed part of the general expenditure, and be defrayed accordingly: Provided always, that no such allowance shall be granted to any chief constable under sixty years of age unless such Commissioners of Supply be satisfied that he is incapable, from infirmity of mind or body, to discharge the duties of his office: Provided always, that all such sums or allowances shall be subject to the following conditions, and shall not exceed the following proportions; (that is to say,) if the constable retiring shall have served for fifteen years and less than twenty years, a Repealed 1890.

sum which shall not be more than equal to three years pay; if for twenty years and upwards, a sum which shall not be more than equal to five years pay: Provided also, that if any such constable shall be disabled or killed in the actual execution of his office it shall be lawful to pay him or his heirs a sum which shall not be more than equal to eight years pay, but nothing herein contained shall entitle any constable absolutely to any gratuity or allowance. Repealed 1890.

54. *On establishment of county constabulary under this Act, old police force to be discontinued.*—Upon the appointment of constables under this Act in any county the power to appoint and pay, and to make assessments for paying, any constables under the provisions of any Act (except as regards any burgh within such county) other than this Act shall cease and determine, [and all sums of Money then already levied for the purpose of such other constables shall be applied, after defraying all charges to which the same are then liable, in and towards the purposes of this Act so far as regards such county: Provided always, that all arrears of assessments made for the purposes aforesaid shall be levied and collected as if this Act had not been made;] provided also, that nothing herein contained shall prevent or invalidate the appointment of any constable not paid out of county assessments: Provided always, that in the event of any burgh being consolidated with any county as after mentioned, it shall be lawful to stipulate that the assessment levied within such burgh shall be assessed in the same way, and recovered from the same persons, as had previously been in use in regard to the police assessment within such burgh.*

55. *Station-houses and strong-rooms or lock-ups to be provided.*—It shall be lawful for the Commissioners of Supply of any county, if they think fit, to order that station-houses and strong-rooms or lock-ups, or any or either of them, for the temporary confinement of persons taken into custody by the constables, be provided upon such plan as shall be approved by one of Her Majesty's principal Secretaries of State, and for that purpose to purchase and hold or to rent or hire lands and heritages, or to appropriate to that purpose any lands or heritages belonging to the county which are not needed for the purpose to which they were applied or intended to be applied before such appropriation, and the expense of building, purchasing, hiring, or otherwise providing, repairing, and furnishing such station-houses and strong-rooms or lock-ups, and all other expenses attending the same, shall be defrayed out of the police assessments to be made and levied in terms of this Act.

56. *Provisions of* 8 & 9 *Vict.*, *c.* 19, *for purpose of purchase of station-houses, &c., incorporated with this Act.*—For facilitating the purchase of lands and heritages for the purposes of this Act, the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," except the provisions with respect to the purchase and taking of lands otherwise than by agreement, shall be incorporated with this Act; and the expression "the promoters of the undertaking" in the said Lands Clauses Consolidation Act shall, for the purposes of such incorporation, mean the Commissioners of Supply of any county.

57. *Money may be borrowed on credit of police assessments.*—It shall be lawful for the Commissioners of Supply of any county to borrow money for the purpose of purchasing any such lands and heritages, or of building any such station-houses and strong-rooms or lock-ups, and to charge the future police assessments with the amount of the loan, and with interest thereon: Provided always, that any money borrowed for such purpose shall be repaid by yearly instalments of not less

* § 54. The words in brackets repealed—S. L. R. Act, 1875.

than one-twentieth part of the sum borrowed, with interest on the same, in any one year.

58. *Police districts may be formed.*—It shall be lawful for the Commissioners of Supply of any county, if they shall be of opinion that a distinction ought to be made in the number of constables appointed to keep the peace in different parts of such county, to divide such county (including any detached portion of another county united thereto) or any part thereof into police districts, consisting of such parishes and places, or parts of parishes and places, as shall appear to them most convenient, and to declare the number of constables which ought to be appointed for each such police district, and from time to time to alter the extent of such police districts, and the number of constables to be appointed for each; and a report of every such proposed division or alteration, and of the number of constables proposed for each police district, with an estimate of its extent and population, and of any other circumstances upon which such determination shall have been grounded, shall be sent to one of Her Majesty's principal Secretaries of State, and, if approved by such Secretary of State, such division or alteration shall be deemed to be and shall be completed.

59. *Each police district to pay for its own constables.*—If the Secretary of State shall approve of such division of the county or of any part thereof into police districts for the purpose aforesaid, the expense of putting this Act into execution in such county or part of such county shall be classed under two heads of general expenditure and local expenditure; and the general expenditure shall be defrayed in common by all the districts, and the local expenditure, consisting of the expense of the salaries and clothing of the constables appointed for each district, and such other expenses as the Commissioners of Supply, subject to the approval of the Secretary of State, shall direct to be included under this head, shall be defrayed by each police district separately; and the assessments under this Act shall be assessed and levied in such police district accordingly: Provided always, that, notwithstanding the division of any county or part of any county into police districts, the constables of all such districts shall continue as part of the same force, and be subject to the same authority, and be liable, if required, to perform the same duty, in any part of the county or elsewhere, as if no such division into police districts had been made.

60. *Her Majesty may, by order in council, require separate police districts to be constituted in counties.*—In case it shall appear to Her Majesty in council, upon the petition of persons contributing, or who, on the establishment of a constabulary under this Act, will be liable to contribute, to the police assessment of any county for the purposes of this Act, that a distinction ought to be made in the number of constables to be appointed to keep the peace in different parts of such county, it shall be lawful for Her Majesty, by the advice of Her Privy Council, to order and require the Commissioners of Supply of such county to exercise the powers given by this Act for the division of such county into police districts; and such Commissioners of Supply shall thereupon, in manner directed by this Act, and subject to such approval as herein mentioned, divide such county into such police districts as shall appear to them most convenient, and declare the number of constables which ought to be appointed for each police district; and in the event of such police districts or number of constables as so declared not being approved by the Secretary of State, he shall fix and apportion the same; and the extent of such districts, and the number of constables appointed for each, may be altered as in this Act provided; and the expenses to be defrayed by each such police district shall be ascertained in the manner provided by this Act, and the assessments imposed and levied therein accordingly: Provided, that notice of every such petition, and of the time when it shall please Her Majesty to order

that the same be taken into consideration by Her Privy Council, shall be published in the *Edinburgh Gazette* one month at least before such petition shall be considered.

61. *Burghs may agree to consolidate their police with county police.*—It shall be lawful for the Commissioners of Supply of any county, and for the magistrates and town council of any burgh situated in or adjoining to such county, to agree together for the consolidation of the county and burgh police establishments; and in every such case all the constables appointed either for the county or the burgh shall have all the powers, privileges, and duties throughout the county and the burgh and the adjoining counties which constables appointed for any county have within such county or adjoining counties under this Act, and all the provisions of this Act shall be taken to apply to the burgh constables as well as to the county constables; and the magistrates and council of the burgh shall thereupon forthwith, and thereafter annually on or before the thirtieth day of April, appoint to be members of the police committee hereinbefore mentioned one or more of their number as may have been fixed in such agreement, who, while the agreement subsists, shall have the like powers, as members of such committee, with the members appointed by the Commissioners of Supply; and every such agreement which shall have been agreed to by the Commissioners of Supply of the county on the one hand, and by the magistrates and town council of the burgh on the other hand, shall be binding on both parties as soon as a memorandum of such agreement shall be signed by the convener of the Commissioners of Supply and clerk of supply of the county on behalf of the county, and by the chief magistrate and town clerk of the burgh on behalf of the burgh; and when any such agreement shall have been made between any county and any burgh, either party shall be empowered to put an end thereunto without the consent of the other party, after six months notice in writing shall have been given to the other party; such notice, if given by the county, to be signed by the convener of the Commissioners of Supply and clerk of supply of the county, and, if given by the burgh, to be signed by the chief magistrate and town clerk of the burgh: Provided always, that no such notice shall be given by the county or by the burgh, unless in either case such notice shall be agreed upon by a majority of three-fourths of a meeting of the Commissioners of Supply of the county, specially convened for the purpose, or at one or other of the statutory meetings of the Commissioners of Supply, fourteen days notice having been given of the intention to bring such subject before the meeting, or three-fourths of the magistrates and town council of the burgh; and no such notice shall be given by any county or burgh without consent of one of Her Majesty's principal Secretaries of State.

62. *Provisions for government of county and burgh police when consolidated.*—In all cases where the establishment of county and burgh constables shall be consolidated into one police establishment, the chief constable of the county shall have the general disposition and government of all such constables, subject to the provisions hereinafter contained, and at his pleasure may dismiss all or any of them; and whenever the chief constable shall dismiss one of the burgh constables he shall report the fact, with his reasons for the dismissal, to the chief magistrate of the burgh; and the police authorities of the burgh having power to that effect shall forthwith appoint another constable properly qualified, unless provision shall be made in such agreement that all constables shall be appointed by the chief constable; and no burgh constable who shall have been dismissed by the chief constable shall be capable of being reappointed for the same burgh without the consent of the chief constable; and no constable of any burgh whose establishment of constables is consolidated with the establishment of county constables shall be dismissed by any police authority of the burgh during the time that any agreement for such consolidation shall be in force.

63. *Her Majesty in council, on representation from burghs, may arrange terms of consolidation of police with counties.*—In case it be represented to one of Her Majesty's principal Secretaries of State by the magistrates and town council of any burgh that application has been made by such magistrates and council to the Commissioners of Supply of any county in or adjoining to which such burgh is situated, to consolidate the police of such county and burgh in the manner provided by this Act, and that such consolidation has not been effected, it shall be lawful for such Secretary of State to inquire into the terms of consolidation proposed, and to report thereon to Her Majesty in council; and it shall be lawful for Her Majesty, with the advice of Her Privy Council, to fix the terms and conditions and date upon and from which such consolidation shall take effect; and thereupon the provisions of this Act shall become applicable as if such consolidation had been effected by an agreement made under this Act; and it shall be lawful for Her Majesty, with the advice of Her Privy Council, at any time and from time to time to vary the terms of any such consolidation, or at any time to determine such consolidation upon such terms as to Her Majesty in council shall seem just.

64. *Annual statement as to crime in counties and burghs to be furnished to Secretary of State.*—The sheriffs of counties and magistrates of burghs shall in the month of October in every year transmit to one of Her Majesty's principal Secretaries of State a statement, in such form as one of such secretaries may from time to time direct, for the year ending the twenty-ninth day of September then last, of the number of offences reported to the police within all counties and burghs respectively, the number of persons apprehended by the police, the nature of the charges against them, the result of the proceedings taken thereupon, and any other particulars relating to the state of crime within such counties and burghs which such sheriffs or magistrates may think it material to furnish, and a classified abstract of all such reports shall be annually prepared and laid before Parliament.

65. *Her Majesty may appoint inspector of police.*—It shall be lawful for Her Majesty, by warrant under her royal sign manual, to appoint, during Her Majesty's pleasure, one inspector under this Act, to visit and inquire into the state and efficiency of the police appointed for every county and burgh, and also into the state of the police stations, charge rooms, cells, or lock-ups, and other premises occupied for the use of such police; and the inspector so appointed shall report generally upon such matters to one of Her Majesty's principal Secretaries of State, who shall cause such report to be laid before Parliament; and such inspector shall be paid, out of such money as may be provided by Parliament for the purpose, such salary and allowances as may be determined by the Commissioners of Her Majesty's Treasury.

66. *On certificate of Secretary of State that an efficient police has been established in any county or burgh, one-fourth of the charge for pay and clothing to be paid by the Treasury.*—Upon the certificate of one of Her Majesty's principal Secretaries of State that the police of any county or burgh has been maintained in a state of efficiency in point of numbers and discipline for the year or period ending on the fifteenth day of March in each year, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay, from time to time, out of any monies to be provided by Parliament for the purpose, such a sum towards the expenses of such police for the year mentioned in such certificate as shall not exceed one-fourth of the charge for their pay and clothing: Provided, that before any such certificate shall be finally withheld in respect of the police of any county or burgh, the report of the inspector relating to the police of such county or burgh shall be sent to the Commissioners of Supply of such county, or to the magistrates or other police authority of such burgh, who may address any statement relating thereto to the Secretary of State;

and in every case in which such certificate is withheld a statement of the grounds on which the Secretary of State has withheld such certificate, together with any such statement of the Commissioners of Supply or magistrates or other police authority as aforesaid, shall be laid before Parliament.*

67. *No such sum to be paid to any burgh where population does not exceed* 5000, *&c.*—No such sum as aforesaid shall be paid towards the pay and clothing of the police of any burgh, not being consolidated with the police of a county under this Act, the population of which burgh, according to the last parliamentary enumeration for the time being, does not exceed five thousand.

68. *Recovery of penalties under this Act.*—Every penalty imposed by this Act may, unless otherwise specially provided, be recovered by summary proceeding upon complaint in writing made in name of any chief constable or superintendent of police, or constable, or clerk of supply, to the sheriff or justices of the peace of the county in which the offence shall have been committed, or to the sheriff or justices of the peace of any county in which the offender may be found; and on such complaint being made such sheriff or justices shall issue a warrant or order requiring the party complained against to appear on a day and at a time and place to be named in such order; and every such order shall be served on the party offending either in person or by leaving with some inmate at his usual place of abode a copy of such order, and of the complaint whereupon the same has proceeded, and either upon the appearance or upon the default to appear of the party offending it shall be lawful for the sheriff or justices to proceed to the hearing of the complaint, and upon proof of the offence, either by the confession of the party complained against, or other legal evidence, and without any written pleadings or record of evidence, to convict the offender, and upon such conviction to decern and adjudge the offender to pay the penalty incurred, as well as such expenses as the sheriff or justices shall think fit, and to grant warrant for imprisoning the offender until such penalty and expenses shall be paid: Provided always, that such warrant shall specify the amount of such penalty and expenses, and shall also specify a period at the expiration of which the party shall be discharged, notwithstanding such penalty or expenses shall not have been paid, which period shall in no case exceed three months.

69. *Application of penalties.*—The sheriff or justices by whom every penalty shall be imposed by virtue of this Act shall award such penalty to be applied for the purposes of this Act within the county in which the offence was committed, and shall order the same to be paid over to the complainer, or to some other person for that purpose: Provided always, that no person shall be liable to the payment of any penalty imposed by virtue of this Act unless such penalty shall have been prosecuted for within six months after the commission of the offence for which it has been incurred.

70. *Parishes of Cumbernauld and Kirkintilloch to be considered as part of county of Dumbarton.*—The parishes of Cumbernauld and Kirkintilloch shall be considered as forming part of the county of Dumbarton, unless a majority of two-thirds of the Commissioners of Supply of the county, and of two-thirds of the Commissioners of Supply qualified within the said parishes, shall be of opinion that it would be more for the public advantage that they should, for the purposes of this Act, be considered as forming part of the county of Stirling or of the county of Lanark, in which case they shall form part of such one of the said counties as shall be agreed to by the majority of Commissioners of Supply as aforesaid.

* By 38 & 39 Vict., cap. 48, § 2, the limit on the amount to be contributed by the Treasury is repealed.

71. *Parishes of Tulliallan and Culross, and Perthshire portions of Logie, to be considered as part of county of Clackmannan, and Perthshire portions of Fossoway and Muckhart as part of county of Kinross.*—For the purposes of this Act, the parishes of Tulliallan and Culross, and the Perthshire portions of the parish of Logie, shall be considered as forming part of the county of Clackmannan, and the Perthshire portions of the parishes of Fossoway and Muckhart shall be considered as forming part of the county of Kinross: Provided always, that if the heritors and ratepayers of the Perthshire portion of the parish of Logie shall, within six months after the passing of this Act, at a meeting specially called by public advertisement, upon the requisition of not fewer than five of their number, to consider the provisions of this Act, resolve that it is expedient that such portion of the parish shall be connected with the county of Perth, then such portion of the parish shall be connected with such county for the purposes of this Act; and if the heritors and ratepayers of the parishes of Fossoway and Muckhart shall, at a meeting called in like manner upon the requisition of a like number of such heritors and ratepayers, resolve that it is expedient that the Perthshire portions of such parishes shall be connected with the county of Perth, then they shall be connected with such county accordingly for the purposes of this Act; and if the heritors and ratepayers of the parishes of Tulliallan and Culross shall, at a meeting called in like manner, and within a like time, upon the requisition of a like number of such heritors and ratepayers, resolve that it is expedient that such parishes shall be connected with the county of Perth, then they shall be connected with such county accordingly; and if the heritors and ratepayers of the parish of Alva shall, at a meeting called in like manner, and within a like time, upon the requisition of a like number of such heritors and ratepayers, resolve that it is expedient that such parish shall be connected with the county of Stirling, then such parish shall be connected with the county of Stirling accordingly.

72. *Burghs not having a police establishment may adopt one within six months.*—It shall be lawful for any burgh which may not, at the passing of this Act, have a Police Act or an establishment of police under the said recited Acts of third and fourth of King William the Fourth, chapter forty-six, or of the thirteenth and fourteenth of Her Majesty, chapter thirty-three, to establish a police therein, under the provisions of the said recited Acts or either of them, within six months after the passing of this Act; and in the event of such an establishment of police being therein adopted within the said period, such burgh shall not be deemed, for the purposes of this Act, to form part of the county within which it is situated.

73. *In royal burghs, &c., containing more than two thousand inhabitants, chief magistrate to be an* ex-officio *member of police committee.*—If under this Act any burgh being a royal or parliamentary burgh or burgh of barony or regality, containing by the government census immediately preceding more than two thousand inhabitants, shall be comprehended in and form part of any county or district for the purposes of this Act, the chief magistrate of such burgh shall be an *ex-officio* member of the police committee of the county or district: Provided always, that there shall never be more than two such members of any police committee, and if more than two such burghs shall be so comprehended, the chief magistrates of such burghs shall be members of the committee in annual rotation, the chief magistrates of the two burghs which contain the greatest amount of population, as shown on such census, being members of the committee for the year commencing on the first day of November next, and the like order being observed annually in regard to the chief magistrates of the other burghs respectively.

74. *Act not to diminish powers of magistrates of royal and other burghs which may form part of any district under this Act.*—Nothing in this Act shall impair or diminish the powers or jurisdiction of the magistrates of any royal or parlia-

mentary burgh or any burgh of barony or regality which may form part of any county or district under this Act; and such magistrates shall be entitled to require any constable appointed to be on duty within such burgh to execute their lawful orders and warrants relative to and within the limits of such burgh; and such magistrates shall have the like jurisdiction in respect of neglect or violation of duty on the part of a constable within burgh as is hereinbefore conferred on the sheriff or two justices.*

75. *Any burgh maintaining efficient police to be dealt with as if it maintained a separate police force under a Police Act.*—If within six months after the date of this Act the inspector shall report to one of Her Majesty's principal Secretaries of State that any burgh maintains out of the common good of the burgh, or any funds other than assessment, a complete and efficient police force for the purposes of such burgh, such burgh shall be considered and dealt with, as long as the inspector shall continue so to report but no longer, as if it maintained a separate police force under a Police Act.

76. *Act not to extend to Orkney or Shetland unless Her Majesty shall so direct.* This Act shall not extend to Orkney or Shetland, unless Her Majesty in Council, on the application of the Lord Advocate, or of the sheriff principal of the county, or of the Commissioners of Supply of Orkney or Shetland, shall so direct.

77. *Act not to affect railway, &c., police.*—This Act shall not affect any police force maintained in respect of any railway, canal, or navigable river under private or local Acts of Parliament.

78. *Interpretation of terms.*—The following words and expressions, when used in this Act, shall in the construction thereof be interpreted as follows, except where the nature of the provision or the context shall exclude or be repugnant to such construction; (that is to say), the word "county" shall include stewartry, and shall extend to all harbours, bays, lochs, or anchorages within the county or stewartry, and also all burghs and places within the county or stewartry, not including a burgh or town which has a Police Act, or an establishment of police under the provisions of the recited Act of the third and fourth of King William the Fourth (chapter forty-six), or of the recited Act of the thirteenth and fourteenth of Her Majesty (chapter thirty-three); the word "burgh" shall mean a royal or parliamentary or other burgh or town which has a Police Act, or an establishment of police under the provisions of one or other of the two last-mentioned Acts; the expression "landward part of a county" shall include and apply to a county, exclusive of the burghs situated therein; the word "sheriff," and the words "the sheriff," shall include sheriff-substitute as well as sheriff; the expression "lands and heritages" shall have the like signification as in the said Act of the seventeenth and eighteenth years of Her Majesty (chapter ninety-one); the expression "Commissioners of Supply," or "Commissioners of Supply of the county," shall mean the Commissioners of Supply of the county, exclusive of any burgh or detached part of any other county adjoining or locally situated within the same, and inclusive of any detached part of such first-mentioned county locally situated in any other county; the word "constable" shall include "chief constable" and "superintendent of police," and every grade of constable or police officer; the words "clerk of supply" shall extend and apply to any person executing the duties of clerk of supply, or who may be appointed by the Commissioners of Supply to be clerk of supply for the purposes of this Act; the words "sheriff clerk" shall extend to and apply to any person executing the duties of sheriff clerk; and the word "month" shall mean "calendar month."

* § 74. See § 13 of 52 & 53 Vict., cap. 50, as to extension of this section.

# ACT OF PARLIAMENT

TO

*Make provision respecting the Pensions, Allowances, and Gratuities of Police Constables in Scotland, and their Widows and Children, and to make other provisons respecting the Police of Scotland.*—[53 *and* 54 *Vict., cap.* 67.—18*th August* 1890.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this resent Parliament assembled, and by the authority of the same, as follows :—

## Part I.

### Superannuation of Constables.

1. *Right of constables to pensions.*—Subject to the provisions of this Act, every constable in a police force—

(*a*) if he has completed not less than twenty-five years approved service, and is not less than fifty-five years, or, if a constable above the rank of sergeant, sixty years of age, shall, on the expiration of such time not exceeding four months after he has given written notice to the police authority of his desire to retire as the police authority may fix, be entitled without a medical certificate to retire and receive a pension for life ; and

(*b*) if after he has completed twenty years approved service he is, in the opinion of the police authority, incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire and receive a pension for life ; and

(*c*) if before he has completed twenty years approved service he is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire, and thereupon the police authority may, if they think fit, grant him a gratuity ; and

(*d*) if at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall be entitled on a medical certificate to retire and receive a pension for life.

2. *Pension allowances and gratuities to widow and children.*—(1.) If a constable dies whilst in a police force from the effect of an injury received in the execution of duty without his own default, the police authority shall grant a pension to his widow, and allowances to his children.

(2.) If a constable dies whilst in a police force from any other cause, the police authority may, if they think fit, grant gratuities to his widow and children or any of them.

(3.) If a constable to whom a pension has been granted because he was incapacitated for the performance of his duty by an injury received in the execution of

his duty, without his own default, dies from the effects of the injury within twelve months after the grant of the pension, the police authority may, if they think fit, grant a pension to his widow, either for a term of years or otherwise.

(4.) If a constable to whom a pension has been granted dies within twelve months after the grant of the pension, the police authority may, if they think fit, grant gratuities to his widow and children or any of them.

3. *Pension scale.*—(1.) The pensions, allowances, and gratuities granted to constables of a police force and to their widows and children shall be in accordance with the pension scale for the force.

(2.) The pension scale for a force shall be—

(*a*) as regards ordinary pensions the scale set forth in Part I. of the First Schedule to this Act ; and

(*b*) as regards special pensions and allowances and gratuities, the scale set forth in Part II. of that schedule.

(2.) The rules contained in Part III. of the First Schedule to this Act shall apply to all pensions, allowances, and gratuities granted under this Act.

4. *Reckoning of service for pension.*—(1.) The service of a constable for the purposes of this Act shall be subject to such deductions in respect of sickness, misconduct, or neglect of duty as may be made therefrom in pursuance of the regulations of the force to which the constable belongs ; and the expression "approved service" shall for the purposes of this Act mean such service as may after such deductions as aforesaid (if any) be certified under the order of the police authority to have been diligent and faithful service, and shall not, unless the regulations of the police force otherwise prescribe, include service before twenty-one years of age.

(2.) A certificate signed by the chief officer of a police force as to the period of a constable's approved service in that force shall be sufficient evidence thereof.

(3.) Where a deduction is made from a constable's service in respect of sickness, misconduct, or neglect of duty, notice of the deduction shall as soon as may be after the occurrence of the cause for which the deduction is made be given to the constable, and the constable may appeal to the chief officer of his police force against any act of an officer of police superior to the constable which prevents him from reckoning any period of actual service as approved service, and any period of actual service allowed by the chief officer on such appeal shall be deemed to be approved service.

(4.) Where a constable has served in more than one police force in Great Britain approved service in any such police force in which he has completed not less than three years approved service, and from which he has with the written sanction of the chief officer of that force removed to another force, shall be reckoned as approved service in the force in which the constable is serving at the time of his retirement.

(5.) Where a constable with the knowledge of the police authority or of the chief officer of his police force belongs to the army reserve or naval reserve and is called out for training or for permanent service, he shall be entitled, on returning to the police force after the end of such training or service, to reckon any approved service which he was entitled to reckon at the commencement thereof.

5. *Proof of incapacity for duty, liability to serve again, and revision of pension.*—(1.) Before granting to a constable an ordinary pension on the ground of his being incapacitated by infirmity for the performance of his duty, the police authority shall be satisfied by the evidence of some legally qualified medical practitioner or practitioners, selected by the police authority, that the constable is incapacitated, and that the incapacity is likely to be permanent.

(2.) Where the application is for a special pension the police authority shall

also be satisfied that the injury was received by the constable in the execution of his duty, that it was received without the default of the constable, and that the infirmity is attributable to the injury, and shall also determine whether the injury was accidental or not, and whether the disability of the constable for earning his livelihood is total or partial, and for the purpose of determining any of the said questions which ought to be determined on medical grounds shall take the like evidence as above mentioned.

(3.) Where a pension is granted to a constable on the ground of incapacity for the performance of his duty, the police authority shall yearly or otherwise, until the power under this Act of requiring the constable to serve again ceases, satisfy themselves that the incapacity continues, and unless they resolve that such evidence is unnecessary, shall satisfy themselves by the like evidence as above mentioned.

(4.) In the event of the incapacity ceasing before the time at which the constable would, if he had continued to serve, have been entitled without a medical certificate to retire and receive a pension for life, the police authority may cancel his pension and require him to serve again in the police force, in a rank not less than the rank which he held before his retirement, at a rate of pay not less than the rate which he received before his retirement.

(5.) Where a constable so serves again, the provisions of this Act as to retirement and pensions, allowances, and gratuities shall apply as if he had not previously retired, save that except in the case of pensions for non-accidental injuries received in the execution of duty he shall not reckon as approved service the time which elapsed between his former retirement and the commencement of his service again.

(6.) Where a pension is granted to a constable on a scale applicable to total disability for earning a livelihood, it shall be so granted for such period as may be fixed by the police authority, and if at the expiration of that period the pensioner continues to be totally so disabled the pension shall, in the discretion of the police authority, either be made permanent or renewed from time to time. If at any time before the pension is made permanent the police authority are satisfied by the evidence of a legally qualified medical practitioner selected by the police authority that the pensioner's disability for earning his livelihood has become partial, the pension shall, within the limits allowed by the pension scale, be reduced to the amount allowed by the provisions of the scale applicable to cases of partial disability.

(7.) If a constable fails or refuses, when required by the police authority, to be examined by some legally qualified medical practitioner selected by that authority, the police authority may deal with the constable in all respects as if they were satisfied by the evidence of such a practitioner that the constable is not incapacitated for the performance of his duty, or, as the case may be, is only partially disabled.

(8.) The decision of the police authority on the matters above in this section mentioned shall be final.

6. *Power to reduce where infirmity partially due to misconduct.*—Where a constable retires on account of infirmity of mind or body, and the police authority are satisfied on medical evidence that the constable has brought about or contributed to the infirmity by his own default or his vicious habits, the police authority may in their discretion reduce the amount of his pension by an amount not exceeding one-half of the pension to which he would be otherwise entitled.

7. *Assignment of pensions and regulations as to payment of pensions, &c.*—The following provisions shall have effect with respect to every pension, allowance, and gratuity (in this section referred to as a "grant") payable by the police authority to any person (in this section referred to as the pensioner):—

(1.) Every assignation of and security over a grant, and every agreement to assign or give security over a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other persons acting on behalf of the creditors:

(2.) Where any parochial relief is given to a pensioner or to any one whom he is liable to maintain, the police authority may pay the whole or any part of the grant to the Parochial Board or other authority giving the relief, and the same, when so paid, may be applied in repayment of any sums expended in such relief, and, subject thereto, shall be paid or applied by the Parochial Board or other authority to or for the benefit of the pensioner:

(3.) If the pensioner neglects to maintain any person whom he is liable to maintain, the police authority may in their discretion pay or apply the whole or any part of the grant to or for the benefit of that person:

(4.) If the pensioner appears to the police authority to be insane or otherwise incapacitated to act, the police authority may pay so much of the grant as the police authority think fit to the institution or person having the care of the pensioner, and may pay the surplus (if any) or such part thereof as the authority think fit for or towards the maintenance and benefit of the wife and relatives of the pensioner:

(5.) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the police authority so direct, confirmation or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the police authority to be beneficially entitled to the personal estate of the deceased pensioner, or to or among any one or more of those persons, or in case of the illegitimacy of the deceased pensioner, to or among such persons as the police authority may think fit, and the police authority and any officer of the police authority making the payment shall be discharged from all liability in respect of any such payment or distribution:

(6.) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and on such conditions for the benefit of the minor as to the police authority seems expedient:

(7.) Where a payment is made to any person by a police authority in pursuance of this section, the receipt of that person shall be a good discharge to that authority for the sum so paid:

(8.) A police authority may, with the consent of the Secretary for Scotland, make rules with respect to declarations to be taken for any purpose relating to grants payable by that authority, and while any such rules made by a police authority are in force, a person shall not be entitled to receive any sum in respect of a grant payable by that authority until any declaration required by those rules has been made:

(9.) Any person who makes a false declaration for the purpose of the said rules, knowing the same to be untrue in any material particular, shall be liable on conviction to forfeit the grant, and shall also be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding sixty days, or to a fine not exceeding twenty-five pounds, to be paid (notwithstanding anything in any other Act, whether relating to municipal corporations or otherwise) to the pension fund of the police authority by whom the rules were made, or on conviction by a jury to imprisonment, with or without hard labour, for a term not exceeding two years.

8. *Forfeiture of pension or allowance.*—A pension or allowance under this Act is granted only upon condition that it becomes forfeited, and may be withdrawn by the police authority, in any of the following cases:—

(*a*) if the grantee is convicted of any offence for which he is sentenced to penal servitude, or to imprisonment for a term exceeding three months with hard labour, or to imprisonment for a term exceeding twelve months, whether with or without hard labour ; or

(*b*) if the grantee knowingly associates with thieves or reputed thieves ; or

(*c*) if the grantee refuses to give to the police all information and assistance in his power for the detection of crime, for the apprehension of criminals, and for the suppression of any disturbance of the public peace ; or

(*d*) if the grantee enters into or continues to carry on any business, occupation, or employment which is illegal or in which he has made use of the fact of his former employment in the police in a manner which the police authority consider to be discreditable and improper.

Such forfeiture and withdrawal may affect the pension wholly or in part, and may be permanent or temporary, as the police authority may determine.

9. *Punishment for obtaining pension, &c., by fraud.*—If a person obtains any pension, gratuity, or allowance under this Act, or any payment on account of any such pension, gratuity, or allowance, by false representation, false evidence, or personation, or by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, he shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding sixty days, or to a fine not exceeding twenty-five pounds, to be paid (notwithstanding anything in any other Act, whether relating to municipal corporations or otherwise) to the pension fund of the force from which he obtained the pension, gratuity, or allowance, and also to forfeit the pension, gratuity, or allowance obtained.

10. *Saving of right of dismissal and reduction in rank.*—Nothing in this Act shall prejudice the existing right of any police authority to dismiss any constable, or to reduce him to any lower rank or lower rate of pay, or shall prevent his claim to pension from being refused on account of misconduct or of negligence in the discharge of his duties or on account of any of the grounds on which his pension, if granted, would be liable to be forfeited and withdrawn.

11. *Appeal in case of forfeiture or refusal of pension or allowance.*—In any of the following cases—

(*a*) where a pension after being granted to a constable has subsequently, in pursuance of this Act been declared to have been forfeited, and

(*b*) where a constable is dismissed without a pension to which he would be otherwise entitled, and in any other case where a constable or the widow or child of a constable claims a pension or allowance under this Act as of right, and the police authority do not admit the claim,

such constable, widow, or child may apply to the police authority for a reconsideration of the claim to the pension or allowance, and if aggrieved by the decision upon such reconsideration may apply to the sheriff having jurisdiction in the place where the constable was last serving, and the sheriff, after inquiry into the case, may make such order in the matter as appears to him just, which order shall be final ; but nothing in this section shall confer a right to appeal against the exercise of any discretion, or against any decision which is declared by this Act to be final.

12. *Application of Act to chief officer of police.*—The provisions of this Act shall apply to a chief officer of police in like manner, so nearly as circum-

stances admit, as they apply to any other constable, except that, in the case of a chief officer, the certificate of approved service and the sanction to removal from one force to another may be given by a resolution of the police authority.

13. *Suspension of pension in case of appointment to new office.*—(1.) Where a constable in receipt of a pension under this Act from a police authority takes service in any police force, his pension may be suspended by that police authority in whole or in part so long as he remains in that service.

(2.) If a constable in receipt of a pension under this Act is appointed to an office remunerated out of money provided by Parliament, or out of local rates, he shall not, while holding that office, receive more of the pension than together with the remuneration of that office is equal to one and a half times the remuneration of the office in respect of which the pension was awarded.

14. *Provisions as to certain cases of service in two capacities.*—Where an officer of any police force is appointed to be one of Her Majesty's inspectors of constabulary, the police authority of that force shall pay to the Treasury out of the pension fund the same sum as they would under this Act pay, in the absence of agreement, if the officer had removed with proper sanction to another police force; and the officer on ceasing to be inspector shall be entitled for the purpose of any superannuation or other allowance to reckon as service as one of Her Majesty's inspectors the approved service which he was entitled to reckon in the police force.

15. *Rateable deductions from pay to be carried to pension fund.*—(1.) The police authority of every police force shall deduct from the pay of every constable in the force—

(*a*) sums after the rate of two and a half per cent. per annum on his pay (in this Act referred to as the rateable deduction); and

(*b*) such stoppages during sickness, and such fines for misconduct, as may be provided by the regulations respecting the force.

(2.) Where a constable in any police force removes with the written sanction of the chief officer of that force to some other police force the police authority of the first-mentioned force shall pay to the police authority of the latter force either a sum equal to the aggregate amount of the rateable deductions made from the pay of the constable during his service in the first-mentioned force, together with the aggregate amount of such proportion of the Exchequer contribution hereinafter mentioned as has been paid in respect of those deductions, or such other sum as may be agreed on between the authorities.

16. *Establishment of pension fund and fines, &c., to be carried to fund.*—(1.) There shall be established under this Act a pension fund of every police force, and there shall be carried to that fund—

(*a*) the deductions (including stoppages and fines) made in pursuance of this Act from the pay of the constables in the force; and

(*b*) the fines imposed by a court of summary jurisdiction, when imposed on constables in the force; and

(*c*) the net sums arising from the sale of worn or cast clothing supplied for the use of constables of the force; and

(*d*) such proportion of any sum received on account of constables whose services have been lent in consideration of payment as the police authority may consider to be a fair contribution to the pension fund in respect of those constables; and

(*e*) the net sums received in the police area for pedlars' certificates.

17. *Distribution of sums granted out of customs and excise duties for police superannuation.*—(1.) Any annual sum which under an Act passed in the present session relating to the distribution of certain duties of customs and excise is required to be distributed among the police authorities of the police forces in Scotland (which sum is in this Act referred to as the Exchequer contribution) shall be distributed according to the following basis of distribution, that is to say :—

(*a*) In respect of the financial year current at the passing of this Act the said sum shall be distributed among the police authorities of every such police force in proportion to the number of efficient men in such force during the year ending the fifteenth day of March last preceding the end of such financial year, as ascertained by the Secretary for Scotland, and the proportion to be paid to each force shall be invested and applied in like manner as the rateable deductions hereinafter mentioned.

(*b*) There shall be paid in respect of every subsequent financial year to the police authority of every such police force a sum equal to the amount of the rateable deductions made during the year ending the fifteenth day of March last preceding the end of the financial year, from the pay of the constables belonging to that force, and that sum shall be invested and applied in like manner as those deductions.

(*c*) The residue shall at the same time be distributed among the police authorities of those forces in proportion to the amounts paid during the year ending the fifteenth day of March last preceding the end of the financial year in respect of pensions, allowances, and gratuities out of their pension funds established under this Act respectively, and the proportion to be paid to each force shall be carried to the pension fund and may be dealt with as annual income of that fund.

(2.) Provided that a police authority shall not in respect of any year ending the fifteenth day of March receive any payment under this section unless the Secretary for Scotland gives a certificate that the management and efficiency of the police force under that authority and (after the year ending the fifteenth day of March current at the passing of this Act) the administration of the pension fund of that force have during that year been satisfactory ; and if the Secretary for Scotland withholds that certificate as regards any police authority the amount which would otherwise be payable to that authority under this section shall be forfeited to the Crown and paid into the Exchequer.

(3.) Before any such certificate is finally withheld in respect of any police force, the Secretary for Scotland shall communicate with the police authority of the force, and that authority may address any statement on the subject to the Secretary for Scotland ; and in every case in which the certificate is withheld a statement of the grounds on which the Secretary for Scotland has withheld his certificate, together with any such statement of the police authority, shall be laid before Parliament.

(4.) The sums to be paid to each police authority under this section shall be certified by the Secretary for Scotland, who may, if he thinks proper, vary his certificate, but unless it is so varied his certificate shall be conclusive.

(5.) Where owing to any special circumstances affecting any particular police force the sum payable to that force under the foregoing provisions of this section would, in the opinion of the Secretary for Scotland, be inequitable as between that force and some other force or forces, the Secretary for Scotland may make such modification in the basis of distribution as appears to him to be necessary to meet the equities of the case.

(6.) The basis of distribution under this section may also be varied in such manner and in accordance with such conditions as may from time to time be set forth in regulations made by the Secretary for Scotland and submitted to Parliament. All such regulations shall be laid on the table of both Houses of

Parliament, and shall not come into operation until they have lain on the table of each House for not less than thirty days on which that House has sat.

(7.) This section shall come into operation on the passing of this Act.

18. *Accounts and investment of pension fund.*—(1.) All sums which, in pursuance of this Act, are to be carried to the pension fund of a police force shall be received and accounted for, and paid to the treasurer of that fund, in such manner as the police authority may direct.

(2.) The pension fund of a police force shall be kept as a separate fund, but the treasurer of the police fund shall be the treasurer of the pension fund, and all enactments and regulations relating to the accounts of the police fund, and to the making up, audit, and publication thereof, and to the power of disallowance (if any) and otherwise shall, so nearly as circumstances admit, apply to the pension fund.

(3.) The surplus of the annual income of the pension fund above the expenditure thereof shall, as soon as may be, be invested in such name as the police authority direct, and in any manner authorised by law for investments by trustees, and all investments on account of the fund, under this section or otherwise, are in this Act referred to as the capital of the pension fund.

(4.) There shall also be invested in accordance with the foregoing provisions as part of the capital of the pension fund and not applied as annual income the following sums, namely:—

(*a*) The rateable deductions from the pay of constables; and

(*b*) Any sum received by a police authority in respect of the transfer of a constable from one police force to another; and

(*c*) The proportion carried to the pension fund of any sum received on account of constables whose services are lent in consideration of payment; and

(*d*) That portion of the Exchequer contribution which is in pursuance of this Act to be invested and applied in like manner as the rateable deductions.

But, save as in this Act mentioned, all sums payable to a pension fund in pursuance of this Act, and all dividends and other annual sums received in respect of the investments of the pension fund, may be dealt with as annual income of the fund.

(5.) The sum required for the payment to be made by a police authority in respect of a constable who removes to another police force, or in respect of a constable to whom the whole or any part of the rateable deductions from his pay as paid on his leaving the force need not be paid out of the income of the pension fund, but may, if the police authority paying the same think fit, be paid either out of money in the hands of the treasurer and required by this Act to be invested, or out of money raised by the realisation of a sufficient part of the capital of the pension fund.

(6.) Save as is expressly provided by this Act the capital of the pension fund shall not be applied for paying any sums payable out of that fund.

19. *Guarantee of pension fund by police fund.*—(1.) If at any time the annual income of the pension fund is insufficient to pay the expenses of managing the fund, and the pensions, allowances, gratuities, and other sums payable thereout, the deficiency shall be paid out of the police fund.

(2.) The police authority may advance out of the police fund or may, without any consent, borrow on the security of that fund any moneys necessary to provide any sums becoming payable out of the pension fund, but such moneys, together with reasonable interest thereon, shall be repaid to the police fund, or be paid off by the police authority out of the first moneys paid to the pension fund as annual income of that fund for the year in respect of which such first-mentioned moneys were so advanced or borrowed.

(3.) In the case of a county divided into districts within the meaning of section

fifty-eight of the Police (Scotland) Act, 1857, the deficiency shall be supplied by the several districts, as part of the local expenditure thereof, rateably in proportion to the number of constables appointed for each such district.

(4.) Where the police force of a burgh has been consolidated with the police force of a county, the deficiency shall be supplied out of the police funds of the county and burgh respectively in accordance with an agreement between the police authorities of the county and burgh made as nearly as may be in the same manner and subject to the same conditions as an agreement to consolidate the police force of a burgh with the police force of a county can be made, and in default of any such agreement shall be supplied in such manner as may be determined by a sole arbiter appointed by the Secretary for Scotland.

(5.) Where a burgh or police burgh forms part of a county under the provisions of section thirteen of the Local Government (Scotland) Act, 1889, any deficiency as aforesaid shall be supplied under the provisions of section sixty of the said Act.

(6.) Where the rate which can be levied for the police fund of a burgh is limited, an addition to that rate may be levied for the purpose of raising the sum required to supply the deficiency.

20. *Power to consolidate pension funds in certain cases.*—Where, after the commencement of this Act, any two or more police forces are consolidated under the provisions of the Police (Scotland) Act, 1857, the pension funds of such forces may be consolidated in such manner and subject to such conditions, as nearly as may be in accordance with the provisions of this Act, as the Secretary for Scotland may determine upon the joint application of the police authorities of such forces ; and the Secretary for Scotland may, on the like application, recall or vary his determination, but unless so recalled or varied, and if so varied, it shall have effect as if it were contained in this Act. Provided that any determination by the Secretary for Scotland under this section shall be laid on the table of both Houses of Parliament, and shall not come into operation until it has lain on the table of each House for not less than thirty days on which that House has sat.

21. *Repayment to police fund of advances.*—Where any deficiency in the annual income of the pension fund of a force shall have been paid out of the police fund, if at any time thereafter the annual income of the pension fund shall prove more than sufficient to pay the expenses of managing the fund, and the pensions, allowances, gratuities, and other sums payable thereout, the deficiency as aforesaid shall be repaid to the police fund out of the annual income.

22. *Power for police authority to make regulations.*—Every police authority may make regulations with respect to the deductions from a constable's service for sickness, misconduct, or neglect of duty, and with respect to stoppages of pay during sickness and fines for misconduct, and with respect to any other matter for which provision may be made for the purposes of this Act by regulations of a police force.

All regulations for a police force made before the commencement of this Act with respect to any of the above matters shall have effect as if made under the powers given by this section.

23. *Return of rateable deductions on leaving force.*—If a constable, not having been dismissed for fraud or dishonesty, leaves a police force without a pension or gratuity, the police authority shall pay him the whole or part of the rateable deductions which have been made from his pay ; but this section shall not apply in the case of his being removed to another police force.

124. *Provisional orders by Secretary of State.*—(1.) Where it appears to a police authority that the assets of their pension fund exceed the amount required for meeting the liabilities thereon, and that it is expedient to provide for the application of the excess or any part thereof, the police authority may apply to the Secretary for Scotland, and thereupon the Secretary for Scotland may frame and submit to Parliament for confirmation a provisional order authorising the payment out of the pension fund of such sums, for such purposes, during such period, and subject to such conditions as may seem expedient.

(2.) Where it appears to a police authority that by reason of their pension fund being sufficient to meet the liabilities thereon it is unnecessary to make any further investments on account of the capital thereof, the police authority may apply to the Secretary for Scotland, and thereupon the Secretary for Scotland may frame and submit to Parliament for confirmation a provisional order authorising the discontinuance of those investments.

(3.) A provisional order under this section shall be of no force unless and until it is confirmed by Act of Parliament, but when so confirmed shall have effect with any modifications made therein by Parliament.

(4.) If, while the bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the bill, so far as it relates to that order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private bills.

(5.) All costs, charges, and expenses incurred by the Secretary for Scotland in relation to any order under this section shall be defrayed by the authority applying for the order.

125. *Limit of age for appointment, &c., to police force.*—(1.) A person shall not be appointed to any police force unless—

(*a*) except as hereinafter mentioned, he is under the age of twenty-five years; and

(*b*) has been certified by a legally qualified medical practitioner, selected by the police authority, to be in good health and of sound constitution, and fitted to perform the duties of his office.

(2.) The limit of age in this section before mentioned shall not apply in the case of a person immediately transferred from another police force, or who has within the immediately preceding three months served in Her Majesty's navy or army: Provided that such person, when he is transferred or appointed, shall not be more than thirty years of age.

(3.) The limit of age in the case of a chief officer of police on first appointment shall be forty-five years, or such less number of years as may from time to time be prescribed by the Secretary for Scotland.

126. *Declaration by constables respecting previous service.*—A police authority may require every constable at the time of his appointment to appear before a justice of the peace, and make and sign a declaration as to his previous service in a police force or public employment, in the form contained in the Second Schedule to this Act, or to the like effect; and if any constable knowingly makes a false declaration, he shall be liable, on summary conviction, to be imprisoned, with or without hard labour, for any period not exceeding sixty days.

## Part II.

### Temporary and Supplemental Provisions.

127. *Application of Act to existing fund and constables.*—For the purpose of adapting the provisions of Part I. of this Act to existing constables (that is to sa

to constables appointed to police forces before the commencement of this Act), the following provisions shall have effect :

(1.) Where the Exchequer contribution to the police authority of a police force becomes payable before a pension fund is established for the force in pursuance of this Act, the payment of the contribution shall be deferred until the Secretary for Scotland has certified that the fund is so established :

(2.) Every police authority shall, before the first day of January one thousand eight hundred and ninety-one, cause written notice to be given to every constable in the police force under that authority, requiring him to inform that authority in writing, before the date of the commencement of this Act, whether he does or does not accept the provisions of this Act in lieu of the existing enactments respecting superannuation and allowances or pensions :

(3.) This Act shall not apply to any existing constable who, before the date of the commencement of this Act, whether any such notice has or has not been given to him, declines in writing to accept the provisions of this Act ; but save as aforesaid this Act shall apply to all existing constables ; and those constables shall be deemed to have surrendered in favour of the police authority all right to any provision made before the commencement of this Act, either wholly or partly, by the police authority for the superannuation of such constables, or, in case of their death, for their widows and children, or any of them, whether that provision is made by an annual allowance, insurance, or otherwise :

(4.) If by reason of the police authority not having given such notice as aforesaid an existing constable becomes entitled to a less pension than he would have been entitled to receive if this Act had not passed, he may apply to the sheriff, who may make such order as may seem just for the purpose of preventing the constable from suffering any loss by reason of the notice not having been given :

(5.) In the case of any constable who retires on a pension within seven years after the commencement of this Act without the rateable deductions having been made from his pay during all the years counted to his credit for pension, such pension shall be diminished by the equivalent, so near as may be, of the rateable deductions during every year for which such deductions have not been made. Such equivalent shall be calculated according to tables to be approved and certified by the Secretary for Scotland :

(6.) In the case of any existing constable to whom this Act applies, his approved service for any period before the commencement of this Act in the force in which he is serving at the time of his retirement shall be reckoned as approved service ; and his service for not less than three years either wholly or partly before the commencement of this Act in any police force in Great Britain from which he removed with the sanction of the chief officer or police authority of that force to another force, shall (notwithstanding the sanction was not given in writing) be reckoned as approved service for the said period in the last-mentioned force unless the police authority who gave him the notice respecting the acceptance of this Act inform him in writing at the time of such notice that they refuse to allow the said service to be reckoned, but their refusal shall not prevent the reckoning of that service under any other provision of this section :

(7.) Any description of service before the commencement of this Act, either in a police force or otherwise, which any existing constable to whom this Act applies is at the commencement of this Act entitled to reckon as service for any period towards superannuation out of the existing pension or superannuation fund of his police force, and which is not reckoned under any other provisions of this Act, shall be reckoned for the same period for the purposes of pension under this Act :

(9.) The provisions of this Act as to an officer of police who has been appointed one of Her Majesty's inspectors of constabulary, with a salary paid out of money provided by Parliament, shall apply in the case of an officer so appointed before the commencement of this Act, in like manner as if he had been so appointed after the commencement of this Act.

228. *Application of Act to Greenock police superannuation fund.*—Whereas the provost and magistrates of the burgh of Greenock are the trustees and administrators of a superannuation fund for the benefit of the police force within the said burgh, the following provisions shall, for the purpose of adapting the provisions of part I. of this Act to the said fund, have effect:

(1.) The provost and magistrates of the said burgh shall retain the management and control of the said fund for the purpose of paying, and shall pay, any pension or other allowance or gratuity to any constable, or his widow and children to whom such pension or other allowance or gratuity shall have been granted before the commencement of this Act.

(2.) So soon as may be after the determination of all pensions or other allowances payable as aforesaid, the provost and magistrates of the said burgh shall transfer the said fund to the police authority of the said burgh under this Act as part of the pension fund established under this Act, and as part of the capital thereof: Provided always, that the provost and magistrates of the said burgh may from time to time, after the commencement of this Act, with the approval of the Secretary for Scotland, transfer to the said police authority such portion of the said fund as may be no longer required to meet the claims thereon.

(3.) All payments or contributions by members of the police force of the said burgh towards the said superannuation fund shall forthwith, after the commencement of this Act, cease and determine.

229. *Act to supersede local Acts.*—The provisions of this Act shall have effect, notwithstanding anything in any other Act, general or local, to the contrary.

230. *Definitions.*—In this Act, unless the context otherwise requires,—

The expression "constable" means and includes the chief officer of any police force, and the other members of such force appointed by and subject to the orders of such chief officer:

The expression "police area" means one of the areas set forth in the first column of the Third Schedule to this Act; and the expressions "police authority," "chief officer of police," and "police fund," mean, as respects each police area, the authority, officer, and fund respectively mentioned opposite to that area in the second, third, and fourth columns of that schedule; and the expression "police force" means a force administered by one of the police authorities mentioned in the said schedule. Provided as follows:—In the case of a county the powers of the police authority under this Act, with respect to the accounting for and payment of sums to be carried to the pension fund or police fund, and with respect to investments, and to advances from or borrowing on the security of the police fund and repaying sums advanced or paying off sums borrowed, shall be exercised by the county council, and any sum payable under this Act by the police authority shall be payable by the county council on the requisition of the standing joint committee of the commissioners of supply and county council:

The expression "court of summary jurisdiction" means the sheriff or any two justices of the peace sitting in open court or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts:

The expression "Police (Scotland) Act, 1857," means the Act twenty and twenty-one Victoria, chapter seventy-two:

The expression "treasurer" includes any officer, by whatever name known, who performs the duties of treasurer in relation to any police fund:

The expression "fine" includes a pecuniary penalty;

The expressions "county" and "burgh" and "police burgh" have the same meanings respectively as in the Local Government (Scotland) Act, 1889, but shall not include any burgh or police burgh not maintaining a separate police force:

The expression "medical certificate" means a medical certificate granted by a legally qualified medical practitioner, or legally qualified medical practitioners, selected by the police authority.

For the purposes of this Act, an injury to a constable shall be deemed to be accidental, if, in the opinion of the police authority, it was not primarily caused by the constable having knowingly encountered serious danger when he received it.

31. *Saving for existing superannuations.*—Notwithstanding anything in this Act or in any repeal by this Act every person in receipt of any superannuation, or other allowance at the commencement of this Act shall continue to be entitled to receive the same, subject to the same limitations and conditions as before the commencement of this Act, and the same shall not be altered under this Act, and shall, save as otherwise expressly provided by this Act, be paid out of the like funds, as nearly as may be, as if this Act had not passed.

32. *Repeal.*—The Acts mentioned in the Fourth Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, and so much of any other Act as regulates the superannuation of any police force in Great Britain, or is inconsistent with this Act, is also hereby repealed;

Provided that this repeal shall not affect the right of any police authority to grant any superannuation or other allowance or gratuity to any existing constable to whom this Act does not apply, or to the widow and child of any such constable, or either of them, and shall not affect the right of any such constable, widow, or child to claim such superannuation or other allowance or gratuity, and any such allowance or gratuity may be granted and claimed accordingly, and the claim shall be allowed as if this Act had not passed.

33. *Commencement of Act.*—This Act shall come into operation on the first day of April one thousand eight hundred and ninety-one, except as to anything which is by this Act required or authorised to be done before that date, and except as to any provision which is expressed to come into operation on the passing of this Act.

34. *Short title.*—This Act may be cited as the Police (Scotland) Act, 1890.

35. *Extent of Act.*—This Act shall extend to Scotland only.

# SCHEDULES.

## FIRST SCHEDULE.

### Pension Scale.

### Part I.

*Ordinary Pensions.*

(1.) The pension to a constable on retirement shall be as follows (that is to say)—

(*a*) if he has completed twenty years approved service an annual sum equal to twenty sixtieths of his annual pay; and

(*b*) if he has completed twenty-one years, but less than twenty-eight years, approved service, an annual sum equal to twenty sixtieths of his annual pay, with an addition equal to one sixtieth of his annual pay for every year of approved service above twenty years; and

(*c*) if he has completed twenty-eight years approved service, an annual sum equal to twenty-eight sixtieths of his annual pay, with an addition equal to two sixtieths of his annual pay for every year of approved service above twenty-eight years, so, however, that the pension shall not exceed two thirds of his annual pay.

### Part II.

*Maximum of Gratuity to Constable.*

(2.) Any gratuity on retirement to a constable who is incapacitated for the performance of his duty shall not exceed the amount of one month's pay for every completed year of approved service.

*Special Pensions.*

(3.) The pension to a constable who is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default shall vary according as the injury is or is not accidental, and according as the constable is partially or totally disabled from earning his livelihood.

(4.) The pension scales in such cases shall be as follows:—

*Scale A.*

If the injury is accidental and the constable is partially disabled—

(*a*) if he has completed not more than five years approved service, an annual sum equal to ten sixtieths of his annual pay;

(*b*) if he has completed more than five and not more than ten years approved service, an annual sum equal to twelve sixtieths of his annual pay;

(*c*) if he has completed more than ten and not more than twenty years approved service, an annual sum equal to twenty sixtieths of his annual pay; and

(*d*) if he has completed more than twenty years approved service, an annual sum equal to the pension authorised under Article (1) of this schedule.

*Scale B.*

If the injury is accidental and the constable is totally disabled—

(*a*) if he has completed not more than ten years approved service, an annual sum equal to fifteen sixtieths of his annual pay;

(*b*) if he has completed more than ten and not more than twenty years approved service, an annual sum equal to twenty sixtieths of his annual pay;

(*c*) if he has completed more than twenty years approved service, an annual sum equal to the pension authorised under Article (1) of this schedule, with an addition equal to five sixtieths of his annual pay, provided that the pension shall not exceed two thirds of his annual pay.

*Scale C.*

If the injury is not accidental and the constable is partially disabled—

(*a*) if he has completed not more than ten years approved service, an annual sum equal to twenty sixtieths of his annual pay;

(*b*) if he has completed more than ten and not more than twenty years approved service, an annual sum equal to thirty sixtieths of his annual pay;

(*c*) if he has completed more than twenty years approved service, an annual sum equal to the pension authorised under Article (1) of this schedule, with an addition equal to ten sixtieths of his annual pay, provided that the pension shall not exceed two thirds of his annual pay.

*Scale D.*

If the injury is not accidental and the constable is totally disabled—

Such sum not exceeding full pay and not less than the amount prescribed by Scale C. as the police authority may determine.

*Pensions, Allowances, and Gratuities to Widow and Children.*

(5.) Where a constable without his own default loses his life from the effect of an injury received in the execution of his duty, the pension to his widow and the allowances to his children shall be according to the following scale:—

(*a.*) The pension to the widow shall be an annual sum of fifteen pounds;

(*b.*) The allowance to each child shall be an annual sum of two pounds ten shillings, or, if there be no widow, such annual sum not exceeding five pounds as the police authority may determine:

Provided that the police authority may, in the case of a constable of a rank higher than that of sergeant, increase the above amounts, so, however, that the pension for a widow of an inspector do not exceed the annual sum of twenty-five pounds, and the pension for a widow of an officer of a rank higher than that of inspector do not exceed thirty pounds, and the allowance for a child of a constable of a rank higher than that of sergeant do not exceed the annual sum of five pounds.

(6.) Where a constable dies under circumstances which do not entitle his widow and children to a pension or allowance under the preceding article of this schedule, or, where a constable dies within twelve months after the grant of a pension, any gratuities to the widow and children shall not exceed in the whole the amount of one month's pay for every completed year of approved service of the deceased constable.

### Part III.

### General Rules.

(7.) The pension to a widow shall continue only while she remains a widow and is of good character.

(8.) The allowance to a child shall not continue after the child attains the age of fifteen years.

(9.) In estimating any pension, gratuity, or allowance for the purposes of this Act—

(*a*) a pension or gratuity to a constable shall be calculated according to the amount of his annual pay at the date of his retirement; the annual pay of a constable shall include boot money where a special allowance is made for that purpose;

(*b*) a pension or gratuity to the widow and an allowance or gratuity to a child of a constable shall be calculated according to the amount of the constable's annual pay at the date of his death;

(*c*) but where a constable has, in the course of the three years next before the date of his retirement or death, been in receipt of a different annual pay from that which he is receiving at that date, his annual pay at the date of the retirement or death shall be deemed to be the average annual amount of pay received by him for the said three years, instead of the annual amount actually received by him at that date.

## SECOND SCHEDULE.

### Declaration.

I, *A.B.*, now residing in the parish of in the county of , solemnly and sincerely declare that I have * never served in any police force in Great Britain, nor in the Royal Irish Constabulary, nor in the Royal Navy, nor in Her Majesty's army, nor in the militia, nor under the Post Office, nor under any public department

[*or* that I have served in the police force for years, from to , and in Her Majesty's army for years from to , and am now in the Army Reserve, but have not served in the Royal Irish Constabulary nor in the Royal Navy, nor in the militia, nor under the Post Office, nor under any public department, *or as the case may be*].

Declared before me.

(Signed) *A.B.*

At the day of 18

* Insert according to the circumstances.

## THIRD SCHEDULE.

### Police Areas and Authorities.

| Police Area. | Police Authority. | Chief Officer of Police. | Police Fund. |
|---|---|---|---|
| A county. . . | The standing joint committee of the commissioners of supply and the county council. | The chief constable. | The police rate. |
| A burgh or police burgh. | The police commissioners or the town council acting as police commissioners. | The chief constable or superintendent. | The police rate or any fund or rate applicable to the expenses of the police force. |

## FOURTH SCHEDULE.

ACTS REPEALED.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 20 & 21 Vict., c. 72. | An Act to render more effectual the police in counties and burghs in Scotland. | Section fifty-two and fifty-three. |
| 25 & 26 Vict., c. 101. | The General Police and Improvement (Scotland) Act, 1862. | Section one hundred and twenty-one from "and also to make provision" down to end of section. |

[NOTE.—*The powers and duties vested in or imposed upon the Secretary of State by the following Act are transferred to the Secretary for Scotland.*—48 *and* 49 *Vict., cap.* 61, § 5, *and schedule.*]

## ACT OF PARLIAMENT

TO

*Enable Local Authorities to acquire and lay out land for Public Parks and Pleasure Grounds in Scotland.*—[41 *Vict., cap.* 8.—18*th March* 1878.]

Whereas it is desirable to assimilate the laws respecting the acquisition of land by local authorities for certain purposes, otherwise than by agreement:

And whereas the Public Health Act, 1875, and the Artisans and Labourers Dwellings Improvement (Scotland) Act, 1875, contain powers in this respect which may with great advantage be extended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PRELIMINARY.

1. *Short Title.*—This Act may be cited for all purposes as the Public Parks (Scotland) Act, 1878.

2. *Application of Act and description of local authority.*—This Act shall apply only to Scotland, and the local authority shall be the local authority of any burgh under the Public Health (Scotland) Act, 1867.

### PUBLIC PARKS, PLEASURE GROUNDS, &c.

3. *Local authorities may provide places of public recreation.*—From and after the passing of this Act any local authority may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as parks, public walks, or pleasure grounds, and may support or contribute to the support of parks, public walks, or pleasure grounds provided by any person whomsoever.

4. *Local authorities may make bye-laws.*—Any local authority may make bye-laws for the regulation of any such parks, public walks, or pleasure grounds, and may by such bye-laws provide for the removal from such parks, public walks, or pleasure grounds of any person infringing any such bye-law by any officer of the local authority or constable.

### PURCHASE OF LANDS.

5. *Power to purchase lands.*—Any local authority may, for the purposes and subject to the provisions of this Act, purchase or take on lease, sell, or exchange any lands, whether situated within or without their district.

Any lands acquired by a local authority in pursuance of any powers in this Act contained, and not required for the purpose for which they were acquired, shall (unless the Secretary of State otherwise direct, and subject to the provision hereinafter contained in the case of lands taken compulsorily), be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards discharge, by means of a sinking fund or otherwise, of any principal moneys which have been borrowed by such authority on the security or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of any fund or rate of such local authority.

Provided that where any lands acquired compulsorily under the powers of this Act are not required for the purpose for which they were acquired, it shall not be lawful for the local authority to sell them or any portion thereof in terms of this section, or to let them or any portion thereof for building purposes, until they shall first have offered to sell them or such portion thereof to the person or persons then entitled to the lands from which they were originally severed; and if any person entitled to such pre-emption shall within six weeks after an offer has been made to him in terms of this section intimate his desire to purchase any such lands, and such person and the local authority do not agree as to the price thereof, then such price shall be ascertained by arbitration in manner provided by the Lands Clauses Consolidation (Scotland) Acts.

6. *Regulations as to purchase of lands.*—With respect to the purchase of lands by a local authority for the purposes of this Act the following regulations shall be observed; (that is to say,)

(1.) The Lands Clauses Consolidation (Scotland) Acts, to the extent hereinafter mentioned, shall be incorporated with this Act:

(2.) The local authority, before putting in force any of the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, shall publish once at the least in each of three consecutive weeks in the month of October, in some local newspaper circulated in their district, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands that they require; and shall further serve a notice in the month of November on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such lands:

(3.) On compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition to the Secretary of State. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neuter in respect of the taking such lands, or who have returned no answer to the notice; it shall pray that the local authority may, with reference to such lands, be allowed to put in force the powers of the said Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Secretary of State may require:

(4.) On the receipt of such petition and on due proof of the proper advertisements having been published and notices served, the Secretary of State shall take such petition into consideration, and may either dismiss the same or direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no provisional order shall be

made affecting any lands without the consent of the owners, lessees, and occupiers thereof:

(5.) After the completion of such inquiry, the Secretary of State may, by provisional order, empower the local authority to put in force, with reference to the lands referred to in such order, the powers of the said Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

Provided that the notices by this section required to be given in the months of October and November may be given in the months of September and October; and any notices or orders by this section required to be served on a number of persons having any right in, over, or on lands in common may be served on any three or more of such persons on behalf of all such persons.

7. *Power to let lands.*—Any local authority may, with the consent of the Secretary of State, let for any term any lands which they may possess as and when they can conveniently spare the same.

PROVISIONAL ORDERS BY SECRETARY OF STATE.

8. *As to provisional orders made by Secretary of State.*—With respect to provisional orders authorised to be made by the Secretary of State under this Act the following enactments shall be made:

(1.) The Secretary of State shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates:

(2.) Before making any such provisional order the Secretary of State shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject-matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(3.) The Secretary of State may submit to Parliament for confirmation any provisional order made by him in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:

(4.) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills:

(5.) The Secretary of State may revoke, either wholly or partially, any provisional order made by him before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament:

(6.) The making of a provisional order shall be *primâ facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with:

(7.) Every Act confirming any such provisional order shall be deemed to be a Public General Act.

9. *Costs to be awarded in certain cases.*—Where any Bill for confirming a provisional order under this Act is referred to a committee of either House of Parlia-

ment upon the petition of any person opposing such bill, the committee shall take into consideration the circumstances under which such opposition is made to the bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the bill, as the committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

The decision of the majority of the members of the committee for the time being present and voting on any question under this section shall be deemed to be the decision of the committee.

10. *Costs of provisional order.*—The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Secretary of State, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Secretary of State, the local authority may contract a loan for the purpose of defraying such costs.

## Acquisition of Land.

11. *Acquisition of land.*—The clauses of the Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, shall not, except to the extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but, save as aforesaid, the said Lands Clauses Consolidation (Scotland) Acts (except sections one hundred and twenty to one hundred and twenty-two, both inclusive, of the Lands Clauses Consolidation (Scotland) Act, 1845), as amended by the provisions contained in the schedule hereto, shall regulate and apply to the purchase and taking of lands in Scotland, and shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted in the body thereof, subject to the provisions following; that is to say,

(1.) This Act shall authorise the taking by agreement any lands which the local authority may require for the purposes of this Act, and it shall authorise the taking by the exercise of any compulsory powers of such lands as are required for the purposes of this Act to be taken compulsorily:

(2.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, such lands or interests shall be valued as if they were lands or interests taken compulsorily under the provisions of the Lands Clauses Consolidation (Scotland) Acts.

12. *Extinction of rights of way and other servitudes.*—Upon the purchase by the local authority of any lands required for the purpose of carrying this Act into effect, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands or part thereof, and all other rights or servitudes in or relating to such lands, or any part thereof, shall be extinguished, and the solum of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit.

### Expenses.

13. *Separate account to be kept for the purposes of this Act.*—A separate account shall be kept by the local authority in respect of any transactions under this Act.

The moneys required for the purposes of this Act shall be supplied out of the local rate, or out of moneys borrowed in pursuance of this Act.

The "local rate" shall mean an assessment to be levied and recovered by the local authority along with, but as a separate assessment from, any one of the assessments mentioned in section ninety-five of the Public Health (Scotland) Act, 1867.

14. *Power of borrowing money for the purposes of this Act.*—Any local authority under this Act may, for the purposes of this Act, borrow any moneys on the security of any lands acquired by them under this Act, and may mortgage such lands to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Every local authority borrowing on the credit of such lands as aforesaid may pay out of the local rate the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the security of any lands as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

Any local authority under this Act shall have the same power of borrowing on the credit of the local rate such sums of money as they may require for the purposes of this Act as they have under section eighty-six of the Public Health (Scotland) Act, 1867, for the purpose of making, enlarging, or constructing sewers.

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

15. *Audit of accounts.*—The accounts of a local authority in any burgh under this Act shall be audited in the same manner, and with the same power in the officers auditing the same, in which the account of the police assessment in such burgh is for the time being required to be audited under any general or local Act.

### Byelaws.

16. *Authentication and alteration of byelaws.*—All byelaws made by a local authority under and for the purposes of this Act shall be signed by the clerk thereof; and any such byelaws may be altered or repealed by subsequent byelaws made pursuant to the provisions of this Act: Provided that no byelaws made under this Act by a local authority shall be of any effect if repugnant to the laws of Scotland or to the provisions of this Act.

17. *Power to impose penalties on breach of byelaws.*—Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

18. *Confirmation of byelaws.*—Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and con-

firmed by the Secretary of State, who is hereby empowered to allow or disallow the same as he may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

19. *Byelaws to be printed, &c.*—All byelaws made by a local authority under this Act shall be printed and hung up in the office of such authority, and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same.

20. *Evidence of byelaws.*—A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws, without further or other proof.

21. *Places of recreation vested in town councils or other bodies.*—Where in any burgh or place places of recreation as described in this Act are at present or may become vested in magistrates and town councils or other bodies or trustees for behoof of the community of such burgh or place, all the powers of making and enforcing byelaws conferred by this Act upon local authorities are hereby conferred upon and may be exercised by such magistrates and town council or other bodies or trustees with reference to such places of recreation to the like effect as if they were hereby constituted local authorities.

## General Provisions.

22. *Provision where local authority has no seal.*—Any petition or document proceeding from a local authority may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any two or more members of the local authority, or in such other manner as the Secretary of State may require.

## Notices.

23. *Service of notice on the local authority.*—Any notice required to be served upon the local authority may be lawfully served by delivering the same to the clerk of the local authority, or leaving the same at his office with some person employed there by him.

24. *Authentication of notices served by the local authority.*—Any notice served by the local authority for the purposes of this Act may be signed by the clerk of the local authority.

25. *Penalties, how recovered.*—All penalties imposed under this Act shall be recovered before the sheriff of the county in the sheriff court, under the provisions of the Summary Procedure Act, 1864, and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs.

### Saving Clause.

26. *Relation of local Acts to this Act.*—Where in any place to which this Act applies any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the local authority either instead of or in concurrence with this Act.

### Definitions.

27. *Construction of terms of Act.*—The expressions hereinafter mentioned shall respectively have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say.

"Secretary of State" means one of Her Majesty's principal Secretaries of State.

"The Lands Clauses Consolidation (Scotland) Acts" shall mean the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860.

"Person" shall include a body of persons, corporate or unincorporate.

"Lands" shall include lands and heritages of any tenure, and any right over land.

"Burgh" shall have the meaning assigned to it in the Public Health (Scotland) Act, 1867.

"Sell" shall include convey by way of feu or contract of ground annual.

"The Court of Session" shall mean either division of the inner house thereof.

"The Treasury" shall mean the Lords Commissioners of the Treasury, or any two of them.

## SCHEDULE.

Provisions with respect to the Purchase and taking of Lands in Scotland otherwise than by Agreement, and otherwise amending the Lands Clauses Consolidation (Scotland) Act, 1845.

*Deposit of Maps and Plans.*

1. The local authority shall, before advertising their intention to take lands, cause to be made out and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily (which lands are hereinafter referred to as the scheduled lands), together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

2. The local authority shall deposit such maps and schedules at the office of the Secretary of State, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

*Appointment of Arbitrator.*

3. After such deposit at the office of the secretary of State as aforesaid, it shall be lawful for the Secretary of State, upon the application of the local authority, to appoint an arbitrator between the local authority and the persons interested in the scheduled lands, so far as compensation for the same has not been made the subject of agreement.

*Proceedings on Arbitration.*

4. Before any arbitrator enters upon any inquiry, he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,—

"I, *A.B.*, do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Public Parks (Scotland) Act, 1878.

"*A.B.*

"Made and subscribed in the presence of ."

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a crime and offence.

5. As soon as an arbitrator has been appointed as aforesaid the Secretary of State shall deliver to him the maps and schedules

deposited at his office, and the local authority shall publish once in each of three successive weeks the following particulars:

(*a.*) The appointment of the arbitrator:

(*b.*) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same:

(*c.*) A requisition directing the owners of or parties by this Act enabled to sell and convey any of the said scheduled lands, or any interest in such lands, to deliver to the arbitrator, on or before a day fixed by the arbitrator and named in such requisition (and being a day not earlier than twenty-one days from the date of the insertion of the last of such notices), a short statement in writing of the nature of their respective claims.

6. The arbitrator shall, after the expiration of the period within which such claims are required to be delivered to him as aforesaid, and so far as such claims may not be settled by agreement, proceed to inquire into and adjudicate according to the basis provided in this Act upon the compensation to be paid in respect of the scheduled lands and of the several interests in such lands.

7. The arbitrator shall, after due inquiry and examination, frame a provisional award, setting forth the compensation to be paid by the local authority in respect of the several interests in the said scheduled lands.

8. The provisional award shall be deposited at the office of the Secretary of State, and a copy shall be deposited at the office of the local authority.

9. The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same, or who have made a claim before such arbitrator as claimants for compensation; the arbitrator shall cause notice to be published once in each of three successive weeks, stating that a copy of the provisional award has been deposited by the local authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place or times and places for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier than twenty-one days after the last day of publication of the said notice).

10. The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award by any person interested therein, or adjourn the further hearing thereof if the arbitrator see fit to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands, or the justice or propriety of any other matter of such provisional award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed.

11. When the arbitrator has heard and determined all such objections, and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall sign and issue a final award accordingly; and thereupon such final award shall be binding and conclusive (subject to the provisions concerning an appeal hereinafter contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

12. Such final award as aforesaid shall be deposited at the office of the Secretary of State, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award so confirmed, and further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority, on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, together with a legal progress of the title deeds of the lands in respect of which the claim is made; and such statement, and an inventory of the title deeds forming such progress, shall be paid for by the local authority.

*Payment of Purchase Money.*

13. Within thirty days from the delivery of such statement and progress of titles as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

14. Every such certificate shall be prepared by and at the cost of the local authority, and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

15. The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases hereinafter mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her heirs, executors, or assignees.

16. If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to record the same in the books of

council and session, or other judge's books competent, and to have a decree interponed thereto, and to be extracted with a view to execution, in the like manner as if a formal clause of registration had been contained therein; and all diligence and execution shall be competent thereon in the like manner and to all effects as upon any bond containing such formal clause of registration; and all moneys payable under such certificates, or to be recovered by such execution and diligence as aforesaid.

17. When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise as herein provided in the cases hereinafter mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his heirs, executors, or assignees, it shall be lawful for the local authority, upon obtaining such conveyance as hereinafter mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

18. In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a conveyance of the lands in respect of which such moneys are paid, or of all the estate and interest of such party, and of all parties claiming under or through him, in such lands, and every such conveyance shall be prepared by and at the cost of the local authority.

19. If it appear to the local authority from any such statement and progress of titles as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title.

20. Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into any one of the incorporated or chartered banks in Scotland in manner provided by the last-mentioned clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, and the amount so paid into the said bank shall be accordingly dealt with as by the said Act provided.

21. Nothing herein contained shall prevent the local authority from requiring any further evidence of title respecting any lands included in any such award as aforesaid, in addition to the statement and progress of titles hereinbefore mentioned, if they think fit, so as the same be obtained at the cost of the local authority.

22. If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the local authority, be enforced by any party or parties, by application to the Court of Session in a summary way, by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

*Entry on Lands on making Deposits.*

23. Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions hereinbefore contained, it shall be lawful for the local authority, at any time after the arbitrator has framed his provisional award, upon depositing in any of the banks before mentioned such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such provisional award, to enter upon and use such lands for the purposes of this Act, and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such provisional award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered

oon, from the time of their entry until the me of the payment of such money and in- rest to the party entitled thereto, or where, der the provisions of this Act, such com- nsation is required to be paid into any of e said banks, then until the same, with such terest, is paid into such bank accordingly; id where under this provision interest is yyable on any compensation money the certi- ate to be delivered by the local authority in spect thereof shall specify that interest is so yyable, and the same shall be recoverable in e manner as the principal money mentioned such certificate.

24. The money so deposited as last aforesaid hall be paid into any of the said banks to ch account as may from to time be directed any regulation or Act for the time being in rce in relation to moneys deposited in such nk in similar cases, or to such account as ay be directed by any order of the Court of ssion, and remain in the bank by way of curity to the parties interested in the lands hich have been so entered upon for the pay- nt of the money to become payable by the al authority in respect thereof under the ard of the arbitrator; and the money so posited may, on the application by petition the local authority, be ordered to be in- sted in Government securities, and accumu- ed; and upon such payment as aforesaid the local authority it shall be lawful for e Court of Session, upon the like application, order the money so deposited, or the funds which the same shall have been invested, gether with the accumulation thereof, to be paid or transferred to the local authority, in default of such payment as aforesaid by e local authority, it shall be lawful for the id court to order the same to be applied in ch manner as it thinks fit for the benefit of e parties for whose security the same shall have been deposited.

*Appeal.*

25. Where the party named in any certificate ued under the provisions hereinbefore con- ned of the amount of the compensation as- tained by any award under this Act (or any rty claiming under the party so named) is satisfied with the amount in such certificate tified to be payable, and such amount eeds five hundred pounds; and

Where any party claiming any interest in y moneys so paid into bank as aforesaid is satisfied with the amount of the price or mpensation in respect of which such moneys paid into bank, and such amount exceeds e hundred pounds; also

Where the local authority is dissatisfied h the amount of compensation which the itrator appointed under the provisions of s Act has awarded to be paid by the local hority to any person in respect of any ate or interest in lands, and such amount eeds the sum of five hundred pounds:

The party dissatisfied may submit the ques- n of the proper amount of compensation to a y, provided that such party give notice in ting to the other party of their intention appeal within ten days after notice has n given that the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen—

(1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate:

(2.) Where moneys have been paid into the bank, at the date of the payment into bank:

(3.) Where the local authority appeals, at the date of the making of the final award.

26. Where a notice has been given under the Act of an appeal to a jury in respect of compensation for land, a question of disputed compensation required to be determined by a verdict of a jury shall be deemed to have risen within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845, and all the provisions of that Act contained in sections thirty-seven to fifty-five, both inclusive, so far as they are still in force, shall be deemed to apply, except section forty-six: Provided also, that in the construction of the said sections—

(1.) Where the local authority appeals, that authority shall be deemed to be the pursuer, and the party entitled to compensation to be the defender: and,

(2.) Where the party claiming compensation appeals, then in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained in jury trials before the Court of Session; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial, to be taxed and ascertained in manner aforesaid:

(3.) Where the local authority is the appellant—

(1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum, not exceeding twenty pounds, for the costs of the trial as the sheriff or sheriff substitute before whom the same is tried shall direct; and,

(2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid:

(4.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

*Costs of Arbitration.*

27. The salary or remuneration, travelling or other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the Secretary of State in

carrying the provisions of this Act into execution, shall be paid by the local authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the Secretary of State, after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the local authority; and every certificate of the said Secretary of State certifying the amount of such costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable in the same manner as the costs, charges, and expenses contained in any order of the Secretary of State made under section six of the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875.*

28. It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority; and if within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from such local authority, with interest at the rate of five per centum for any time during which the same remains unpaid after such seven days as aforesaid; but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator.

*Miscellaneous.*

29. The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

30. If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the Secretary of State may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed, and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the Edinburgh Gazette.

31. All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority, and where no form of service is prescribed, all notices required to be served or given by the local authority, under this schedule or otherwise, upon any persons interested in and entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of this Act are directed by this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

* 38 & 39 Vict., c. 49, repealed by 53 & 54 Vict., c. 70, which provides that a certificate of costs may be made a rule of a supreme court, and may be enforced accordingly.

# ACT OF PARLIAMENT

TO

*Amend and consolidate the Public Libraries (Scotland) Acts.*—[50 *and* 51 *Vict.*, *c.* 42.—16*th September* 1887.]

Whereas it is expedient to amend and consolidate the Public Libraries (Scotland) Acts, 1867 to 1884 :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. *Short title.*—This Act may be cited as the Public Libraries Consolidation (Scotland) Act, 1887, and shall apply to Scotland only.

2. *Definitions.*—The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction ; that is to say,

"Burgh" shall include royal burgh, parliamentary burgh, burgh incorporated by Act of Parliament, burgh of regality, burgh of barony, and any populous place or police burgh administered wholly or partly under any general or local police Act, and the boundaries of such burgh shall, for the purposes of this Act, be the boundaries to which such general or local police Act extends :

"Parish" shall mean a parish for which a separate poor rate is or can be imposed, or for which a separate Parochial Board is or can be appointed, and shall be exclusive of the area of any burgh or part of a burgh situated therein :

"Householders" shall mean, in the case of a burgh, all persons whose names are entered on the municipal register, and in the case of a parish, all persons entitled to vote in the election of a school board in such parish, under the provisions of the Education (Scotland) Act, 1872, and any Act amending the same :

"Magistrates and council" shall be applied collectively, and not separately, and shall include provost, magistrates, and town council, magistrates and commissioners of police, and any other body of persons for the time being in office, by authority of whom the burgh general assessment is levied ; and where in any burgh the magistrates and council form a corporate body, and there is also in the same burgh a board of commissioners of police by whom the burgh general assessment is levied, the words "magistrates and council" shall, as regards the levying and recovering of the library rate, apply to such commissioners of police, but in every other respect it shall apply to such corporate body of magistrates and council :

"Chief magistrate" shall include provost, and shall apply to any magistrate legally acting as chief magistrate for the time being :

"Board" shall mean the Parochial Board acting under the Act eighth and ninth Victoria, chapter eighty-three, and any Act amending the same :

"Committee" shall mean the committee appointed under any Public Libraries Act affecting Scotland for the time being, or this Act:

"Municipal register" shall mean the register, list, or roll of persons entitled to vote in an election of town councillors or commissioners of police, in a burgh, made up according to the law in force for the time being:

"Burgh general assessment" shall mean an assessment which, under any general or local police Act, shall be applicable to the general purposes of such Act:

"Library rate" shall mean the rate or assessment authorised by this Act for the purpose of carrying the Act into execution:

"Libraries and museums" and "libraries or museums" shall include schools for science, art galleries, and schools for art, and these expressions, or either of them, when used in the singular, shall include a school for science, an art gallery, and a school for art:

Words importing the masculine gender shall, when applied to householders, include female householders.

3. *Repeal.*—The Public Libraries (Scotland) Acts, 1867 to 1884, so far as the same relate to Scotland, are hereby repealed; but such repeal shall not invalidate or affect anything already done in pursuance of these Acts, or any of them, and all burghs and parishes in Scotland which before the passing of this Act have adopted the recited Acts shall thereafter be subject to the provisions of this Act: Provided always, that nothing in this Act contained shall prejudice or affect the provisions of the Edinburgh Public Library Assessment Act, 1887.

4. *Adoption of Act.*—Upon the requisition in writing of the magistrates and council of any burgh, or of ten or more householders in any burgh or parish, the chief magistrate of such burgh, or in the case of a parish, the sheriff of the county in which such parish or the greater part of the area thereof is situated, shall ascertain the opinions of the householders in such burgh or parish as to the adoption of this Act in the manner set forth in Schedules (A.) or (B.) hereto annexed, which schedules shall be construed and have effect as part of this Act, provided that where in any burgh the number of householders exceeds three thousand, the chief magistrate shall adopt the procedure, by way of voting paper, set forth in Schedule (A.), but in any other case it shall be optional to the chief magistrate or to the sheriff, as the case may be, to adopt such procedure by way of voting paper, or the procedure by way of public meeting, set forth in Schedule (B.).*

5. *If not adopted, no similar procedure for two years.*—In the event of the householders determining by a majority of votes that this Act shall be adopted in any burgh or parish, the same shall from thenceforth come into operation therein; but if by a majority of votes they shall determine against the adoption, the like procedure shall not take place for the space of at least two years from the date of such determination.*

6. *Expenses of determining as to adoption.*—The expenses of the procedure for determining as to the adoption of this Act shall, if the Act be not adopted, be paid, in the case of a burgh, out of the burgh general assessment, and in the case of a parish, out of the assessment for the relief of the poor in such parish, or where there is no such assessment, by a rate which the board are hereby empowered to levy and recover for this purpose, in the same manner and subject to the same conditions as are applicable to the library rate; but if

* §§ 4 and 5 repealed so far as they relate to burghs, by 57 & 58 Vict., c. 20.

the Act shall have been adopted the expenses of the procedure under which it has been adopted shall be payable out of the library rate, and it shall be in the power of the chief magistrate or of the sheriff, as the case may be, immediately upon the adoption of the Act to borrow such sum or sums as may be necessary to defray such expenses on the security of the library rate to be afterwards levied.*

7. *Expenses of carrying Act into execution.*—The expenses of carrying this Act into execution, when adopted, including all sums payable in respect of interest and sinking fund for money authorised to be borrowed, and all sums necessary for the maintenance and management of the libraries and museums established under this Act, or to which this Act applies, or for the purchase of the articles and things authorised by this Act to be purchased, shall be paid out of the library rate, which shall be levied and recovered, in the case of a burgh, by the magistrates and council, from the same description of persons and property, and with and under the like powers, provisions, and exceptions as the burgh general assessment, and in the case of a parish by the board, from the same description of persons and property, and with and under the like powers, provisions, and exceptions as the assessment leviable under the Act eighth and ninth Victoria, chapter eighty-three.

8. *Rate not to exceed one penny per pound.*—The amount of the library rate to be levied in any year shall in no case exceed the sum of one penny in the pound of yearly rent or annual value as appearing on the valuation roll, and where, under the provisions of any general or local police Act, the burgh general assessment is or may be levied at a higher rate upon lands or premises above a certain fixed rent than upon lower rented lands or premises, such provisions, so far as they authorise such differential rate, shall not be applicable to or affect the library rate.

9. *Accounts to be open to inspection, and to be audited and published annually.*—The magistrates and council of a burgh, or the board of a parish, as the case may be, shall provide and keep books in which shall be entered true and regular accounts of their receipts, payments, and liabilities with reference to the execution of this Act, which books shall, at all reasonable times, be open, without fee or reward, to the inspection of every person liable to be assessed for the library rate; and the magistrates and council or board, as the case may be, shall cause such accounts to be annually audited by one or more competent auditors, not being members of the committee, after which audit the accounts shall be signed by two of the magistrates and council, or two members of the board, as the case may be, and an abstract thereof similarly signed shall be printed and shall be inserted in one or more newspapers published or circulated in the burgh or parish.

10. *Lands, &c., may be appropriated, purchased, or rented.*—The magistrates and council or board, as the case may be, may from time to time appropriate, for the purposes of this Act, any lands or buildings vested in them, and may, out of the library rate, or out of money borrowed as herein provided, purchase, feu, or rent any land, or any suitable building; and may, upon the land so appropriated, rented, feued, or purchased, erect any building suitable for public libraries, public museums, schools for science, art galleries, and schools for art, or for any one or more of those objects, and may alter or extend any buildings for such purposes, and repair and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite furniture, fittings, and conveniences.

* § 6 repealed so far as relates to burghs, by 57 & 58 Vict., c. 20.

11. *Parts of* 8 *and* 9 *Vict., c.* 19, *incorporated.*—The clauses and provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase of lands by agreement, and with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating or not making title, and with respect to conveyances of lands, so far as such clauses and provisions are applicable to purchases, feus, or leases authorised by this Act, and are not herein expressly varied, shall be incorporated with this Act; and the expression "the special Act" used in such clauses and provisions shall be construed to mean this Act; and the expression "the promoters of the undertaking" used in such clauses and provisions shall be construed to mean the magistrates and council, or the board, as the case may be.

12. *Lands, &c., may be sold or exchanged.*—The magistrates and council, or the board, as the case may be, may sell any lands, buildings, or other property vested in them for the purposes of this Act, or exchange the same for any lands, buildings, or other property better adapted for such purposes, and the money arising from such sale, and the property received in exchange, shall be applied and held for the purposes of this Act.

13. *Lands, &c., vested in magistrates, &c., and boards.*—The lands and buildings so to be appropriated, purchased, or rented, and all other real or personal property whatever, presented to or purchased for any library or museum established under this Act or to which this Act applies, shall in the case of a burgh be vested in the magistrates and council, and in the case of a parish in the board.

14. *Powers of borrowing.*—The magistrates and council, or the board, as the case may be, may from time to time borrow at interest on mortgage or bond on the security of the rate to be levied in pursuance of this Act, for the purposes thereof, a sum or sums of money not exceeding the capital sum represented by one-fourth part of the library rate, authorised by this Act, capitalised at the rate of twenty years purchase of such sum; and on repayment of such sum or sums, or any part thereof, they may from time to time re-borrow in manner and for the purposes aforesaid, but so that the whole sum borrowed at any one time shall not exceed the amount of the said capital sum after deducting therefrom any sums set apart as a sinking fund as hereinafter provided.

15. *Sinking fund.*—The magistrates and council, or the board, as the case may be, are hereby required to set apart annually, as a sinking fund for the extinction of capital sums, borrowed under the authority of any library Act in force for the time being, or of this Act, a sum equal to at least one-fiftieth part of the money so borrowed, and such sinking fund shall be from time to time applied in repayment of the money so borrowed, and to no other purpose whatever, and shall be lodged in a joint-stock bank of issue in Scotland, or invested in Government securities, or lent out at interest in the name and at the discretion of the magistrates and council, or the board, as the case may be, until the same be applied for the purpose before specified.

16. *Parts of* 10 *and* 11 *Vict., c.* 16, *incorporated.*—The clauses and provisions of the Commissioners Clauses Act, 1847, with respect to the liabilities of the commissioners, and to legal proceedings by or against the commissioners, and with respect to mortgages to be executed by the commissioners, excepting sections eighty-four, eighty-six, and eighty-seven, shall, unless herein expressly varied, be incorporated with this Act, and the several words and expressions, to which by the last recited Act meanings are assigned, shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the expression "the special Act" used in such clauses

and provisions herewith incorporated shall mean this Act; and the expression "the commissioners" shall mean the magistrates and council or board, and the committee in the discharge of their respective duties under this Act.

17. *Power to accept Parliamentary grant under conditions.*—When the magistrates and council, or board, as the case may be, accept a grant out of moneys provided by Parliament, from any Committee of the Privy Council on Education, towards the purchase of the site, or the erection, enlargement, or repair of any school for science and art, or school for science, or school for art, or of the residence of any teacher in such school, or towards the furnishing of any such school, they shall have power to accept such grant upon the conditions prescribed for the acceptance thereof by the said committee, and to execute such instruments as may be required by the said committee for carrying into effect such conditions, and upon payment of the grant shall, together with their successors, be bound by such conditions and instrument, and have power and be bound to fulful and observe the same.

18. *Committee to be appointed.*—The magistrates and council of any burgh, or the board of any parish where this Act has been adopted shall, within one month after its adoption, and thereafter from year to year, in the case of a burgh, at the first meeting after the annual election of town councillors or commissioners of police, and in the case of a parish, at the first meeting after the annual meeting for the election of representative members of the Parochial Board, appoint a committee, consisting of not less than ten nor more than twenty members, half of whom shall be chosen from amongst the magistrates and council, or board, as the case may be, and the remaining half from amongst the householders of the burgh or parish other than the magistrates and council, or board, and three members of such committee shall form a quorum.

19. *Appointments to vacancies in committee.*—Any member of committee shall have power to resign office upon giving at least fourteen days previous notice to the clerk of the committee of his intention so to resign; and in the event of any vacancy occurring in the committee during their term of office by the resignation or death of any member, the committee shall forthwith cause the same to be intimated to the magistrates and council, or board, and the magistrates and council, or board, as the case may be, may at a meeting thereafter elect from among themselves, or from among the householders other than themselves, according to the class in which the vacancy has arisen, a member of committee in place of the member so resigning or dying, provided that no proceedings of the committee shall be invalidated or be illegal in consequence of a vacancy or vacancies in the number of the committee.

20. *Meetings of committee, and appointment of chairman.*—The committee appointed as aforesaid shall, in the case of a burgh, meet once in every three months, or oftener if necessary, and in the case of a parish, as often as may be necessary, to determine as to any business falling to be transacted by them, and shall appoint a chairman from among their own number, who shall hold office until next election of committee; and such chairman shall, in case of equality, have a casting vote in addition to his vote as an individual; provided that, in the event of a vacancy occurring in the office of chairman, the committee shall at their first meeting thereafter appoint a new chairman, and in the absence of the chairman of committee at any meeting, the meeting shall appoint a chairman for the time being, who at that meeting shall exercise the privileges of the chairman of committee.

21. *Powers of committee.*—The committee shall manage, regulate, and control all libraries and museums established under this Act, or to which this Act applies;

and shall have power to do all things necessary for such management, including the following powers ; that is to say,

To appoint sub-committees of their own number :

To appoint a salaried clerk, and salaried librarians, officers, and servants to act during the pleasure of the committee, and to pay and dismiss them :

To purchase books, newspapers, reviews, magazines, and other periodicals, statuary, pictures, engravings, maps, specimens of art and science, and such other articles and things as may be necessary for the establishment, increase, and use of the libraries and museums under their control, and to do all things necessary for keeping the same in a proper state of preservation and repair :

To provide from time to time the necessary fuel, lighting, and other matters :

To sell or exchange any books, works of art, or other property of which there may be duplicates, provided that the money arising from such sale, and the property received in exchange shall be applied and held for the purposes of this Act :

To provide suitable rooms in the libraries within which the books, periodicals, and newspapers may be read :

To lend out, for the purpose of being read by the householders and inhabitants of the burgh or parish in and for which the committee has been appointed, the books of any library under their control, or such of them as they may consider proper ; and at their discretion to grant the same privilege to the inmates of industrial schools, training ships, reformatories, barracks, and other similar institutions, established for or in the burgh or parish ; and also to any person carrying on business within the limits of the burgh or parish, or to any employee engaged in employment therein, although such person or employee may not be a householder, and may not reside within such limits :

To compile and print catalogues of all or any books, articles, and things in the libraries or museums under their control, and reports of their proceedings, and to sell the same, the proceeds to be applied for the purposes of this Act.

22. *Power to committee to make byelaws.*—It shall be lawful for the committee to make byelaws for regulating all or any matters and things whatsoever connected with the control, management, protection, and use of any property, articles, or things under their control for the purposes of this Act, and to impose such penalties for breaches of such byelaws, not exceeding five pounds for each offence, as may be considered expedient ; and from time to time, as they shall think fit, to repeal, alter, vary, or re-enact any such byelaws, provided always that such byelaws and alterations thereof shall not be repugnant to the law of Scotland, and before being acted on shall be signed by a quorum of the committee, and, except in so far as they relate solely to the officers or servants of the committee, such byelaws shall be approved of by the magistrates and council, or the board, as the case may be, and shall be approved of and confirmed by the sheriff of the county in which the burgh or parish, or the greater part of the area thereof, is situated : Provided also, that nothing herein contained shall preclude the magistrates and council, or board, as the case may be, from recovering the value of articles or things damaged, or the amount of the damage sustained, against all parties liable for the same.

23. *Newspaper publication of byelaws before confirmation, and time and manner of stating objections.*—No byelaws or alterations thereof requiring confirmation shall be confirmed, as before mentioned, unless notice of the intention to apply for confirmation of the same shall have been given in one or more newspapers published and circulated in the district one month at least before the hearing of the application for confirmation, and any party aggrieved by any such byelaws or alterations thereof, on giving notice of the nature of his objection to the clerk to the committee ten days before the hearing of the application for confirmation,

may, by himself or his counsel, attorney, or agent, be heard thereon, but not so as to allow more than one party to be heard upon the same matter of objection.

24. *Exhibition of byelaws previous to confirmation.*—For one month at least before any such application for confirmation of any byelaws or alterations thereof, a copy of such proposed byelaws or alterations shall be kept at the office of the clerk to the committee, and shall also be put up in some conspicuous place in each of the libraries and museums of the committee, and all persons may, at all reasonable times, inspect such copy without fee or reward; and the clerk to the committee shall furnish every person who shall apply for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words so to be copied.

25. *Printed copy of byelaws to be provided.*—The clerk to the committee shall give a printed copy of the confirmed byelaws, for the time being in force, to every person applying for the same, without charge; and a copy thereof shall be painted or placed on boards, and put up in some conspicuous part of each of the libraries and museums of the committee, and such boards with the byelaws thereon shall be renewed from time to time as occasion shall require, and shall be open to inspection without fee or reward.

26. *Byelaws when confirmed and published to be in force.*—All byelaws or alterations thereof made and confirmed according to the provisions of this Act, when so published and put up, shall be binding upon and be observed by all parties, and shall be a sufficient warrant for all persons acting under the same.

27. *Evidence of byelaws.*—The production of a written or printed copy of the byelaws requiring confirmation as aforesaid, authenticated by the signature of the sheriff who shall have confirmed the same, and a written or printed copy of the byelaws not requiring such confirmation, authenticated by the common seal of the committee, and signed by the chairman of the committee at the time when the same were made, shall be evidence of the existence and making of such byelaws in all cases for prosecution under the same, without proof of the signature of such sheriff, or the common seal of the committee, or the signature of their chairman; and with respect to the proof of the publication of such byelaws it shall be sufficient to prove that a board containing a copy thereof was put up and continued in manner by this Act directed.

28. *Recovery of penalties and forfeitures.*—All penalties and forfeitures exigible under this Act, and the Acts incorporated wholly or partially herewith, or under any byelaw made in pursuance thereof, may be recovered by an ordinary small-debt action in the name of the clerk to the committee for the time being before either the sheriff or justices of the district; and the same shall be payable to the committee, and shall, when recovered, be applied by them for the purposes of this Act; and in any prosecution under this Act an excerpt from the books of the committee, certified by the clerk or other proper officer, shall be held equivalent to the books of the committee, and all entries in the books of the committee bearing that any book or books mentioned or referred to therein has or have been borrowed by the person complained against shall be taken and received as evidence of the fact, and the onus probandi shall be thrown on the party complained against, and if decree passes against such party, he shall be found liable in costs.

29. *Actions by or against committee.*—All actions at the instance of the committee shall be brought in name of the clerk to the committee, and in all actions

against the committee, it shall be sufficient to call the clerk to the committee for the time being as defender, and service on him shall be sufficient service; and all actions brought by or against the clerk to the committee in his official character shall be continued by or against his successors in office without any action of transference.

30. *Estimates to be made up.*—The committee shall in the month of April in every year make up, or cause to be made up, an estimate of the sums required in order to defray the interest of any money borrowed, the payment of the sinking fund, and the expense of maintaining and managing all libraries or museums under their control for the year after Whitsunday then next to come, and for the purpose of purchasing the books, articles, and things authorised by this Act to be purchased for such libraries or museums, and shall report the same to the magistrates and council in the case of a burgh, or to the board in the case of a parish, and the magistrates and council or the board, as the case may be, shall provide the amount required out of the library rate to be levied by them, and shall pay over to the committee the sum necessary for the annual expenditure by them in terms of their estimate.

31. *Power to add to institutions established.*—Where any of the following institutions, namely—a public library, a public museum, a school for science and art, a school for science, a school for art, or an art gallery, has been established under any Public Library Act in force for the time being, or under this Act, there may at any time be established, in connection therewith, any other of the said institutions without further proceedings being taken for the adoption of this Act.

32. *Libraries, &c., to be free.*—All libraries, museums, or art galleries established under this Act, or to which this Act applies, shall be open to the public free of charge, and no charge shall be made for the use of books or magazines issued for home reading.

## SCHEDULES.

### SCHEDULE (A.)

PROCEDURE FOR DETERMINING BY VOTING PAPER AS TO THE ADOPTION OF THE ACT.

(1.) Upon receipt of the requisition specified in the Act, the chief magistrate or the sheriff, as the case may be, shall, without unnecessary delay, cause to be printed, and to be delivered or sent by post to each householder, an intimation and a voting paper, in the respective forms appended hereto, and the intimation may be prefixed to the voting paper and on the same paper therewith, or may be printed separately, provided it be delivered or posted simultaneously with the voting paper.

(2.) In the case of a burgh, the voting paper shall bear the number of the householder on the municipal register, and where the burgh is divided into wards, the number of the ward; and in the case of a parish the voting paper shall bear a number relative to the entry of the householder in a copy of the valuation roll applicable to such parish, or in a list of the householders in such parish, which copy or list, distinguishing the amount of rental at which each person is assessed, the assessor, under the Acts in force for the valuation of lands and heritages in Scotland, is hereby required to make, certify, and furnish to the sheriff, within fourteen days of an application by him to that effect, on payment of a fee of not more than one shilling for each hundred names; and such copy or list, certified as aforesaid, shall be sufficient proof of the qualification of the householders named therein.

(3.) The intimation foresaid shall specify the place at which the voting paper is to be collected, and shall also specify a day for collection, hereinafter called the day of the poll, being not less than three lawful days, nor more than ten days from the last date of the delivery or of the posting of the voting papers to the householders.

(4.) The chief magistrate or the sheriff, as the case may be, shall, before the issue of such voting papers, appoint a competent person as collector thereof, on such terms and for such

remuneration as may be reasonable; and he shall also, by himself or through the collector aforesaid, at any time before or during the collection or scrutiny of the voting papers, appoint such number of assistant collectors as may be necessary for carrying out the procedure herein specified.

(5.) The chief magistrate or the sheriff, as the case may be, shall, at least three days previous to the day of the poll, intimate such day and the place or places and hours fixed for collecting such votes by advertisement in one or more newspapers published or circulating in the burgh or parish; and the said advertisement shall also specify the name of the collector appointed as aforesaid, and an address where voting papers may be received from such collector, in terms of the immediately succeeding article.

(6.) The collector, or an assistant collector, shall attend at the address specified in such advertisement for at least three specified hours of each of the two lawful days immediately preceding the day of the poll, and shall, on the application of any householder, and on being satisfied that such householder has not already received a voting paper, supply a voting paper to such applicant; and the collector, or any assistant collector, shall, at any time after the issue of the voting papers, and before seven o'clock afternoon of the day of the poll, on being satisfied that a voting paper has been inadvertently lost, destroyed, or rendered useless, have power to supply a duplicate voting paper, which shall be marked "duplicate" before being issued.

(7.) Voting papers duly filled up and subscribed by the householders, to whom the same are respectively applicable, may be transmitted by post to the collector, at the address specified in the foresaid advertisement, provided that such voting papers reach the collector before eight o'clock of the afternoon of the day of the poll, and that the householders so transmitting prepay the postage thereof, otherwise the same shall not be received.

(8.) On the day of the poll the chief magistrate, or the sheriff, as the case may be, shall cause the place or places specified in the intimation accompanying the voting paper to be kept open from eight o'clock morning till eight o'clock afternoon, and such place, or each of such places, if more than one, shall be under the charge of the collector, or of an assistant collector, who shall give his personal attendance during the hours specified for the purpose of receiving all voting papers which may be handed to him.

(9.) In the case of a burgh divided into wards, there shall be at least one place for the collection of voting papers in each ward, and in any burgh or parish where more than one place for collection shall have been appointed, the collection in all of such places shall take place on the same day, and the intimation accompanying the voting paper shall specify the particular place where such voting paper is to be collected. The collector, or assistant collector, in charge of any such place for collection shall not be bound to receive a voting paper which shall have been directed to be lodged at some other such place.

(10.) Where any householder is unable to write, he may attach his mark to the voting paper, provided that such voting paper be signed by a witness, whose address shall be appended to his signature.

(11.) Any person fabricating a voting paper, or presenting or returning a fabricated voting paper, or any voting paper, knowing that the same does not bear the true signature of the householder to whom such voting paper is intended to apply, shall be guilty of personation, and shall be liable to the penalties of that offence as set forth in the Ballot Act, 1872.

(12.) No voting paper shall be received after eight o'clock afternoon of the day of the poll; and in the event of there being more than one place for collection, each assistant collector shall immediately after the close of the poll transmit the voting papers received by him to the collector, and the whole voting papers shall thereafter be under the charge of the collector subject to the directions of the chief magistrate, or of the sheriff, as the case may be.

(13.) The collector, subject as aforesaid, shall, as soon as may be after the conclusion of the poll, proceed to a scrutiny of the voting papers, and shall, with such assistance as may be necessary, compare the same with the municipal register, or with the copy roll, or list of householders, as the case may be, and shall ascertain how far the voting papers have been filled up in terms of the directions thereon, and have been duly signed by the householders to whom such voting papers were respectively issued; and immediately on the conclusion of such scrutiny he shall report to the chief magistrate, or to the sheriff, as the case may be, the number of householders who have voted for the adoption of the Act, and the number who have voted against its adoption. He shall also report the total number of voting papers received, and the number, if any, which have been rejected by him, and the cause of such rejection.

(14.) Upon receiving the report of the collector, the chief magistrate, or the sheriff, as the case may be, shall, if satisfied of the accuracy of such report, cause the result of the poll to be made public in such manner as he shall think most expedient.

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FORM OF INTIMATION.

*Public Libraries Consolidation (Scotland) Act*, 1887.

Burgh [*or* parish] of

No. [*insert number of householder on register, roll, or list*].

[*Insert place and date of issue*].

To [*insert name of householder*].

In terms of the Public Libraries Consolidation (Scotland) Act, 1887, I have to intimate that a requisition having been presented to me by the prescribed number of householders of the burgh [*or* parish] of to take the opinion of the householders as to whether the Act should be adopted in said burgh [*or* parish], I have caused the subjoined [*or* accompanying] voting paper to be issued to you as a

householder of said burgh [*or* parish], which voting paper, duly filled up and subscribed by you, will be received within [*name of place*] on the day of next, between the hours of eight o'clock morning and eight o'clock afternoon.

The voting paper may be delivered personally or by a messenger, provided it bear your signature.

In lieu of delivery of the voting paper in manner above mentioned, it is competent to any householder to post it addressed to [*name and address of collector*], provided the postage be prepaid, and that the voting paper reach the collector before eight o'clock afternoon of the said [*insert day of poll*]. The risk of delivery before the hour specified rests with the householder adopting this method of return.

(Signed) *A.B.*, Chief Magistrate,
[*or* Sheriff].

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FORM OF VOTING PAPER.

*Public Libraries Consolidation (Scotland) Act*, 1887.

Burgh [*or* parish] of

No. [*insert number of householder on register, roll, or list*].

VOTING PAPER.

To be delivered on the day of 18 [*insert day of poll*] between the hours of eight o'clock morning and eight o'clock afternoon, at [*insert place of collection*].

In reply to the question whether the Public Libraries Consolidation (Scotland) Act, 1887, should be adopted by the burgh [*or* parish] of I vote*

[*Signature of householder*].

NOTE.—Any person fabricating a voting paper, or presenting or returning a fabricated voting paper, or any voting paper, knowing that the same does not bear the true signature of the householder to whom such voting paper is intended to apply, is guilty of personation, and is liable to the penalties of that offence as set forth in the Ballot Act, 1872.

* Fill in "Yes" or "No," according as the voter does, or does not, desire the adoption of the Act.

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## SCHEDULE (B.)

PROCEDURE FOR DETERMINING BY PUBLIC MEETING AS TO THE ADOPTION OF THE ACT.

(1.) Upon receipt of the requisition specified in the Act, the chief magistrate, or the sheriff, as the case may be, shall convene a meeting of the householders in some convenient place within the burgh or the parish, as the case may be, for the purpose of determining whether the Act shall be adopted within such burgh or parish.

(2.) Such meeting shall be held on a day not less than fourteen days or more than thirty days after the receipt of the requisition, and notice of the meeting shall be given not less than seven days preceding its date by posting within the burgh or parish, as the case may be, handbills in the form annexed hereto, and also by advertisement, in the said form, inserted at least once in every daily newspaper published within the burgh or parish, as the case may be, and in the event of there being no daily newspaper so published, then at least once in one or more newspapers published or circulating within the burgh or parish.

(3.) The chief magistrate, in the case of a burgh, shall provide himself with a copy of the municipal register, and the sheriff, in the case of a parish, shall provide himself with a copy of the valuation roll applicable to such parish, or a list of the householders therein, which copy or list shall be made, certified, and furnished to the sheriff on his application in the manner directed in Schedule (A.).

(4.) At the meeting called as aforesaid all householders on the municipal register, in the case of a burgh, or on the copy or list furnished and certified as aforesaid, in the case of a parish, shall be entitled to vote, and no other person or persons whatever shall be so entitled, and the chief magistrate, or the sheriff, as the case may be, shall take such measures as may be necessary for the exclusion of non-qualified persons from the meeting, or for preventing such persons from voting, and for securing that the votes of such persons, if given, shall not be counted; and, if necessary for this purpose, he may require that every householder intending to be present at the meeting, or present thereat, shall enter his name and address on a card to be furnished to him, and that all such cards shall be delivered up before entering the meeting, or before the votes are recorded; and every person knowingly and falsely representing himself to be a householder in such burgh or parish, and as such entitled to vote, shall be guilty of personation, and shall be liable to the penalties of that offence as set forth in the Ballot Act, 1872.

(5.) The chief magistrate, or the sheriff, as the case may be, shall attend and shall preside at the meeting, and shall appoint a clerk who shall make regular minutes of the proceedings thereof, and the chief magistrate, or sheriff, as the case may be, shall in case of equality, have a casting vote.

(6.) The result of the vote, whether for or against the adoption of the Act, shall be announced by the chief magistrate, or sheriff, as the case may be, at the meeting itself, or in any other way he may think most expedient, provided such announcement be made without unnecessary delay.

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FORM OF NOTICE OF PUBLIC MEETING.

Burgh [*or* parish] of

Notice is hereby given, that under and in virtue of the powers contained in the Public Libraries Consolidation (Scotland) Act, 1887, the householders of the burgh [*or* parish] of are required to meet upon the day of next, at o'clock, within when a vote will be

taken as to whether the Act shall be adopted by the said burgh [*or* parish].

[*In the case of a burgh add*] By the Act "householders" are defined to mean "all persons entered on the municipal register," and "municipal register" is defined to mean "the register, list, or roll of persons entitled to vote in an election of town councillors or commissioners of police in a burgh, made up according to the law in force for the time being."

[*In the case of a parish add*] By the Act "householders" are defined to mean "all persons entitled to vote in the election of a school board in a parish under the provisions of the Education (Scotland) Act, 1872, and any Act amending the same."

[The chief magistrate, or the sheriff, as the case may be, may append any regulations he may think expedient for securing order, and for effecting the purpose of the meeting].

Dated at the day of 18 .

(Signed) *A.B.*, Chief Magistrate [*or* Sheriff].

# ACT OF PARLIAMENT

TO

*Amend the Public Libraries Consolidation (Scotland) Act*, 1887.—[57 *and* 58 *Vict.*, *c.* 20.—20*th July* 1894.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. *Short title and construction.*—This Act may be cited as the Public Libraries (Scotland) Act, 1894, and shall be construed as one with the Public Libraries Consolidation (Scotland) Act, 1887 (in this Act referred to as the principal Act), and these two Acts may be together cited as the Public Libraries (Scotland) Acts, 1887 and 1894.

2. *Modification as to adoption of principal Act in burghs.*—(1.) In burghs the principal Act may be adopted by a resolution of the magistrates and council of the burgh, and such resolution shall be substituted for a determination of the householders of the burgh in any case where such determination is required under the principal Act.

(2.) Sections four, five, and six of the principal Act are hereby repealed, so far as they relate to burghs.

3. *Provision as to resolution of magistrates and council of burgh for adoption.*—(1.) A resolution under this Act shall be passed at a meeting of the magistrates and council, and one month at least before such meeting special notice thereof and of the intention to propose such resolution shall be given to every person included in the collective expression "magistrates and council," either—

(*a*) in the mode in which notices to attend meetings of the magistrates and council are usually given ; or, in the option of the chief magistrate,

(*b*) by forwarding a notice by post in a prepaid letter addressed to the usual or last-known place of abode of every person entitled to notice under this section.

(2.) The resolution shall, after the passing thereof, be published at least once by advertisement in one or more newspapers circulating in the burgh, and shall come into operation at a time to be fixed in the resolution itself, being not less than one month after the publication or first publication of the advertisement thereof hereinbefore provided.

(3.) A copy of the newspapers containing the advertisement shall be conclusive evidence of the resolution having been passed unless the contrary be shown ; and no objection to the effect of the resolution on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the publication or first publication of the advertisement.

# JAMES GIBB & SON,

*HOUSE FACTORS AND*

*LICENSED VALUATORS,*

45 PITT STREET,

AND

28 FREDERICK STREET,

EDINBURGH.

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LAW AGENTS AND OWNERS OF PROPERTY are informed that

**Messrs. JAMES GIBB & SON**

Give constant personal attention and supervision to Properties placed uuder their care; and also devote special attention to the management and improvement of all classes of Property.

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JAMES GIBB & SON also undertake Valuations for the purposes of Sale, Mortgage, and Compensation.

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*See Price List.*

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ADVERTISEMENTS of every class inserted in any Newspaper or Publication at Publisher's Rates.

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COMPANY PROSPECTUSES AND REPORTS, inserted at Special Rates.

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**ESTABLISHED 1770.**

# SCOTT & FERGUSON,

*Engravers, Lithographers, Bookbinders, and Stationers,*

AND

# BURNESS & COMPANY,

*Law, Insurance, and General Printers,*

## 14, 16, AND 18 CLYDE STREET,

## EDINBURGH.

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# SCOTTISH EQUITABLE

## LIFE ASSURANCE SOCIETY.

ESTABLISHED 1831.

**Head Office—26 ST. ANDREW SQUARE, EDINBURGH.**

ACCUMULATED FUND, £3,612,821.

*The Society transacts every description of Life Insurance Business.*
*Insurances against Issue are effected at Moderate Rates of Premium.*

### NEW PLAN OF IMMEDIATE BONUS POLICIES.

Special attention is directed to this New Scheme, the rates under which are less than the usual non-profit rates. The yearly premium payable at age 30 for an ordinary With Profit policy for £1000 will assure £1300 under this new plan, thus securing an Immediate Bonus of £300.

ANNUAL PREMIUMS to assure **£100**, with right to the benefit of all bonus in excess of 25s. per cent. (*see special prospectus*).

| AGE NEXT BIRTHDAY. | | | | |
|---|---|---|---|---|
| 20 | 30 | 40 | 50 | 60 |
| £1, 12s. | £1, 18s. 8d. | £2, 12s. 2d. | £3, 15s. 10d. | £5, 19s. 3d. |

The sums assured under these policies being *absolutely guaranteed*, they are particularly suitable for provision against the new Death Duties, &c., when it is of importance to obtain the largest possible assurance for the smallest outlay.

**ENDOWMENT ASSURANCE POLICIES** issued on unusually favourable terms.

### ADVANCES ON REVERSIONS.

The attention of SOLICITORS and others desiring to obtain ADVANCES on REVERSIONS (including the expectant interests of heirs of entail), is directed to this Society's improved methods of dealing with this class of security. When the Society purchases a Reversion, it will in many cases grant to the Reversioner for Five Years, or such other term as may be agreed, an absolute power of repurchase, whether the Reversion shall fall into possession or not, and before the expiry of such term, will be ready to treat for an extension of the time during which the power of repurchase may be exercised.

**LOANS are also granted on Life Interests in Possession.**

*Full Particulars may be obtained on Application.*

*Manager*—T. B. SPRAGUE, M.A., LL.D.
*Secretary*—J. J. M'LAUCHLAN.

# London and Canadian Loan and Agency Company, Limited.

| | |
|---|---|
| CAPITAL authorised by Charter, all of which subscribed for, . | £1,027,397 |
| And of which called up (14 per cent.), . . . | 143,835 |
| RESERVE FUND (more than half of Paid-up Capital), . | 84,246 |

## President.

The Hon. Sir W. P. HOWLAND, K.C.M.G., C.B., President of the Ontario Bank, and President of the Confederation Life Association.

## Vice-President.

Col. C. S. GZOWSKI, A.D.C. to the Queen.

## Manager.

J. F. KIRK, Esq.

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COLIN J. MACKENZIE, Esq. of Portmore. | W. H. MURRAY, Esq., W.S., Edinburgh.
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## OFFICE—28 CASTLE STREET, EDINBURGH.

## BANKERS IN SCOTLAND.

NATIONAL BANK OF SCOTLAND, LIMITED, and its BRANCHES.
NORTH OF SCOTLAND BANK, LIMITED, ABERDEEN.

## LONDON BANKERS.

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INVESTMENTS—First Mortgages on Choice Heritable Securities.

The DIRECTORS are prepared to receive APPLICATIONS for an ISSUE of £100,000 DEBENTURE STOCK at par, redeemable, in the option of the Company, at a premium of 5 per cent. on the par value, after 2nd July 1903, and bearing interest at 4 per cent. The Stock ranks equally with the Debentures already issued or to be issued.

DEPOSIT RECEIPTS and DEBENTURE BONDS are issued by the Company, free of all expense to the Lenders, on terms which can be ascertained on application to the Agents.

Debentures are issued in Bonds of £100, or an even multiple thereof.

Interest runs from date of payment to the Company's Agents.

The DEPOSIT INTEREST WARRANTS and DEBENTURE COUPONS are payable Half-Yearly (2d January and 2d July) by the National Bank of Scotland, Limited, London, by whom also the principal sums, due under Debentures, are paid at maturity. The principal sums due under DEPOSIT RECEIPTS are repayable at 28 Castle Street, Edinburgh.

The Deposits, Debentures, and Debenture Stock are secured not only by the Investments of the Company on Mortgage of Landed Estates in Canada, but also by their Uncalled Capital (which is the limit of the Company's borrowing powers), distributed over a large and extensive Proprietary in this country and in Canada.

Further particulars and copies of the last Report and List of Shareholders of the Company may be had free on applying to

MACKENZIE & BLACK, W.S.,
28 CASTLE STREET, EDINBURGH,
*General Agents of the Company.*

# BONUS YEAR 1895.

# ENGLISH and SCOTTISH

## *Law Life Assurance Association.*

*ESTABLISHED 1839.*

Subscribed Capital, £1,000,000. Invested Funds, £2,007,000.

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WHOLE-TERM and ENDOWMENT ASSURANCES, with or without participation in Profits, at Economical Rates, and with Non-Forfeiture Privileges.

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