CHAPTER lxxiii.

A.D. 1881.

An Act to confer further powers on the Lord Provost Magistrates and Town Council of the Royal Burgh and City of Aberdeen, for municipal, police and other purposes.

[27th June 1881.]

WHEREAS by the Aberdeen Police and Waterworks Act, 1862 (herein-after called "the firstly-recited Act"), a body of Commissioners and a system of police were established in the city of Aberdeen: 25 & 26 Vict. c. cciii.

And whereas by the General Police and Improvement (Scotland) Supplemental Act, 1866, and by the Aberdeen Police and Waterworks Amendment Act, 1867 (herein-after called "the Act of 1867"), the firstly-recited Act was in certain respects amended: 29 & 30 Vict. c. 93. 30 & 31 Vict. c. li.

And whereas by the Aberdeen Municipality Extension Act, 1871 (herein-after called "the secondly-recited Act"), the municipal boundaries of the royal burgh and city of Aberdeen (herein-after called "the City") were extended and defined, the number of wards and of the magistrates and Town Council increased, and the municipal franchise, rights, privileges and immunities of the City, and the powers and jurisdiction of the Lord Provost, Magistrates, and Town Council (herein-after called "the Corporation," or "the Local Authority," or "the Town Council," as the case may require), extended over the area, lands and territory described in that Act, and the inhabitants of the same: 34 & 35 Vict. c. cxli.

And whereas by the secondly-recited Act, the powers of the Commissioners of Police, acting under and in virtue of the firstly-recited Act and the Acts amending the same, were transferred to and vested in the Town Council, and the provisions of those Acts, or some of them, were extended and made to apply to the City, as extended and defined by the secondly-recited Act:

And whereas by the secondly-recited Act powers were conferred on the Town Council for the supply of gas to the City and suburbs:

And whereas by the recited Acts the Town Council were authorised to borrow money for the purposes of the water department

A.D. 1881.

as herein-after defined, and of the gas undertaking, and it is expedient that the Town Council should be empowered to borrow further moneys for those purposes:

And whereas it is expedient that the powers of the Town Council with respect to the levying of the rates and assessments imposed by them should be amended and enlarged:

And whereas Miss Elizabeth Crombie Duthie of Ruthrieston has intimated her intention of making a gift to the Local Authority of certain lands in the neighbourhood of the City, for the purposes of a public park for the recreation, use and behoof of the inhabitants; but difficulties exist with reference to the acquisition of a portion of those lands, and it is expedient that the powers herein-after conferred on the Local Authority should be granted for the acquisition thereof, and that the said Miss Elizabeth Crombie Duthie and the Local Authority should be enabled to carry into effect the agreement entered into between them and contained in the Schedule (A.) to this Act, with reference to the said gift:

And whereas it is expedient that the Corporation and the Town Council should be authorised to make the new street and to execute the other improvements by this Act authorised:

And whereas plans and sections and also a book of reference thereto, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands which may be taken compulsorily for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk of the county of Aberdeen, and are herein-after respectively referred to as the deposited plans, sections and book of reference:

And whereas it is expedient that the provisions of the recited Acts or some of them should be in other respects amended:

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

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

Short title.

1. This Act may be cited as the Aberdeen Corporation Act, 1881.

When Act to take effect.

2. This Act shall come into operation, and take effect on and from the first day of August, one thousand eight hundred and eighty-one, except as regards the provisions contained in Part IV. hereof, intituled "Rates and Assessments," and those provisions shall come

into operation and take effect on and from the fifteenth day of May, one thousand eight hundred and eighty-two. A.D. 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106. 10 & 11 Vict. c. 16. 34 & 35 Vict. c. 41.

3. The Lands Clauses Consolidation (Scotland) Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, and the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners (except sections 84, 85, 86, and 87), so far as they are applicable for the purposes of, and are not varied by or inconsistent with this Act, are incorporated with and form part of this Act. The Gasworks Clauses Act, 1871, shall apply to the gas undertaking of the Town Council as if the same were hereby authorised.

Same meanings to words in incorporated Acts and this Act.

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

Interpretation of terms.

5. In this Act the following words and expressions where they hereafter occur, shall have the meanings hereby assigned to them :—

The word "person" includes trustees, corporations and companies;

The expression "the City" means the royal burgh and city of Aberdeen within the boundary and limits described and defined in the secondly-recited Act;

The expression "the burgh" means the burgh of Aberdeen within the boundary and limits described and defined by the Act 2 and 3 William IV., c. 65;

The expression "the Corporation" means the Lord Provost, Magistrates and Town Council acting as the municipal authority of the City;

The expression "the Local Authority" means the Lord Provost, Magistrates and Town Council acting as the Local Authority for the City under the Public Parks (Scotland) Act, 1878; 41 & 42 Vict. c. 8.

The expression "the Police Acts" means the Aberdeen Police and Waterworks Act, 1862, the General Police and Improvement (Scotland) Supplemental Act, 1866, the Aberdeen Police and Waterworks Amendment Act, 1867, and the Aberdeen Municipality Extension Act, 1871, in so far as it relates to police purposes;

The expression "the Town Council" means the Lord Provost, Magistrates and Town Council acting in the execution of the Police Acts, or of the secondly-recited Act in so far as it relates to gas purposes, as the case may require;

The words and expressions "premises," "street," "valuation roll," "yearly value," "occupier," "treasurer," "collector," "sur-

A.D. 1881.

veyor," have the same respective meanings as are assigned to those words and expressions by the firstly-recited Act;

The words and expression "lands," "owner," "gas treasurer," have the same respective meanings as are assigned to the said words and expression by the secondly-recited Act;

The expression "lands and heritages" has the same meaning as is assigned to it by the Valuation of Lands (Scotland) Acts 17 and 18 Vict., c 91., and 20 and 21 Vict., c. 58;

The expression "private lane" means any lane, road, street or passage not maintained by the Town Council, and which communicates with a street and forms a common access to premises separately occupied;

The word "court" includes any court, close or passage used solely for foot passengers, and which communicates with a street or private lane, and forms a common access to premises separately occupied;

The expression "dwelling-house" includes any building which is intended to be used either wholly or in part as a dwelling-house, but shall not include any business premises by reason of the residence thereon of any porter, watchman, caretaker or other person in charge thereof:

The expression "the sheriff" means the sheriff of Aberdeen and Kincardine, and includes sheriff substitute;

The expression "the water department" means the water undertaking authorised by the firstly-recited Act and the Acts amending the same;

The expressions "the gas undertaking" and "the gas limits" mean the gas undertaking and the gas limits as defined by the secondly-recited Act.

Interpretation of terms in this Act and the Police Acts.

6. The following expressions where they occur in this Act shall have the meanings hereby assigned to them:—

The expression "new building" shall include the conversion into a dwelling-house of any building not originally constructed for human habitation;

The expression "mews lane" shall mean and include any lane wholly or partially used or occupied in connexion with stable premises;

And those expressions where they occur in the Police Acts, shall hereafter have the same meanings.

I.—Acquisition of Lands.

Power to acquire lands shown on plans, &c.

7. The Corporation, and the Local Authority, and the Town Council, as the case may be (in this part called "the purchasers"), for the purposes of this Act may respectively from time to time enter on,

purchase, take, hold and use all or any of the lands or heritages shown on the deposited plans, and described in the deposited book of reference.

Correction of errors in deposited plans, &c.

8. If there be any omission, misstatement, or erroneous description of any lands, or of the owners, lessees, or occupiers of any lands shown on the deposited plans, or described in the deposited book of reference, the purchasers, after giving ten days notice to the owners, lessees and occupiers affected by such proposed correction, may apply to the sheriff for the correction thereof, and, if it appear to the sheriff that such omission, misstatement, or erroneous description arose from accident or mistake, he shall certify the same accordingly, and shall in such certificate state the particulars of the omission, and in what respect any such matter is misstated or erroneously described, and the decision of the sheriff in such matter shall be final.

Certificate to be deposited.

9. The certificate of the sheriff shall be deposited in the office at Aberdeen of the principal sheriff clerk of the county of Aberdeen, and a duplicate thereof shall be deposited with the session clerk of the parish in which the lands to which such certificate relates are situate, and such certificate and duplicate shall be kept by such sheriff clerk and session clerk respectively, along with the other documents to which they relate, and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate, and the purchasers may enter on, purchase, take, hold and use for the purposes of this Act any lands in accordance with such certificate as if such omission, misstatement, or erroneous description had not been made.

Period for compulsory purchase of lands.

10. The powers of the purchasers for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the commencement of this Act.

Power to acquire lands by agreement.

11. In addition to the lands which the purchasers are by this Act authorised to take compulsorily, they may from time to time, by agreement, purchase or otherwise acquire any lands and any interest, easement, right of user, power or privilege in, over, or affecting any lands which they think expedient for any of the purposes of this Act not exceeding in the whole ten acres.

II.—New Works.

Power to make new street and other works.

12. Subject to the provisions of this Act, and to the powers of deviation hereby given, the Corporation may, in the lines and situation, and upon the lands in that behalf delineated on the deposited plans, and described in the deposited book of reference, and according to the levels in that behalf shown on the deposited sections, make and maintain the works following, with all necessary and

A.D. 1881.

proper works connected therewith or incidental thereto respectively, (that is to say):—

(*a*) A new road or street between the two streets known respectively by the names of Belvidere Place and Upper Leadside, all in the parish of Old Machar;

(*b*) The alteration and improvement of Weigh House Square in the parish of St. Nicholas (east parish); and

(*c*) The alteration and improvement of Pocra Quay in the parish of St. Nicholas (St. Clement's parish).

Streets to be stopped up.

13. The Corporation may stop up and discontinue as public streets or thoroughfares:—

(*a*) That portion of Weigh House Square in the parish of St. Nicholas (east parish), which is included within the following boundary, that is to say, commencing at a point in line with the front to Regent Quay of the house belonging or reputed to belong to John Begg, distiller, and distant forty-five feet westward from the south-west corner of the said house, thence running northwards for a distance of one hundred and one feet along a line drawn parallel to and at the distance of forty-five feet from the west side of the said house, thence westwards for a distance of one hundred feet along a line drawn parallel to and at the distance of three feet from the north side of the Weigh House to the east boundary of the property belonging or reputed to belong to the trustees of the deceased George Pegler, merchant, thence southwards to the north boundary of the said Weigh House, thence westwards along the north boundary of the said Weigh House for a distance of twenty-four feet, thence southwards along the west boundary of the said Weigh House for a distance of twenty-seven feet, thence westwards at right angles to the last-mentioned boundary for a distance of six feet, thence southwards at right angles to the said last-mentioned boundary for a distance of twelve feet, and thence eastwards along Regent Quay in a straight line to the point of commencement;

(*b*) The roadway leading through property belonging to the Corporation behind the Steam Yacht Hotel at Pocra Quay, in the parish of St. Nicholas (St. Clement's parish), numbered "3,3" in that parish on the deposited plans.

The land and soil of the said square and roadway so stopped up and discontinued shall be and the same are hereby vested in the Corporation, freed and discharged from the public use thereof.

Corporation may sell, feu or lease lands.

14. The Corporation may from time to time, if and when they think fit, sell, feu or lease all or any part of any lands and property vested in, or acquired by them under the authority of this Act, and on and under such terms and conditions as the Corporation think

fit, and all moneys received by the Corporation in consideration of any such sale, feu, or lease, shall be applied by them towards the common good of the City. A.D. 1881.

Power to erect new pumping station at Cults.

15. Subject to the provisions of this Act and to the powers of deviation hereby given, the Town Council may upon the lands at Cults, in the parish of Banchory-Devenick, delineated on the deposited plans, and described in the deposited book of reference, erect and maintain a building or station for new pumping machinery to be worked by steam or other motive power, for the purposes of the water supply to the city and suburbs thereof and districts and places adjacent thereto, with all necessary and proper works connected therewith and incidental thereto.

Power to take down buildings.

16. The Corporation and the Town Council respectively may take down the whole or any part of the buildings on any part of the lands and property acquired by them under the authority of this Act, and sell and dispose of the materials thereof.

Power to make subsidiary works.

17. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation and the Town Council respectively in connexion with the works by this Act authorised or any of them and for the purposes thereof, may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said works or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or any of them, or of crossing under or over the same, or any of them or otherwise.

Power to deviate.

18. Subject to the provisions of this Act, in making the said works the Corporation and the Town Council respectively may deviate laterally to any extent within the limits of deviation defined on the deposited plans, and they may respectively deviate beyond those limits with the consent of the persons through whose lands any such deviation is proposed to be made, and in making the said new road or street the Corporation may deviate from the levels thereof as referred to the datum line shown on the deposited sections, but not to any extent exceeding five feet.

Power to alter and divert sewers, &c.

19. The Corporation and the Town Council respectively from time to time may alter and divert, either temporarily or permanently, all sewers, drains, mains and pipes which they find it necessary or convenient for any of the purposes of this Act so to interfere with, making to all persons who sustain any damage thereby, compensation in that behalf, such compensation in case of dispute to be ascertained in manner prescribed by the Lands Clauses

A.D. 1881.

Consolidation Acts incorporated with this Act, with respect to the settlement of questions of disputed compensation for lands.

Compensation for damage to buildings.

20. Where by reason of the alteration of the level of any street or the execution of any other work by this Act authorised, any house, building or premises shall be damaged or otherwise injuriously affected, the Corporation and the Town Council respectively shall, out of the moneys which they are authorised to apply under this Act to the alteration of such street or the execution of such work, make good the damage done, and pay to the owner and occupier of the house, building or premises, such compensation as may be agreed on between the owner and occupier and the Corporation or the Town Council, or failing their agreement such compensation as shall be ascertained in manner prescribed by the Lands Clauses Consolidation Acts incorporated with this Act, with respect to the settlement of questions of disputed compensation for lands.

Alterations of gas and water pipes, &c.

21. In executing any works by this Act authorised, the Corporation and the Town Council respectively may raise, sink or otherwise alter the position of any watercourse, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any such work, and also any main or other pipe laid down or used for carrying a supply of water or gas, and also, subject to the provisions of the Telegraph Act, 1878, any pipe, tube, wire or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making full compensation for all damage caused by any such alteration.

41 & 42 Vict. c. 76.

Alterations consequent on changing levels of streets to be made at expense of Corporation or Town Council.

22. Where by reason of the execution of any of the works by this Act authorised, the level of any street is raised or otherwise changed, or any alteration of any step, door or entrance into any house or building, or of any pavement, sewer, drain, or culvert, adjoining or belonging to any premises in the street is rendered necessary, the alteration shall be made by and at the expense of the Corporation or the Town Council, as the case may be, out of the moneys applicable under this Act to such works.

Period for completion of works.

23. If the works shown on the deposited plans and authorised by this Act are not completed within seven years from the commencement of this Act, then, on the expiration of that period, the respective powers by this Act granted to the Corporation and the Town Council for executing the works not so completed or in relation thereto shall cease to be exercised, except as to so much thereof as is then completed.

III.—Public Park.

Confirming agreement with Miss Duthie.

24. The agreement set forth in the Schedule (A.) to this Act between the Local Authority and Elizabeth Crombie Duthie, dated the twenty-sixth and twenty-seventh days of November, one thousand eight hundred and eighty, with reference to the acquisition, formation and maintenance of a public park for the recreation, use and behoof of the inhabitants of the City is hereby confirmed and made binding on the parties thereto, and full effect may and shall be given to the same.

Park to be maintained under 41 & 42 Vict. c. 8.

25. The Local Authority shall uphold and maintain the said park under and in terms of the Public Parks (Scotland) Act, 1878, and shall, subject to the provisions of this Act and the agreement hereby confirmed, have and possess with respect to the said park all the rights, powers and authorities vested in and conferred upon a local authority under the said Act.

Park to be deemed within the City for matters of police.

26. The said park shall, for all purposes of police and police regulations be, and be deemed to be within the City, and the Lord Provost and Magistrates of the City, the Local Authority, the Town Council, and their constables, officers and servants shall have, possess and exercise the like jurisdiction, powers, authorities, rights and privileges over and in relation to the said park, as they respectively have, possess, and exercise over and in relation to the City, and the several provisions and enactments contained in part XXXIV. of the firstly-recited Act, intituled "Jurisdiction of Police Court," (excepting section 497 thereof) shall extend and apply to the said park which shall be freed and exempt from all county police assessment.

The word "park" in this section shall not apply to or include any parts or portions of the lands specified in the ninth article of the said agreement, and which may have been feued or leased by the Local Authority in virtue of the power therein contained.

Saving rights of proprietors of salmon fishings.

27. Nothing in this Act contained shall take away, diminish, alter or abridge any rights, privileges or servitudes which the proprietors or owners, or lessees or tenants of the salmon fishings in or upon the pot of the River Dee, have to, in or over the said river, or the lands and property situated upon the left or north bank of the said river, and delineated on the deposited plans and described in the agreement set forth in the said Schedule (A.)

IV.—Rates and Assessments.

Repeal of certain provisions of recited Acts.

28. The several provisions and enactments of the recited Acts specified in the Schedule (B.) hereto annexed shall be and are hereby repealed.

A.D. 1881.

Town Council to impose general purposes assessment and water rate.

29. The Town Council shall once in each year at a meeting to be held as soon as may be after they shall have obtained a copy of the valuation roll for the year then current, estimate and fix the sums of money necessary to be levied for the year then current for the purposes of the Police Acts (other than by way of sewer rate) under the two several heads of general purposes and water department, and shall assess all occupiers of premises within the City according to the yearly value of such premises as follows, that is to say :—

(1.) For the general purposes of the Police Acts in such sum as may be necessary for these purposes for the year then current, and such general purposes shall include all the purposes of the Police Acts except those relating to the water department and except those for which sewer rates are authorised to be levied ;

(2.) For the water department in such sum as may be necessary for the purposes of the water department for the year then current, which assessment shall be termed "the water rate," and shall include the sums required for the payment of the interest of all moneys borrowed and owing by the Town Council for the time, or to be borrowed under the provisions of this Act for the purposes of the water department, and any money which shall be set apart and applied each year as and for the sinking funds for paying off the money borrowed under the provisions of the firstly-recited Act and the Act of 1867 or of this Act for the water department as herein-after provided, and the expense of obtaining, providing, preserving and distributing supplies of water within the City and districts and places adjacent thereto, and the maintenance and repair of the reservoirs, aqueducts, machinery, pipes and other waterworks, and all feu duties or other annual payments exigible from the water department, and the whole or such portions of the salaries, wages and other expenses of the engineers, surveyors, clerks, collectors, or other officers or servants employed by the Town Council as they shall think equitable and fair to charge to the water department, and all other charges and expenses attendant upon such department.

Limit of water rate.

30. The water rate to be imposed and levied under the provisions of this Act upon the occupiers of premises other than dwelling-houses shall not exceed one third of the amount of the water rate to be imposed and levied on dwelling-houses.

Supply of water.

31. The Town Council may furnish to any person within the City by means of communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained by and

at the cost of such person, a supply of water for the use of the occupiers or inmates of buildings within the City which are exempt from water rate under the provisions of the firstly-recited Act, or for any purpose not domestic, and the Town Council may at any time supply water to any person having or occupying lands or buildings situated beyond the City willing to contract for such supply, and such respective supplies shall be furnished on payment of such charge and upon such terms and conditions, and for such periods as shall be annually or otherwise agreed upon between the Town Council and the person desiring the same: Provided that, in so far as relating to premises within the City, the charge for such supply of water shall, except in cases where the buildings are exempt as before mentioned, be in addition to the water rate by this Act authorised to be levied.

The charge for such supply of water shall as far as possible be uniform to all persons in the same circumstances and requiring the same extent of supply.

The supply for domestic purposes by this and the Police Acts required, shall be and continue to be sufficiently provided, before the Town Council supply water for any other purpose.

Payment of charge for water supply.

32. The charge payable for the supply of water under the immediately preceding section of this Act shall be payable yearly or at such other times as the Town Council shall fix, and unless the Town Council shall otherwise determine shall be paid in advance, and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Town Council, or at the time when the agreement to take water from the Town Council is made.

Recovery of charge for water supply.

33. If any person shall refuse or neglect to pay any charge for the supply of water for which he is liable under the provisions of this Act when the same becomes due, it shall be lawful for the collector to recover the same according to the ordinary procedure before any competent court; or if such person shall refuse or neglect to pay such charge for the space of twenty-one days next after such charge shall be due and demanded from him by the collector, by leaving a written or printed notice, as is directed under the firstly-recited Act with respect to the recovery of the assessments authorised to be levied under the same, it shall be lawful for the collector to prosecute for, levy and recover such charge from such person in the same manner as is therein provided with respect to the recovery of the said assessments.

Rates on premises above 5*l.* rental and

34. Where any premises or lands and heritages, the annual rental or value of which is above five pounds, are let or sub-let for rent or

A.D. 1881.

let for less than a year to be levied on owners.

hire for any period less than one year or are not occupied for the whole year to which the assessments apply, but are occupied for a part of such year, the general purposes assessment and water rate leviable by the Town Council under this Act and all rates and assessments leviable by the Town Council, or the Corporation, or the Local Authority, under any public, general, or local Act of Parliament in operation for the time being within the City or within the burgh (which last-mentioned rates and assessments are herein-after referred to as the "burgh assessments") and at present payable by occupiers, shall be levied on, and recoverable from the owners of such premises, lands and heritages, instead of the occupiers; provided that such owners shall be entitled to a proportional abatement or return from such assessment corresponding to every entire period of three months during which such premises, lands and heritages shall not have been occupied in such year, and any owner who pays such rates or assessments shall be entitled to recover the sum so paid from the tenant or occupier of the premises or lands and heritages assessed, or a proportion thereof corresponding to the period for which any one or more tenants or occupiers shall have occupied the same.

Returns by proprietors of periods of letting of premises let for less than one year.

35. The assessor of lands and heritages for the burgh appointed and acting under the Acts 17 & 18 Vict., c. 91, and 20 & 21 Vict., c. 58, for the valuation of lands and heritages in Scotland, may and he shall at the same time that he requires any proprietor within the burgh to furnish him with the particulars prescribed by section seven of the first-mentioned Act, require that such proprietor shall in addition thereto furnish him with a written statement of the premises, lands, or heritages of which he is proprietor which are let to the respective tenants or occupiers thereof, for any period less than one year, all which such proprietor shall be bound to furnish within fourteen days of his being required by the assessor in writing so to do; and if such proprietor fail, without reasonable excuse to furnish such written statement, he shall be liable to a penalty not exceeding twenty pounds; and if any such proprietor shall present or cause to be presented to such assessor any false statement of the period or periods for which any premises, lands, or heritages belonging to him are let, he knowing the same to be false, he shall be liable to a penalty of fifty pounds; and every such penalty shall be recoverable and applied in the manner prescribed by the said first-mentioned Act.

Record of returns of periods of letting of premises let

36. The assessor of lands and heritages under the said valuation Acts shall record in the survey books used in the preparation of the valuation roll for the burgh, the results of the proprietors' returns as to their respective properties within the burgh, which are let for

any period less than one year, and all other information requisite for carrying out the provisions of this Act; and the returns duly recorded in the survey books for the burgh of premises, lands, or heritages within the burgh, which are let for any period less than one year, shall for the purposes aforesaid be as effectual, valid and authoritative for the purposes of this Act, always excepting that of valuation upon which the assessment proceeds, as if contained in the valuation roll of the burgh, and shall at all reasonable times be available to the collector of assessments under this and the recited Acts.

for less than one year.

37. Where any premises or lands and heritages, the annual rental or value of which does not exceed five pounds, are let or sub-let for rent or hire for a year or any period less than a year, the general purposes assessment and water rate leviable by the Town Council under this Act, and the burgh assessments at present payable by occupiers, shall be levied on and recoverable from the owners of such premises, lands and heritages, instead of the occupiers, subject to a deduction from such rates or assessments equal to one fourth of the amount thereof, and any owner who pays such rates or assessments shall be entitled to recover the sum so paid from the tenant or occupier of the premises, or lands and heritages assessed, or a proportion thereof, corresponding to the period for which any one or more tenants or occupiers shall have occupied the same.

Rates on premises not above 5*l.* rental and let for a year or less to be levied on owners.

38. The general purposes assessment and water rate leviable under the authority of this Act, shall be, and are hereby substituted in lieu and place of the general assessments and water rents leviable under the Police Acts, and all the provisions of those Acts shall (so far as the same are or may be applicable consistently with the express provisions of this Act) be and are hereby made applicable to the said general purposes assessment and water rate, and wherever the expressions "general assessments and water rents," "assessments and water rents," or other expressions of the same import are used in the Police Acts, such expressions shall (unless there be something in the subject or context repugnant to such construction) be held to mean the general purposes assessment and water rate leviable under the provisions of this Act.

Provisions of Police Acts to apply to general purposes assessment and water rate authorised by this Act.

39. All rates, assessments and moneys which, before the commencement of this Act, shall have become due or payable to the Town Council, and which shall be then unpaid, and all fines, penalties and costs which shall have been incurred under the recited Acts, previous to the commencement of this Act, and which shall be then unpaid, may be levied, collected, sued for and recovered by the Town Council, notwithstanding the repeal of the several pro-

Assessments may be recovered notwithstanding repeal of certain provisions of recited Acts.

A.D. 1881.

visions and enactments of the recited Acts specified in the Schedule (B.) hereto annexed.

V.—Additional Borrowing Powers.

Further borrowing powers for water purposes.

40. The Town Council may from time to time borrow on the security and credit of the general purposes assessment and water rate by this Act authorised to be levied, for defraying the cost of new and additional mains, pumping engines and other works, and other expenses connected with the water department any sums not exceeding thirty thousand pounds in addition to the sum of one hundred and seventy thousand pounds authorised by the firstly-recited Act and the Act of 1867 to be borrowed for the water department, and they may make and grant bonds and assignations for the money to be borrowed under the authority of this Act, and if after having borrowed the said sums or any part thereof, the Town Council pay off the same except by means of the sinking fund herein-after provided, they may again borrow the amount so paid off and so from time to time.

Further borrowing powers for gas purposes.

41. The Town Council may, but without prejudice to the annuities created by the secondly-recited Act, from time to time borrow and take up at interest for defraying the cost of providing additional retort houses, coal stores, purifier house and purifiers, gas holders, tanks, gas mains and meters, and other apparatus and works necessary to meet the increasing demand for gas within the limits authorised to be supplied by the Town Council, and for other expenses connected with the supply of gas to the City, any sum or sums of money not exceeding in the whole fifty-five thousand pounds in addition to the sum of twenty-five thousand pounds authorised by the secondly-recited Act to be borrowed for gas purposes, and all sums borrowed under the authority of this section shall be secured on mortgage of the rents, charges and revenues to be levied and received by the Town Council in respect of the gas undertaking and of the Aberdeen gas contingent guarantee rate; and for securing the moneys so to be borrowed, with the interest thereof, the Town Council shall, subject and without prejudice to the annuities, assign and make over the said rents, charges and revenues and the said rate to the person or persons who shall advance such moneys as a security for the repayment of the money so to be borrowed, together with interest for the same; and if, after having borrowed the said sums or any part thereof, the Town Council pay off the same except by means of the sinking fund herein-after provided, they may again borrow the amount so paid off, and so from time to time.

Power to borrow by anticipation.

42. Whereas the Town Council require in each year to expend money (1) for the purposes of the Police Acts and this Act in anticipa-

tion of the assessments and water rates leviable for such purposes, and for watching, paving, draining, sewerage, water and other purposes, the expenditure for which is recoverable by them, and (2) for expenditure incurred for gas purposes before the rents, charges and revenues to be levied and received by them become payable: the Town Council may borrow for the purposes first above mentioned any sum or sums of money not exceeding in the whole thirty-five thousand pounds, that is to say, for the purposes of the sewerage department four thousand pounds, for the purposes of the water department six thousand pounds, and for the general purposes of the Police Acts twenty-five thousand pounds, and may also borrow for the purposes second above mentioned, any sum or sums of money not exceeding in the whole twenty-five thousand pounds, and the Town Council may authorise the treasurer or gas treasurer respectively to grant bonds, bills or other vouchers for the same: Provided always, that the Town Council shall from time to time, and within one year after the date of borrowing such sum or sums, repay the same and the interest thereof out of the said assessments and water rates, and the moneys received on account of such expenditure, and out of the said rents, charges, and revenues respectively.

Sinking fund for moneys borrowed for water purposes.

43. The Town Council shall and they are hereby required annually to set apart as a sinking fund from and out of the water rate authorised to be levied by this Act, a sum not less than two pounds per centum upon all sums borrowed under the authority of this Act for the purposes of the water department, on the security of such water rate, (save and except upon sums borrowed from time to time for the purposes of the water department under the provisions of section forty-two of this Act,) and such sinking fund shall be from time to time applied by the Town Council in paying off such borrowed money (except as aforesaid) until the same be wholly paid off, and to no other purpose whatever.

Sinking fund for moneys borrowed for gas purposes.

44. The Town Council shall, and they are hereby required annually to set apart as a sinking fund a sum not less than two pounds per centum on the amount for the time being borrowed under this Act for gas purposes (save and except upon sums borrowed from time to time for the purposes of the gas undertaking under the provisions of section forty-two of this Act) to be applied in paying off the principal sums borrowed under the authority of this Act for those purposes: Provided always, that the said sinking fund shall be from time to time applied towards the payment of money borrowed (except as aforesaid) until the same be wholly paid off, and to no other purpose whatever.

Application to this Act of section 124 of

45. Section one hundred and twenty-four of the secondly-recited Act with respect to the mode of investing the sinking funds shall

A.D. 1881.

34 & 35 Vict. c. cxli.

be and is hereby made applicable to the sinking funds to be set apart as provided by this Act, in the same manner as if such sinking funds had been set apart under the authority of the said Act.

Power to borrow by way of cash credit for water purposes.

46. The Town Council may from time to time accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Town Council to the extent of the sum which they are by this Act authorised to borrow for the purposes of the water department or any part thereof; and they may from time to time by any bond and assignation, assign the general purposes assessment and water rate authorised to be levied by this Act as a security for the money advanced on such cash account or credit, together with interest for the same: Provided that the sum due and owing by the Town Council on such cash account or credit for the time, and the other moneys borrowed by them for the purposes of the water department, under the provisions of this Act (other than those contained in section forty-two) shall never, when taken together, exceed the sum by this Act authorised to be borrowed for the purposes of the water department.

Power to borrow by way of cash credit for gas purposes.

47. The Town Council may, subject and without prejudice to the gas annuities, accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Town Council, to the extent of the sum which the Town Council are herein-before authorised to borrow for gas purposes or any part thereof, and may make and grant mortgages of the rents, charges and revenues to be levied and received by the Town Council in respect of the gas undertaking, and of the Aberdeen gas contingent guarantee rate in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon: Provided always, that the whole principal sums due and owing by the Town Council on such cash account, and for money borrowed by them on mortgage as aforesaid, (but exclusive of moneys borrowed under the provisions of section forty-two of this Act), shall not when taken together, exceed the sum by this Act authorised to be borrowed for gas purposes.

Form of bonds, &c.

48. The provisions of the firstly and secondly recited Acts, with respect to the moneys to be borrowed by the Town Council, the interest thereon and the repayment thereof, and the form of bond and assignation, mortgage and transfer shall, in so far as applicable, apply to the additional sums by this Act authorised to be borrowed.

Existing mortgages to have priority.

49. Nothing in this Act shall prejudice or affect any mortgage, bond, or other security granted under the provisions of the recited Acts or any of them and existing at the time of the passing of this

Act, or any powers, rights or authorities of the persons entitled to any such mortgage, bond, or security for recovering or enforcing payment thereof or of the interest thereon, the rates and revenues authorised to be taken or levied under this Act being with respect to such mortgages, bonds and securities deemed identical with the rates, rents and revenues authorised to be taken and levied under the recited Acts. A.D. 1881.

VI.—Amendment of Acts.

Provisions as to plan and section of buildings.

50. The plan provided for by sections two hundred and ninety-six and three hundred and fifty-nine of the firstly-recited Act and section seventy of the Act of 1867, shall be drawn in ink on tracing cloth to a scale of not less than one eighth of an inch to every foot so far as regards dwelling-houses, and of not less than one sixteenth of an inch to every foot so far as regards public works, and shall show the foundations, position, form and dimensions of the several parts of such building, and all out-buildings or erections intended to be erected or to be used with such building, and such plan shall be accompanied by a plan and section of each storey of the building; and the intended mode of drainage, size of drains, and materials of which the drains are to be made, and the materials and dimensions of the external walls, and of the walls in which chimneys and flues are to be formed, shall be described by notes upon the said plan, or indicated by distinctive colours, and the said plan shall likewise show the extent and boundaries of the ground to form the site of and to be attached to the building, the width and level of the lowest floor of the intended building, and of the ground belonging thereto, and the proposed lines of house drainage.

Repair of private lanes.

51. In the case of any private lane which has not, in the opinion of the Town Council, been previously well and sufficiently laid out, or formed, and where one half of the building areas along such lane has been built upon or sold or feued for the purpose of being built upon, or as soon as areas to that extent are so built upon, sold, or feued, the Town Council may, after notice as herein-after provided, cause such lane, or such part thereof, either in length or breadth as they may think proper, to be levelled and macadamised, and gutters, channels and drains to be formed along the same, all in such manner as the Town Council may direct; and the expenses incurred in respect thereof shall be repaid to the Town Council by the owners of the lands before or opposite to which such works shall be executed, and shall be ascertained and recoverable as herein-after provided, and such lane shall thereafter be watched, cleansed, lighted and maintained by the Town Council, and be at all times open to the public: Provided that in so far as the obligations

A.D. 1881.

contained in this section depend on the extent of front feued out or built upon, the provisions herein contained shall operate and apply to any and every two hundred yards of such lane, in the same manner as if that were the whole length of the lane.

Recovery of expenses of repairing private lanes.

52. Where the Town Council shall, as herein-before provided, level and macadamise any private lane or part of a private lane, at the expense of the owners of the lands in such lane, the Town Council may execute or contract for the execution of such work required to be executed by any number of such several owners as a single work, and the expense of the whole of such work, together with an additional sum of five pounds per centum on such expense to be charged for supervision by the Town Council, shall be apportioned among such owners in proportion to the extent of the frontage of the lands belonging to them respectively abutting on such lane or part of a lane, and a statement of such expenses showing the proportion thereof payable by each such owner made up and certified by the treasurer and surveyor, shall be conclusive evidence of such proportion, and such expenses shall be recoverable by the Town Council in the manner and with the remedies provided by the firstly-recited Act, in regard to the recovery of expenses of any work required to be executed by owners or occupiers, and executed by the Commissioners of Police or by their directions on default being made in the execution thereof by such owners or occupiers, and which are not directed to be defrayed out of drainage rates authorised by the said Act to be levied by way of private assessment, or in the event of such expenses not being forthwith paid, the Town Council may in their option recover the said expenses from such owners in the manner provided in the said Act for the recovery of drainage rates authorised by the said Act to be levied by way of private assessment.

Notice of intended works to be given.

53. The Town Council shall, three weeks before proceeding with the levelling and macadamising of any private lane at the expense of the owners of the lands before or opposite to which such works are to be executed, cause written notice of their intention to be given to the owners or reputed owners of those lands.

Owners of property in courts to maintain the pavement.

54. Every owner of premises or lands and heritages in any court, the maintenance of which shall not have been assumed by the Town Council, shall at all times keep such court well and sufficiently paved or surfaced in such manner as the Town Council shall direct, and shall keep the water channels and drain traps therein in a fit and proper state; and in the event of any such owner failing to comply with an order to pave any such court and to complete the same within the time and in the manner specified in an order

addressed to him to that effect by the surveyor or sanitary inspector, or to have and keep the water channels and drain traps therein in a fit and proper state, the Town Council may cause such court, water channels and drain traps to be paved, laid, or put in a proper state at the cost of such owner, and such cost shall be apportioned and recovered in the manner provided by the fifty-second section of this Act.

Dwelling-houses to front streets thirty-six feet wide.

55. Every new building to be erected after the commencement of this Act for the purpose of being used as a dwelling-house shall be erected fronting a street not less than thirty-six feet in width, or shall have along the whole front of such building an open space adjoining, not less than thirty-six feet in width at any part: Provided always that this section shall not extend to the rebuilding of any dwelling-house which exists in any street at the date of the commencement of this Act, nor to the erection, with the consent in writing of the Town Council, of a dwelling-house in a mews lane for a coachman or the like.

Space to be left behind dwelling-houses.

56. Every new building to be erected after the commencement of this Act for the purpose of being used as a dwelling-house shall, subject to the provisions herein-after mentioned, have, at the rear thereof, an open space adjoining and exclusively belonging thereto, free from any erection thereon above the level of the ground (other than coal houses or other conveniences for the use of such dwelling-house, all which conveniences shall, as to height, position and dimensions, be erected subject to the consent and approval of the Town Council), and exclusive of any ground used in common for two or more dwelling-houses; and such open space shall be of the respective areas herein-after specified, that is to say:—

(*a*) If such dwelling-house be one storey in height above the level of such open space, the area of such open space to be left shall not be less than one hundred and fifty square feet, and the distance across every part of so much of such open space as is required to make up one hundred and fifty square feet between every such dwelling-house, and the building or property on the opposite side of such open space shall not be less than ten feet:

(*b*) If such dwelling-house be two storeys in height above the level of such open space, the area of such open space to be left shall not be less than two hundred and twenty-five square feet, and the distance across every part of so much of such open space as is required to make up two hundred and twenty-five square feet between every such dwelling-house and the building

A.D. 1881.

or property on the opposite side of such open space shall not be less than fifteen feet:

(*c*) If such dwelling-house be three or more storeys in height above the level of such open space, the area of such open space to be left shall not be less than three hundred square feet, and the distance across every part of so much of such open space as is required to make up three hundred square feet between every such dwelling-house and the building or property on the opposite side of such open space shall not be less than twenty feet;

And the area of open space in each of such cases shall not be less than one half of the area of the ground covered by the dwelling-house for which the same shall be left: Provided always that where any premises are proposed to be erected in any part of the City, partly for the purposes of a dwelling-house, and partly for the purposes of business premises, the Town Council may allow the open space required under the provisions of this Act for a dwelling-house, to be provided on part of such premises above the first storey from the street line, such storey not exceeding sixteen feet in height, measured from the level of the street: Provided also, that the Town Council may, as to such open space, dispense with or modify the requirements of this section in any case in which the Town Council shall, on the report in writing of the surveyor, be satisfied that by reason of immediately adjoining streets or other open spaces, adequate ventilation of the premises is secured: Provided also, that in the case of a dwelling-house of an irregular figure, the Town Council may allow the open space required in pursuance of this section, to be provided at the rear or side respectively of such dwelling-house, according as the rear or side or some part of the rear or side thereof presents the greatest length of frontage to such open space: Provided further, that this section shall not extend to any building to be erected after the commencement of this Act for the purpose of being used as a dwelling-house upon the site of a building which exists at the date of the commencement of this Act.

The word "storey" in this section shall not apply to or include any attic in the roof or any basement floor.

Space not to be built on.

57. Wherever in accordance with the provisions of this Act, any space has been left belonging to any building for the erection of which the sanction of the Town Council has been obtained, such space shall never afterwards be built upon in such manner as to reduce the area of open space below that herein-before required.

Continuance of space for existing dwelling-houses.

58. Where a dwelling-house which exists at the commencement of this Act has an open space belonging to it not greater than that required by this Act for new dwelling-houses, the same shall not be

built on, and where a dwelling-house which exists at the commencement of this Act has an open space belonging to it greater than that required by this Act for new dwelling-houses, the same shall not be built on so as to leave for such dwelling-house a less open space than that required by this Act for new dwelling-houses.

Height of rooms.

59. Every habitable room hereafter built (except rooms in the roof) shall be in every part nine feet in height at the least from the floor to the ceiling, and every such room in the roof shall average over one third the area thereof eight feet in height from the floor to the ceiling.

Ventilation of rooms.

60. Every habitable room hereafter built shall have at least one window, one half of which shall be made to open to the full extent; and if such room be without a fire-place, it shall be provided with special means of ventilation by air shaft or otherwise as the Town Council may approve.

Height of dwelling-houses in new streets.

61. No dwelling-house shall, without the consent of the Town Council, be erected in any new street to be laid out after the commencement of this Act, the height of which dwelling-house shall exceed the distance from the front thereof to the opposite side of such street, nor shall the height of any dwelling-house so erected be without the consent of the Town Council subsequently increased, at any time, so as to exceed such distance.

Height of dwelling-houses in existing streets.

62. No dwelling-house shall, without the consent of the Town Council, be erected in any street existing at the commencement of this Act, the height of which dwelling-house shall exceed the distance from the front thereof to the opposite side of such street, nor shall the height of any dwelling-house to the erection of which such consent shall have been given, or of any dwelling-house existing at the commencement of this Act or any rebuilding thereof, be subsequently increased at any time so as to exceed that distance without the sanction of the Town Council.

Measurement of height of dwelling-houses.

63. In estimating the height of dwelling-houses for the purposes of this Act the measurement shall be taken from the level of the centre of the street, immediately opposite the building, up to the eaves of the roof or the square of the building: Provided always, that where a dwelling-house shall be situated so as to abut on two streets of different levels the height shall be measured from the street which lies on the higher level.

No building to be erected in front of a dwelling-house.

64. Where the front wall of any dwelling-house is retired less than seventy-five feet from the line of the street in which it is erected, no building, other than a boundary or inclosing wall, shall, without the consent of the Town Council, be erected in front of such

A.D. 1881.

dwelling-house, unless such house shall cease to be used for human habitation: Provided always, that where a shop not exceeding one storey in height shall, with the consent of the Town Council, be erected in front of any such dwelling-house, and the floor of such dwelling-house on the level with the street shall be converted into and occupied as business premises, the remaining portion of such dwelling-house above the said floor may continue to be used for human habitation.

Penalties.

65. Any person offending against any of the preceding provisions contained in this part of this Act shall forfeit and pay for every such offence a penalty not exceeding forty shillings, and in case of a continuing offence, a further penalty not exceeding twenty shillings for each day during which such offence shall continue.

Town Council may convey portions of streets to adjoining proprietors.

66. The Town Council may, upon such terms and conditions as they think fit, sell and convey any portion of any street to the proprietor of any lands or heritages adjoining it, for the purpose of obtaining a uniform line of frontage or improving such street.

Construction of section 330 of 25 & 26 Vict. c. cciii.

67. Section three hundred and thirty of the firstly-recited Act shall be read and construed as if the words "no new mews lane or private lane" were inserted in the said section, instead of the following words which occur therein, that is to say, "no new mews lane," and as if the following words were inserted in the said section after the words "twenty feet in width" which occur therein, that is to say: "Provided always that any and every condition which "the Town Council may prescribe in giving such approval shall be "binding and obligatory on the feuars along the said street or "lane."

Extension of time for approving of plans.

68. Sections two hundred and ninety-seven, two hundred and ninety-eight, two hundred and ninety-nine, three hundred and thirty-five, three hundred and thirty-seven, three hundred and fifty-nine and three hundred and sixty of the firstly-recited Act shall be read and construed as if the words "one month" were inserted in the said sections instead of the words, "fourteen days," which occur therein.

Construction of sections 143, 144, and 145 of 34 & 35 Vict. c. cxli.

69. Sections one hundred and forty-three, one hundred and forty-four, and one hundred and forty-five of the secondly-recited Act shall be read and construed as if the words "causeway or carriageway" had been used therein instead of the words "carriage" or "carriageway" wherever the same occur in the said sections.

Town Council may purchase by

70. The Town Council may, by agreement with the owner, purchase any lands or heritages for the purpose of widening, enlarg-

ing, extending or otherwise improving any street, and the lands or heritages so purchased shall for ever thereafter be added to and form part of such street, and a receipt in the form of the Schedule (C.) to this Act annexed, or as nearly in that form as the circumstances in each particular case will permit, by the owner of such lands or heritages, for the purchase price or compensation, shall be a sufficient valid and effectual discharge to the Town Council for the same without the necessity of any conveyance or other title in their favour to the lands or heritages so purchased.

agreement lands to improve streets.

71. Every person who is guilty of any of the following acts or omissions shall in respect of every such offence be liable to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding twenty shillings for each day during which such offence shall continue (without prejudice to any other procedure or remedy competent to the Town Council), that is to say:—

Penalties for not giving notices, &c.

(1.) If he begin to make or lay out any new street (*a*) before having given to the Town Council the notice required by the firstly-recited Act, or (*b*) before the period of six weeks specified in the firstly-recited Act shall have expired, unless the level of such new street shall have been previously fixed, and the width thereof approved of by the Town Council:

(2.) If he begin to erect any building (*c*) before having given to the Town Council the notice, plan, description and section required by the Police Acts and this Act, or (*d*) before the period of one month specified in the sixty-eighth section of this Act shall have expired, unless the line, level, and mode of construction of such building shall have been previously approved of by the Town Council:

(3.) If, after the Town Council have fixed the level and approved of the width of any new street or fixed the line and level of any new building, he make any alteration therein without the approval of the Town Council to such alteration first had and obtained:

(4.) If he lay out, make or build upon any street, otherwise than in accordance with the level and width, form and direction thereof, fixed and approved by the Town Council.

72. In any case where it is certified to the Town Council by their officer of health, medical officer, surveyor, or sanitary inspector, or by any two medical practitioners, that any building or part of a building is unfit for human habitation, the Town Council may, by their order, affixed conspicuously on the building or part of the building, declare that the same is not fit for human habitation, and the same shall not, after a date therein to be specified, be inhabited,

Buildings unfit for human habitation.

A.D. 1881.

and any person who after the date or time mentioned in such order lets or continues to let, or knowingly occupies or suffers to be occupied such building or part of a building shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same is so let or occupied: Provided always, that if at any time after such order is made, the Town Council shall be satisfied that such house has become or been rendered fit for human habitation, they may revoke their said order, and the same shall thenceforward cease to operate.

Medical practitioners to report infectious diseases. 30 & 31 Vict. c. 101.

73. In order to secure more prompt action in dealing with infectious diseases, every medical practitioner practising within the City shall, within twenty-four hours of the same coming to his knowledge, report to the Town Council as the Local Authority of the City under the Public Health (Scotland) Act, 1867, every case of cholera, small-pox, measles, scarlet fever, scarlatina, diphtheria, typhus fever, enteric fever and whooping cough, occurring in his practice, and stating the house or place where the patient is being treated, and the name of such patient, under a penalty not exceeding forty shillings; and such practitioner shall be paid by the said local authority a sum not exceeding two shillings and sixpence for every such case so reported; and in order to facilitate the making of such reports, every such practitioner shall, from time to time, be furnished, on application to the said Local Authority, with printed forms stamped for postal transmission: Provided always that the said Local Authority may, from time to time, alter and vary the list of diseases of which such reports shall be made.

Certain provisions of 25 & 26 Vict. c. cciii. to apply to this Act.

74. All the provisions and enactments contained in Part XXXIV. of the firstly-recited Act, intituled "Jurisdiction of Police Court" (excepting section 497 thereof) shall apply to Part VI. of this Act in the same manner, and as fully to all intents and purposes as if such provisions and enactments were herein repeated and re-enacted.

VII.—Miscellaneous.

Repeal of section 100 of 34 & 35 Vict. c. cxli.

75. Section one hundred of the secondly-recited Act is hereby repealed.

Pressure of gas.

76. All the gas supplied by the Town Council to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer, and any person, appointed for the purpose by the sheriff may, subject to the terms

of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose require the Town Council to open any street, road, passage or place within the gas limits; and the provisions of the secondly-recited Act, with reference to the testing of the illuminating power of gas and to penalties shall mutatis mutandis apply to such testing of pressure.

Quality of gas.

77. The prescribed number of candles shall be twenty.

Burner.

78. The prescribed burner shall be a union jet burner, capable of consuming five cubic feet of gas per hour.

Interest on money deposited as security for gas meter.

79. If any person is required by the Town Council to give to them security for the payment of the price or rent of a meter, the Town Council shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Fractional parts of a penny on gas accounts.

80. In calculating and collecting the rates, rents and sums to be charged by the Town Council for gas, and the letting of meters under the secondly-recited Act, any fractional part of a penny less than a halfpenny on the amount of such charge shall not be reckoned as part of the amount, and any fractional part of a penny amounting to or exceeding a halfpenny shall be reckoned in the amount as one penny.

Provisions as to annual municipal elections.

81. Notwithstanding the provisions of the Act 3 and 4 William IV., chapter seventy-six, and the other Acts relating to municipal elections in burghs in Scotland, the appointment by the lord provost or senior magistrate for the time being of the City, immediately before any annual municipal election therein, of legal substitutes to preside at the polling places, and of persons to officiate as poll clerks in the several wards at such elections shall be valid notwithstanding that such lord provost or senior magistrate shall have respectively ceased to hold office after the making of such appointments and before the elections in respect of which such appointments were made.

Saving acts done, &c. under repealed clauses of recited Acts.

82. The repeal or amendment of any sections of the recited Acts which may be repealed or amended by this Act shall not affect anything duly done or suffered under any enactment hereby repealed or amended, or any right or liability acquired, accrued or incurred under any enactment hereby repealed or amended, or any security given under any enactment hereby repealed, or any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment hereby repealed, or any investigation, legal proceeding or remedy in respect of any such right, liability, security, penalty, for-

A.D. 1881.

feiture or punishment as aforesaid, and any such investigation, legal proceeding and remedy may be carried on as if this Act had not been passed.

Expenses of carrying out works.

83. The costs, charges and expenses of forming the new street between Belvidere Place and Upper Leadside, and carrying out the improvements at Weigh House Square and Pocra Quay by this Act authorised, shall be paid by the Corporation out of the funds under their control, or out of moneys borrowed by them on the security of those funds.

Expenses of Act.

84. The costs, charges and expenses of and incident to the preparing for, obtaining and passing of this Act shall be paid by the Corporation, the Local Authority and the Town Council respectively, out of the funds, assessments, rates, rents, charges and revenues under their control, or out of moneys borrowed under the authority of this Act and the recited Acts, in such proportions as they may determine.

SCHEDULE (A.)

AGREEMENT between Miss Elizabeth Crombie Duthie of Ruthrieston (herein-after referred to as "Miss Duthie") of the first part and the Lord Provost, Magistrates and Town Council of the Royal Burgh and City of Aberdeen (herein-after referred to as "the Town Council") of the second part.

WHEREAS Miss Duthie is desirous, out of the means and estate to which she has succeeded by the death of her uncle, the late Walter Duthie, W. S., Edinburgh, and of her brother, the late Alexander Duthie, advocate in Aberdeen, to perpetuate the memory of her said relatives and their hereditary connexion with the city of Aberdeen, as well as to evince her own interest in the said City and in the well-being of its inhabitants, and with this view has resolved to present to the Town Council a public park or pleasure ground (herein-after referred to as "the proposed park") for the recreation, use and behoof of the inhabitants of the said city of Aberdeen: And whereas Miss Duthie has recently purchased from the Town Council for the purpose of being converted into and forming part of the proposed park, all and whole the lands and others in the parish of Old Machar and county of Aberdeen, being the lands particularly described in the feu charter granted by Alexander Gibbon, Esquire, of Johnston, James McGregor Allan, residing in London, son of the now deceased Mrs. Jane Gibbon Knox or Allan, sometime residing in Aberdeen, widow of the deceased Doctor Colin Allan, late surgeon of Her Majesty's Forces, sometime residing at Frederickton, New Brunswick, and Alexander Cochran, advocate in Aberdeen, the surviving trustees, original and assumed, of the said Mrs. Jane Gibbon Knox or Allan, with consent of William Paul, advocate in Aberdeen, in favour of the lord provost, baillies and remanent members of the Town Council of the burgh of Aberdeen, dated the 4th, 7th and 11th days of July, 1876, and recorded in the division of the General Register of Sasines applicable to the county of Aberdeen, on the 7th day of August, same year, which lands and others are herein-after referred to as "the lands of Allanvale": And whereas Miss Duthie has also purchased from the Aberdeen Cemetery Company, Limited, for the purpose of being converted into and forming part of the proposed park, all and whole that part of the ninth lot of the town and lands of Pitmuxton, lying to the east of the road which forms the east boundary of the cemetery at Allanvale, belonging to the said cemetery company, lying in the said parish of Old Machar and county of Aberdeen, and being part of the lands particularly described in the disposition granted by Colin Allan, coppersmith in Aberdeen, and others, in favour of the said Cemetery Company, dated the 27th and 30th days of December, 1873, and 5th, 8th and 10th days of January, 1874, and recorded in the said division of the General Register of Sasines applicable to the county of Aberdeen, on the 13th day of March, 1874, which part so purchased is herein-after referred to as "the property purchased from the Cemetery Company": And whereas Miss Duthie is also desirous of acquiring for the purpose of being converted into and forming part of the proposed park, all and whole the lands of Arthurseat and others in the said parish of Old Machar and county of Aberdeen, belonging to

A.D. 1881.

Arthur Steuart Williamson, youngest son of the late Doctor Benjamin Williamson, physician in Aberdeen, being the lands particularly described in the instrument of sasine in favour of the said Benjamin Williamson in liferent, and the said Arthur Steuart Williamson in fee recorded in the Particular Register of Sasines, Reversions, &c., kept for the counties of Aberdeen and Kincardine, on the 8th day of April, 1850, which lands and others are herein-after referred to as "the lands of Arthurseat:" And whereas the said Arthur Steuart Williamson left this country for Australia in the year 1857, and no communication has been received from him since 1863, nor has he been heard of by his relatives since that time, and they are in absolute ignorance of his residence or address, and Alexander Edmond, advocate, Aberdeen, was nominated and appointed by the Lords of Council and Session to be his *factor loco absentis*, conform to interim act and decree in favour of the said Alexander Edmond, dated the 30th day of June, and extracted the 12th day of July, both in the year 1877, but his powers do not extend to transacting for a sale by agreement of any lands or heritable property belonging to the said Arthur Steuart Williamson: And whereas Miss Duthie is also desirous of acquiring for the purpose of being converted into and forming part of the proposed park, all and whole those parts and portions of the lands of Polmuir after described, all lying in the said parish of Old Machar and county of Aberdeen, that is to say: (*First*) that piece of ground, bounded on the north by the Deeside Railway, on the west by the lands of Allanvale, on the south by the lands of Arthurseat, and on the east partly by the lands of Arthurseat and partly by the road leading from Sycamore Place to Devanha Distillery; (*Second*) that piece of ground of a triangular shape, and included within the following boundary, that is to say:—commencing at the south side of the said road leading from Sycamore Place to Devanha Distillery, at a point twenty-two yards or thereby east from the east boundary wall of the lands of Arthurseat, running thence southwards in a straight line for a distance of thirty yards or thereby to the said boundary wall, and thence north-westwards along the said boundary wall to the point of commencement; and (*Third*) that piece of ground measuring one acre one rood and sixteen poles or thereby, lying to the west of the Caledonian Railway Viaduct across the River Dee, bounded on the west by the lands of Arthurseat, on the north and east by part of the said lands of Polmuir, and on the south by the north bank of the River Dee, together also with the said bank of the River Dee in so far as it extends along the south boundary of the said last-mentioned piece of ground; which three pieces of ground above described form part of the lands particularly described in the instrument of sasine in favour of Doctor William Pirrie, physician in Aberdeen, and of George King, bookseller in Aberdeen, and William Duncan, merchant there, both now deceased, the trustees under the antenuptial contract of marriage entered into between William Matthews, junior, leather merchant in Aberdeen, and Mrs. Barbara or Barbara Kyd Dingwall Fordyce afterwards Matthews, both now deceased; which instrument of sasine is dated the twenty-second, and recorded in the Particular Register of Sasines, &c., kept for the counties of Aberdeen and Kincardine, on the twenty-third days of September, both in the year one thousand eight hundred and forty-six, which subjects are herein-after referred to as "the said parts of Polmuir": And whereas the Town Council are about to apply to Parliament in the ensuing session for an Act to confer on them further borrowing powers and for other purposes, and Miss Duthie has requested them to include in the said Bill such clauses as may be requisite for

enabling them to acquire the lands of Arthurseat and the said parts of Polmuir by compulsory purchase for the purpose of being converted into and forming part of the proposed park, and the Town Council have agreed to such request on the conditions after mentioned: Therefore, the said parties have agreed as follows, viz. :—

First.—The Town Council shall promote a Bill in the session of Parliament next after November, one thousand eight hundred and eighty, for the purpose *inter alia* of confirming this agreement and conferring upon them such powers and authority as may be requisite to enable them to acquire by compulsory purchase the lands of Arthurseat and the said parts of Polmuir for the purpose of being converted into and forming part of the proposed park.

Second.—Miss Duthie hereby binds and obliges herself, her heirs, executors, and successors to bear and free and relieve the Town Council of the whole costs, charges and expenses incurred or which may be incurred by the Town Council in connexion with, or in reference to the said Bill in so far as such costs, charges and expenses are applicable to the portion of the Bill relating to the proposed park, and that whether the Act so to be applied for shall be obtained or not.

Third.—The Town Council shall, as soon as may be after the passing of the Act so to be applied for, proceed to take such steps as may be competent to them under the same for putting into operation and carrying into effect the powers thereby conferred upon the Town Council for the purchase of the lands of Arthurseat and the said parts of Polmuir.

Fourth.—When and so soon as the amount of the purchase price or compensation to be paid for the lands of Arthurseat and the said parts of Polmuir, respectively, is ascertained and fixed, Miss Duthie shall be bound as she hereby binds and obliges herself and her foresaids, to make payment to the Town Council of the amount of such purchase price or compensation, and also to pay to the Town Council or free and relieve them of the whole costs, charges and expenses which may have been incurred by them, or for which they may be liable in connexion with, or in consequence of, the said purchase, or in relation thereto, including all claims competent to the tenants of the said subjects under their respective leases.

Fifth.—Miss Duthie binds and obliges herself and her foresaids to lay out, at her own expense, the lands of Allanvale, the property purchased from the Cemetery Company, the lands of Arthurseat, and the said parts of Polmuir as a public park or pleasure ground, to be called "The Duthie Park," according to a plan and design prepared by William R. McKelvie, surveyor in Dundee, consisting of four sheets or drawings, which are all marked with the letter "A" and signed by the parties as relative hereto, or with such alterations thereon as may be approved of by Miss Duthie and the Town Council, and that within the space of two years after the Town Council shall have obtained entry to the lands of Arthurseat and the said parts of Polmuir; declaring that although in the formation of the proposed park it is intended to remove the south inclosing wall of the lands of Arthurseat and of the said parts of Polmuir so as to leave room for a carriage drive, nothing herein contained shall infer any obligation either upon Miss Duthie or the Town Council to form the carriage drive shown upon the said plan and design between the proposed park and the River Dee.

A.D. 1881.

Sixth.—Miss Duthie binds and obliges herself and her foresaids, previous to the execution of the disposition after mentioned, to redeem the whole annual feu duties and casualties of superiority payable for or in respect of the proposed park in so far as she may be entitled to redeem the same, and in the event of her being unable to do so, to provide a sum sufficient to pay the said annual feu duties and casualties of superiority.

Seventh.—On the completion of the proposed park, Miss Duthie binds and obliges herself and her foresaids to grant, execute and deliver a formal and valid disposition in favour of the Town Council of the lands of Allanvale, the property acquired from the Cemetery Company and the said parts of Polmuir, in so far as already belonging to her, it being hereby provided and declared that the disposition, conveyance, or other title to the lands of Arthurseat, and the other portions of the said parts of Polmuir shall be taken by the Town Council directly in their own favour for the purposes of the proposed park.

Eighth.—The Town Council bind and oblige themselves as the Local Authority for the said royal burgh and city of Aberdeen under the Public Parks (Scotland) Act, 1878, to accept the gift of the proposed park, and to uphold and maintain the same in all time coming as a park, public walk or pleasure ground, under and in terms of the said Act, for the recreation, use and behoof of the inhabitants of the said city of Aberdeen.

Ninth.—The Town Council shall have power at any time, if they shall deem it expedient so to do, to feu or lease that portion of the proposed park lying along the north side thereof, adjoining the Deeside Railway, measuring six acres or thereby, and shown upon a plan or drawing prepared by the said William R. McKelvie marked with the letter "B," and signed by the parties as relative hereto, and that under such conditions as the Town Council may consider proper, and the feu duties and rents to be obtained by such feuing or leasing shall be applied by the Town Council towards the expense which may be incurred by them in upholding and maintaining the proposed park, and for no other purpose whatever.

Tenth.—Any questions or differences which may arise between the parties as to the intent, effect, interpretation or implement of this agreement, shall be and are hereby submitted and referred to John Comrie Thomson, Esquire, advocate, sheriff-substitute of Aberdeen and Kincardine, whom failing John Dove Wilson, Esquire, advocate, sheriff-substitute of Aberdeen and Kincardine, as sole arbiter, and whose decision shall be final, conclusive and binding on both parties.

Lastly.—Both parties consent to the registration hereof, for preservation and execution.

In witness whereof these presents (written on this and the five preceding pages by James Meston, junior, writer in Aberdeen, together with the marginal addition on the fifth page hereof, also written by the said James Meston, junior) are executed by the said parties in duplicate as follows, viz.: are subscribed by Miss Duthie, at Aberdeen, upon the twenty-sixth day of November, in the year eighteen hundred and eighty. before these witnesses, Peter Macleod Cran, city chamberlain of Aberdeen, and Robert Middlemass, coachman to Miss Duthie, and are in terms of the Aberdeen Municipality Extension Act, 1871, subscribed on behalf of the Town Council by Peter Esslemont, the lord provost, George Donald, the senior baillie, and William Gordon, the town clerk, all of the said burgh of Aberdeen, and sealed with the common seal of the Town Council of the

said burgh, all at Aberdeen, upon the twenty-seventh day of the said month of November, and year last mentioned, before these witnesses, George Strachan and James Adam Ross, both writers in Aberdeen.

(Signed) P. M. CRAN, witness.
ROBERT MIDDLEMAS, witness.
GEORGE STRACHAN, witness.
JAMES A. ROSS, witness.

Seal.

(Signed) E. C. DUTHIE.
P. ESSLEMONT, lord provost.
G. DONALD, senior baillie.
W. GORDON, town clerk.

SCHEDULE (B.)

(1) Sections of the Aberdeen Police and Waterworks Act, 1862, repealed by this Act :—

Sections eighty-five, ninety-five, ninety-seven, four hundred and eleven, four hundred and twelve, four hundred and thirteen, four hundred and fifteen, four hundred and twenty-four, four hundred and twenty-five, four hundred and twenty-six, and so much of four hundred and ten as follows the words "Waterworks Clauses Act, 1847."

(2) Sections of the Aberdeen Police and Waterworks Amendment Act, 1867, repealed by this Act :—

Sections four, five, six, eight, ten, twelve and twenty.

(3) Sections of the Aberdeen Municipality Extension Act, 1871, repealed by this Act :—

Sections one hundred and thirty-six and one hundred and thirty-eight.

SCHEDULE (C.)

FORM OF RECEIPT FOR COMPENSATION FOR STREET IMPROVEMENTS.

I [*name and designation of grantor*], heritable proprietor of the piece of ground after mentioned, do hereby acknowledge to have received from the Lord Provost, Magistrates and Town Council of the Royal Burgh and city of Aberdeen, acting in the execution of the Aberdeen Police and Waterworks Act, 1862, and the Acts amending the same (herein-after referred to as "the Town Council"), the sum of [*state amount*], being the amount of the price or compensation payable to me by the Town Council, for and in respect of the piece of ground in Street, of Aberdeen, which has been purchased from me by the Town Council for the purpose of widening [*or, as the case may be*] the said street, which piece of ground is [*insert short description*], and is for ever here-after to be added to and form part of the said street. In witness whereof [*testing clause*].

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1881.