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Act, and the Cost of Distribution Pipes and other Expenses connected therewith: And whereas the Waterworks authorized by the first-recited Act have been constructed, and the said Sum of One hundred and thirty thousand Pounds has been raised and applied towards defraying the Expense thereof, and further Sums of Money are required to defray the Balance of the Expense of completing the said Waterworks, and extending the Distribution Pipes and other Works in connexion therewith: And whereas the Rates authorized by the first-recited Act for general Purposes and for the Water Department are inadequate; and in order to provide Funds for carrying into effect the Purposes of the first-recited Act and this Act it is necessary that the said Rates should be increased: And whereas it is expedient that the first-recited Act should be amended, and that further Provision should be made for carrying into execution the Purposes thereof; but these Objects 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 for all Purposes as "The *Aberdeen* Police and Waterworks Amendment Act, 1867."

Interpretation of Terms.

2. The Expression "general Assessments" in this Act shall mean and include the Assessments for general Purposes and the Water Rates leviable under the Authority of this Act; and the several Words and Expressions to which Meanings are assigned in the first-recited Act and the Acts therewith incorporated shall when used in this Act have the same Meanings as are by the first-recited Act and the said Acts assigned to the said Words and Expressions respectively, unless there be something in the Subject or Context repugnant to such Construction.

Clauses of 10 & 11 Vict. c. 16. with respect to Mortgages incorporated.

3. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners are, with the Exception of Section Eighty-four, incorporated with and form Part of this Act, and shall be applicable to the Bonds and Assignations to be granted under the Authority of this Act in the same Manner as the said Clauses are applicable to the Bonds and Assignations granted or to be granted under the Authority of the first-recited Act; and the Expression "Mortgage or Assignation in Security," used in the said Commissioners Clauses Act, shall in reference to this Act mean the Bonds and Assignations to be granted under the Authority of this Act.

GENERAL ASSESSMENTS AND WATER RENTS.

Power to increase the general Assessments.

4. It shall be lawful for the Commissioners, once in each Year, when estimating and fixing, as authorized by the Eighty-fifth Section of the first-recited Act, the Sums of Money necessary to be levied for the then current Year for the Purposes of that Act other than by way of Sewer Rates, under the Two several Heads of "General Purposes" and "Water Rate," to assess all Occupiers of Premises within the Limits of the first-recited Act according to the Rates following, in addition to the Assessments authorized by the said Section to be imposed; that is to say,

First, for the general Purposes of the first-recited Act and this Act, in any Sum not exceeding Twopence in the Pound of the yearly Value of all Premises within the Limits of the first-recited Act; and the Expression "the general Purposes of this Act," used in the first-recited Act, shall include all the Purposes of the recited Acts and of this Act, except those relating to the Water Department, and except those for which Sewer Rates are authorized to be levied:

Second, for the Water Department, in any Sum not exceeding Fourpence in the Pound of the yearly Value of all Dwelling Houses within the Limits of the first-recited Act, and in any Sum not exceeding Twopence in the Pound of the yearly Value of all Premises within the Limits of the first-recited Act other than Dwelling Houses; and the Water Rate by the Eighty-fifth Section of the first-recited Act, and the additional Water Rate by this Act authorized to be imposed, shall include, over and above the Sums required for the Water Department as described in the said Section, in so far as consistent with this Act, the Interest of any Money to be borrowed under the Provisions of this Act for the Water Department, and any Money which shall be set apart and applied each Year as and for the Sinking Fund herein-after provided for the Water Department.

Power to increase Water Rents.

5. In addition to the Water Rates by the first-recited Act and by this Act authorized to be levied, and to the Water Rent authorized by Section Four hundred and eleven of the first-recited Act to be charged and levied, the Commissioners may demand and receive further or increased Water Rent from every Person liable to pay Water Rent under the Authority of the said Section; and it shall be lawful for the Commissioners, once in each Year, when estimating and fixing the Assessments for general Purposes, and the Water Rates to be levied under the Authority of the first-recited Act, or of the first-recited Act and this Act, to fix the Rate of such further or increased Water Rent, and to charge and levy such further or increased Water Rent upon and from all such Persons accordingly: Provided always, that such further or increased Water Rent, and the Water Rent

authorized

authorized by Section Four hundred and eleven of the first-recited Act, to be charged and levied, shall not together in any Year exceed Four *per Centum* of the yearly Value according to which any Person liable for such Water Rents is assessed for general Purposes and Water Rates under the Authority of the first-recited Act, or of the first-recited Act and this Act: Provided also, that the Water Rents leviable under the Authority of the first-recited Act and this Act from any Person in any One Year in respect of the same Premises shall not be less than Five Shillings, unless the Commissioners shall otherwise determine.

Water Rents on Houses or Parts of Houses in separate Occupation.

6. When several Houses or Parts of Houses in the separate Occupation of several Persons are supplied with Water by the Commissioners by One common Pipe, the Commissioners may, if they think fit, instead of charging the several Occupiers of such Houses or Parts of Houses for Water Rent, agree with the Owner thereof that he shall be charged with and be liable for the Water Rent for such Supply, and such Owner shall be liable therefor accordingly, and in such Case the Commissioners may charge such Water Rent according to the aggregate yearly Value of such several Houses or Parts of Houses in the same Manner as if such Houses or Parts of Houses had been in the Occupation of One Person supplied with Water by the Commissioners.

Water Rent to be held as local Taxation in the Meaning of 5 & 6 W. 4. c. 70.

7. The Water Rent leviable under the Authority of the first-recited Act or this Act shall be held to be local Taxation in the Meaning of the Fifth Section of the Act 5 and 6 *William* IV., c. 70., intituled *An Act for abolishing in* Scotland *Imprisonment for Civil Debts of small Amount.*

Original and increased Rates to be imposed and levied as One Rate.

8. When the general Assessments and Water Rent shall be imposed or charged and levied under the Authority of the first-recited Act and also of this Act, such general Assessments and Water Rent shall respectively be imposed or charged and levied together as One Rate for general Purposes, or One Water Rate, or One Water Rent, as the Case may be.

Fractional Parts of a Pound under Five Shillings not to be reckoned.

9. In levying and collecting the Assessments and Water Rents under the first-recited Act and this Act, any fractional Part of a Pound of yearly Value less than Five Shillings shall not be reckoned as Part of the rateable Value; but any fractional Part of a Pound exceeding Five Shillings and not exceeding Ten Shillings shall be reckoned as Ten Shillings of rateable Value; and any such fractional Part exceeding Ten Shillings and not exceeding Fifteen Shillings shall be reckoned as Fifteen Shillings of rateable Value; and any such fractional Part exceeding Fifteen Shillings shall be reckoned as One

One Pound of rateable Value; and all such fractional Parts shall be assessed accordingly.

Where Premises let for less than a Year, Owners as well as Occupiers to be liable for Water Rent.

10. The Provisions of Section Ninety-seven of the first-recited Act with respect to the Liability for and Recovery of general Assessments, in the Case where any Premises within the Limits of the first-recited Act are let or sublet for Rent or Hire for a Period of less than One Year, shall extend and apply to the Liability for and Recovery of the Water Rents leviable from the Occupier of such Premises.

As to Meaning of "general Assessments" in recited Act.

11. The Expression "general Assessments" in Sections Twenty-five, Twenty-seven, and Thirty-three of the first-recited Act shall include Assessments for general Purposes and Water Rates to be levied under this Act if imposed.

Provisions of Part VI. of first-recited Act to be applicable to general Assessments and Water Rent authorized by this Act.

12. All the Provisions of Part VI. of the first-recited Act, except Section One hundred and eleven, 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 general Assessments and Water Rents by this Act authorized to be levied in the same Manner as if such last-mentioned general Assessments and Water Rents had been authorized to be imposed or charged and levied by the first-recited Act.

Repeal of Sect. 111 of first-recited Act, and Application of Assessments and Water Rents.

13. Section One hundred and eleven of the first-recited Act is hereby repealed, and in lieu thereof be it enacted, that the Assessments and Water Rents to be levied and collected under the Authority of the first-recited Act and this Act shall be applied by the Commissioners in the first place in paying the Interest of the Debt contracted by the Commissioners acting under the Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for better paving, cleansing, lighting, watching, and improving the Streets, Lanes, and other public Places and Passages within the City of* Aberdeen *and certain Grounds adjacent, for regulating the Police thereof, and for supplying the Inhabitants with Water*, and unpaid at the passing of this Act; in the second place, in paying the Interest of the Money borrowed or to be borrowed under the Authority of the first-recited Act and of this Act for general Purposes and the Water Department; in the third place, in forming the Sinking Funds by the first-recited Act, in so far as not hereby repealed, and this Act provided for paying off the Debt contracted by the Commissioners acting under the said Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, and the Money borrowed or to be borrowed under the Authority of the first-recited Act and this Act for general Purposes and

and for the Water Department; and in the fourth place, in paying and defraying the Costs, Charges, and Expenses attending the Execution of the recited Acts and this Act: Provided that nothing in this Section contained shall apply to the Sewer Rates to be levied under the Authority of the first-recited Act.

BORROWING POWERS.

Power to borrow Money on the Credit of the Assessments.

14. The Commissioners may from Time to Time borrow on the Security and Credit of the several Assessments and Water Rents by the first-recited Act and this Act authorized to be levied, save and except Sewer Rates, for defraying the Balance of the Expense of constructing the Waterworks authorized by the first-recited Act, and the Cost of Distribution Pipes and other Expenses connected therewith, any Sums not exceeding Forty thousand Pounds in addition to the Sum of One hundred and thirty thousand Pounds authorized to be borrowed by the first-recited Act for these Purposes, and may make and grant Bonds and Assignations for the Money to be borrowed under the Authority of this Act.

Power to reborrow.

15. If after having borrowed the Sums by this Act authorized to be borrowed, or any Part thereof, the Commissioners pay off the same otherwise than by means of the Sinking Fund herein-after provided, they may again borrow the Amount so paid off, and so from Time to Time.

Interest on borrowed Money may be paid half-yearly.

16. The Interest of the Money borrowed or to be borrowed by the Commissioners in virtue of the first-recited Act or this Act may be paid half-yearly to the several Parties entitled thereto, anything contained in any Bond and Assignation granted by the Commissioners to the contrary notwithstanding.

Form of Bonds and Assignations.

17. The Bonds and Assignations to be granted for the Money borrowed under the Authority of this Act may be in the Form of the Schedule (B.) to the first-recited Act annexed, or to the like Effect, and may be partly in Writing and partly printed, and shall be subscribed by Two of the Commissioners and the Treasurer: Provided that no Money shall be borrowed and no Bond or Assignation shall be granted or issued except by Authority given by the Commissioners to the Treasurer at a Meeting held for the Purpose.

Money may be borrowed on Cash Account.

18. The Commissioners 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 Commissioners according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which they are by this Act authorized to borrow, or any Part thereof, and they may from Time to

to Time by any Bond and Assignation, signed by Two Commissioners and the Treasurer, assign the several Assessments and Water Rents authorized to be levied by the first-recited Act and 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 Commissioners on such Cash Account for the Time, and the other Money borrowed on Bonds and Assignations under the Authority of the first-recited Act and this Act for defraying the Expense of constructing the said Waterworks, and the Cost of Distribution Pipes and other Expenses connected therewith, shall never when taken together exceed the Sum of One hundred and seventy thousand Pounds by the first-recited Act and this Act authorized to be borrowed for such Purposes.

Saving Priority of existing Bonds and Assignations.

19. All Bonds and Assignations granted by the Commissioners acting under the Authority of the said Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, or by the Commissioners under the Authority of the first-recited Act, save and except on the Security of the Sewer Rates, and which shall be in force at the passing of this Act, shall, during the Nonpayment thereof, have Priority over any Bonds and Assignations granted under the Authority of this Act; and the several Holders of such Bonds and Assignations granted by the said Commissioners or by the Commissioners shall have the same Priority among themselves in respect thereof as they would have had if this Act had not been passed.

Power to borrow Money in anticipation of Assessments.

20. Whereas the Commissioners may require to expend Money in any Year in the Execution of the Purposes of the recited Acts and this Act before the Assessments and Water Rents authorized by the first-recited Act and this Act to be levied and applied for such Expenditure become payable to the Commissioners or are recovered by them, the Commissioners may, in any Year commencing on the First Day of *June*, borrow any further Sum or Sums of Money not exceeding in the whole Ten thousand Pounds, to be expended in the Execution of the said Purposes in anticipation of the said Assessments and Water Rents, and may authorize the Treasurer to grant Bonds or Bills for the same: Provided always, that the Commissioners shall repay such borrowed Money and the Interest thereof out of the said Assessments and Rents levied in the Year in which such Money shall have been borrowed: Provided also, that the Assessments or Water Rents arising from the Department for which the Money so borrowed was expended shall be chargeable with the Repayment thereof.

Bonds and Assignations may be accompanied

21. Any Bond and Assignation which may be granted by the Commissioners after the passing of this Act may be expressed as being granted

with Interest Warrants as in Schedule (A.)

granted under the Authority of the first-recited Act and this Act; and the Commissioners may issue along with any such Bond and Assignation, and during the Period of any Postponement of the Term of Payment thereof, Interest Warrants in the Form of the Schedule (A.) to this Act annexed, or to the like Effect, signed by the Treasurer, for the periodical Payment of the Interest to become due on the Principal Sums thereby secured during the Period for which such Bond and Assignation is intended to subsist; and the Delivery to the Commissioners or their Treasurer, or to any other Person on their Behalf, of any such Interest Warrant duly stamped shall be a valid and sufficient Discharge to the Commissioners for the Interest in respect of which the same was issued.

Sinking Fund for Money borrowed for Waterworks.

22. Section Four hundred and seventy of the first-recited Act is hereby repealed, and in lieu thereof be it enacted, that it shall be lawful for the Commissioners, and they are hereby required annually after the First Day of *June* One thousand eight hundred and seventy-seven to set apart as a Sinking Fund, from and out of the Assessments and Water Rents by the first-recited Act and this Act authorized to be levied, except Sewer Rates, the following Sums; that is to say; for Six Years after the First Day of *June* One thousand eight hundred and seventy-seven a Sum not less than One Pound *per Centum per Annum* on the Amount borrowed under the Authority of the first-recited Act and this Act for the Purpose of defraying the Expense of constructing the Waterworks authorized by the first-recited Act, and of purchasing and acquiring the Lands and other Property taken therefor under the Provisions of the first-recited Act; and after the Expiration of Six Years from the First Day of *June* One thousand eight hundred and seventy-seven a Sum not less than Two Pounds *per Centum per Annum* on the said Amount; and such Sinking Fund shall from Time to Time be applied by the Commissioners in paying off such borrowed Money until the same shall be wholly paid off, and to no other Purpose whatsoever.

Sinking Fund for paying off Loans for Co struction of Sewers.

23. Section Four hundred and seventy-two of the first-recited Act is hereby repealed, and in lieu thereof be it enacted, that it shall be lawful for the Commissioners, and they are hereby required annually to set apart as a Sinking Fund, from and out of the Monies to be raised from the Sewer Rates authorized by the first-recited Act to be levied, a Sum equal to Three Pounds *per Centum per Annum* on the Sum or Sums borrowed on the Security of such Sewer Rates; and such Sinking Fund shall from Time to Time be applied by the Commissioners in paying off such borrowed Money until the same be wholly paid off, and to no other Purpose whatsoever; and Section Eighty-six of the first-recited Act shall be read and construed as if the Words "Three Pounds" were therein inserted instead of the Words "Five Pounds."

24. Whereas

Commissioners relieved of Obligation to make good past Deficiency in Sinking Fund for general Purposes.

24. Whereas from a Deficiency of Funds the Commissioners have been unable in either of the Years commencing on the First Day of *June* One thousand eight hundred and sixty-five and on the First Day of *June* One thousand eight hundred and sixty-six respectively to set apart towards the Sinking Fund provided for by Section Four hundred and seventy-three of the first-recited Act the Sum therein mentioned, and at the same Time to pay the preferable Charges and defray the Expenditure attending the Execution of that Act, and may be unable to make good the said Deficiency in future Years from the Assessments and Water Rents available for the Purpose while defraying therefrom the preferable Charges and the said Expenditure, the Commissioners shall not be required to set apart or apply any Portion of the Monies levied or received, or to be levied or received by them under the Authority of the first-recited Act and this Act, towards the said Sinking Fund for either of the said Two Years.

Provisions of first-recited Act as to Notice of Repayment and Sinking Funds to be applicable to this Act.

25. Sections Four hundred and sixty-six and Four hundred and seventy-four of the first-recited Act, with respect to the Notice of Repayment of Money borrowed and the Mode of investing the Sinking Funds, shall be and are hereby made applicable to the said Sum of Forty thousand Pounds, or any Part thereof, to be borrowed under the Authority of this Act and to the Sinking Funds to be set apart as provided by this Act in the same Manner as if such Money had been borrowed and such Sinking Funds had been set apart under the Authority of the first-recited Act.

Certain Provisions of first-recited Act to be applicable to this Act.

26. Sections Four hundred and sixty-eight and Four hundred and sixty-nine of the first-recited Act, with respect to the Nonliability of the Commissioners and Treasurer for Monies borrowed and the Penalty for misapplying Monies, shall be and are hereby made applicable to the Money to be borrowed or received or levied, and the Bonds and Assignations to be granted under the Authority of this Act, in the same Manner as if the Money to be borrowed or received or levied under the Authority of this Act had been borrowed or received or levied under the Authority of the first-recited Act.

Transmission of Bonds and Assignations by other Means than Transfer to be authenticated by a Declaration as in Schedule (B.)

27. If the Sum contained in any Bond and Assignation already granted, or hereafter to be granted by the Commissioners under the Authority of the first-recited Act or this Act, become transmitted in consequence of the Death, Bankruptcy, or Insolvency of any Creditor, or in consequence of the Marriage of a Female Creditor, or by any other Means than by a Transfer executed according to the Provisions of "The Commissioners Clauses Act, 1847," or of the first-recited Act, such Transmission shall be authenticated by a Declaration, which may be partly written and partly printed, in the Form, or as near as may be in the Form of the Schedule (B.) to this Act annexed;

annexed; and every such Declaration shall state the Manner in which and the Party to whom such Bond and Assignation has been so transmitted, and shall be made and signed by some credible Person before a Sheriff or Justice of the Peace; and such Declaration shall be left with the Clerk, who shall thereupon enter the Name and Address of the Person entitled thereto under such Transmission in the Register of Transfers, and for every such Entry the Clerk may demand any Sum not exceeding One Shilling; and until such Transmission has been so authenticated and entered in the said Register no Person claiming by virtue of any such Transmission shall be entitled to receive any Portion of the Sum contained in any such Bond and Assignation.

Contents of Declaration in Cases of Transmission by Marriage or Will.

28. If such Transmission be by the Marriage of a Female Creditor, such Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration or effecting thereof, and shall declare the Identity of the Wife with the Holder of such Bond and Assignation; and if such Transmission have taken place by virtue of any testamentary Instrument or by Intestacy, the Probate of the Will, or the Letters of Administration, or an official Copy thereof obtained from any Prerogative Court if granted in *England*, or a Testament Testamentary or Testament Dative if expede in *Scotland*, or an official Extract thereof, shall, together with such Declaration, be produced to the Clerk; and upon such Production in either of the Cases aforesaid the Clerk shall make an Entry of such Declaration in the Register of Transfers.

Commissioners not bound to regard Trusts.

29. The Commissioners shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any Bond and Assignation already granted or hereafter to be granted by the Commissioners under the Authority of the first-recited Act or this Act, or the Money, Principal or Interest, thereby secured may be subject; and the Receipt of the Person in whose Name any such Bond and Assignation stands in the Books of the Commissioners shall be a sufficient Discharge to the Commissioners for any Money payable in respect of such Bond and Assignation, notwithstanding any Trust to which the same or the Money thereby secured may then be subject, and the Commissioners shall not be bound to see to the Application of the Money paid upon such Receipt; and the Receipt of the Person named in any such Bond and Assignation or Transfer thereof, then surviving, shall from Time to Time be a valid and sufficient Discharge to the Commissioners for the Payment of the Interest on such Bond and Assignation.

Miscellaneous Provisions.

Electors entitled to vote as

30. The Proviso contained in Section Forty-five of the first-recited Act that no Person shall have more than One Vote in any Ward

Ward shall not be applicable to the Case of a Person qualified as an Individual and also entitled as a Partner of a Company consisting of Two or more Partners to vote at the Election of Commissioners in the same Ward. Individuals and Partners of a Company.

31. The List prepared as directed by Section Forty-eight of the first-recited Act may at any Time previous to the Day of Election, and notwithstanding such Lists shall have been circulated as directed by Section Forty-nine of that Act, be altered and amended by the Commissioners by inserting in such Lists the Name of any Person who ought to have been included therein, or by striking out the Name of any Person who ought not to have been inserted therein; and no such Amendment shall make void the said Lists. Commissioners may alter and amend the Election Lists.

32. It shall not be lawful for any Substitute or Poll Clerk who may be appointed under the Authority of Section Fifty-one of the first-recited Act to vote in any Ward at any Election of Commissioners at which such Substitute or Poll Clerk shall be officiating. Substitutes and Poll Clerks not entitled to vote at Election of Commissioners.

33. The Report of any Committee appointed under the Authority of Section Fifty-four of the first-recited Act to inquire into the Merits of any disputed Election shall not be subject to Appeal, Review, Suspension, or Reduction, or to be set aside or affected in any Court or by any Process whatsoever. Report of Committee on disputed Elections not reviewable.

34. Section One hundred and thirty-four of the first-recited Act shall be read and construed as if the Words "Every Person having "the Care of any Waggon, Cart, or Carriage who rides on the Shafts "thereof, or otherwise than on the Forepart of such Waggon, Cart, or "Carriage, and in such a Position as readily to see immediately before "and on either Side thereof, or who without having Reins with a Bit "attached thereto and in the Mouth of the Animal drawing the "same, and holding such Reins, rides upon such Waggon, Cart, or "Carriage, or any Animal drawing the same, or who is at such a "Distance from such Waggon, Cart, or Carriage, or in such a Position "therein as not to have due Control over every Animal drawing the "same," were inserted in the said Section instead of the following Words which occur therein; that is to say, "Every Person having the "Care of any Waggon, Cart, or Carriage who rides on the Shafts "thereof, or who without having Reins and holding the same rides on "such Waggon, Cart, or Carriage, or on any Animal drawing the same, "or who is at such a Distance from such Waggon, Cart, or Carriage "as not to have due Control over every Animal drawing the same." Penalty on careless driving.

35. The Owner or Owners of Common Stairs or Passages or private Courts, or of Lands or Premises having a Right of Access by any Common Owners to provide Lamps for Common Stairs, &c.

Common Stair or Passage or private Court shall, when required by the Commissioners, within Seven Days next after Service of an Order for that Purpose, make Provision for lighting such Common Stair or Passage or Court in a suitable Manner, and for that Purpose provide and erect all necessary Lamps, and alter, repair, and renew such Lamps to the Satisfaction of the Commissioners; and in default of Compliance with any such Order, such Owner or Owners shall be liable to a Penalty not exceeding Forty Shillings for every Day that he or they shall so make Default.

Penalty for not keeping Common Stairs, &c. lighted.

36. If the Lamp or Lamps which may be erected in any such Common Stair or Passage or private Court is or are not regularly cleaned and lighted during such Hours as are from Time to Time fixed by the Commissioners by the Occupier of any Building or Part of a Building to which Access is obtained by such Common Stair or Passage or private Court, every such Occupier failing to do so, whether under Obligation by Contract or in virtue of this Provision, shall be liable to a Penalty not exceeding Ten Shillings for each Offence.

Common Stairs to be ventilated, and Houses let for short Periods to be cleaned.

37. The Owner or Owners of Common Stairs or Passages or private Courts shall have the same provided with proper Means of Ventilation to the Satisfaction of the Surveyor, and the Owner or Owners of Common Stairs or Passages or private Courts, and the Owner or Owners of Lands or Premises having a Right of Access by any Common Stair or Passage or private Court shall whitewash or paint the same as often as required to do so by the Inspector; and the Owners of all Premises occupied as Dwelling Houses let for a shorter Period than Six Months shall whitewash and properly cleanse such Premises and every Part and Pertinent thereof, to the Satisfaction of the Inspector, at least once in the Year, or oftener if required by the Inspector, and any such Owner failing in either Case to do so shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for not keeping Common Stairs and Passages clean.

38. If any Common Stair or Passage in any Building leading to parts thereof separately occupied is not regularly and effectually swept and kept clean, every Occupier of any Part of such Building to which Access is obtained by means of such Common Stair or Passage shall be liable to a Penalty not exceeding Five Shillings for each Offence.

Penalty for not keeping Areas clean.

39. If any Area in front of any Premises is not regularly and effectually swept and kept clean, every Occupier of such Premises shall be liable to a Penalty not exceeding Five Shillings for each Offence.

Inspector may enter and cleanse Dwelling

40. The Superintendent of Police or Inspector may at all reasonable Times enter all Premises and their Pertinents where he has reason to believe that they are not in a cleanly Condition or have an Accumulation

Accumulation of Filth therein, and may cleanse and purify the same, and may remove such Filth therefrom at the Expense of the Owner of such Premises, reserving to the said Owner his Recourse against the Occupier thereof if such unclean Condition or such Accumulation of Filth shall have been caused or suffered to remain by such Occupier; provided that if the Owner or Occupier of any such Premises shall object to the Entrance of the Inspector, it shall not be lawful for the Inspector to enter without a Warrant from the Magistrate authorizing him to do so.

Houses, &c. at Expense of Owners.

41. On a Report by the Officer of Health of the Commissioners that in any District or Place within the Limits of the first-recited Act it would be desirable to use special sanitary Measures in order to mitigate the Severity or prevent the Spread of epidemic, endemic, contagious, or other Disease, or that any such Disease prevails or exists and threatens to prevail in such District or Place, the Commissioners may approve thereof, and on such Approval being given the said Officer of Health or the Inspector may give Notice, in manner provided by Section Three hundred and seventy of the first-recited Act, to the Owner or Occupier of any Dwelling House situate in such District or Place, requiring such Owner to cleanse and lime-wash the Outside thereof and the Common Stair and Lobbies and Staircases, and requiring such Occupier to cleanse and whitewash the Interior thereof, and to purify, ventilate, and disinfect such Dwelling House or any Apartment or Bedding or Clothes therein.

Houses to be cleansed and disinfected to prevent the Spread of Disease.

42. If any Owner or Occupier to whom Notice has been given to execute any of such sanitary Operations considers himself aggrieved thereby, he may within Two Days thereafter appeal to the Commissioners by delivering to the Clerk written Objections signed by him, and the Commissioners shall inquire into and dispose of all Questions competently raised in such Objections.

Commissioners may cancel or modify Notice.

43. Every Owner or Occupier to whom such Notice has been given who does not comply therewith by executing the Work therein specified before the Expiry of the Period therein stated, or before the Expiry of Three Days after the Decision of the Commissioners on his Objections, if such last-mentioned Period be longer than the first, shall be liable to a Penalty not exceeding Ten Shillings for every Day or Part of a Day thereafter during which such Work shall not be executed to the entire Satisfaction of the said Officer of Health or the Inspector.

Penalty for Non-compliance with Notice.

44. If any Owner or Occupier to whom such Notice has been given fails to comply therewith, the Magistrate may, on a Complaint by the Procurator-Fiscal or Superintendent of Police, grant Warrant to

Magistrate may grant Warrant to execute

Works required by the Inspector.

to enter the Land or Premises and to execute the Work therein specified; and the Magistrate shall thereafter ascertain the Cost thereof, and may find the said Owner or Occupier liable in a Penalty not exceeding the Amount of such Cost; but no such Application shall operate as a Relief to any Owner or Occupier from Liability for any Penalties which had been incurred by him previous to the Date thereof.

Commissioners to take precautionary Measures, reporting to the Privy Council.

45. The Commissioners may issue and enforce against every Owner and Occupier of Lands and Premises within any District or Place within the Limits of the first-recited Act in which the said Officer of Health has reported that special sanitary Measures are desirable in order to mitigate the Severity or prevent the Spread of epidemic, endemic, contagious, or other Disease, such Orders and Regulations as the Commissioners may, with the Concurrence of such Officer, from Time to Time think expedient for preventing as far as possible or mitigating such Disease; provided that all such Orders and Regulations shall be inserted once in at least One Newspaper published in *Aberdeen*, and a Copy thereof shall be forwarded by the Clerk to the Lords of Her Majesty's Most Honourable Privy Council, who may, if they think proper, disallow, revoke, or modify the same; and if not so disallowed, revoked, or modified, such Orders and Regulations shall come into operation and be effectual without Confirmation by the Sheriff.

Regulations to be made by Commissioners.

46. Such Orders and Regulations may provide:

For House to House Visitation:

For the Removal to an Hospital (but where the Person is capable of consenting only with the Consent of the Person to be removed) of any Person suffering from any contagious Disease:

For the Abatement or Removal of any Nuisance which is reported by the said Officer of Health to have in his Opinion caused, or to be likely to cause, or to aggravate any epidemic, endemic, or contagious Disease, or to interfere with the Removal thereof, or to injure the Health of the Inhabitants:

For preventing the Spread of any such Disease in the said District or Place, or in Ships or Vessels lying within the Harbour of *Aberdeen*:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with Disease such medical Aid and such Accommodation as may be required.

Commissioners may defray Expenses out of Monies raised under

47. The Commissioners may defray the Expense of carrying into effect such Orders and Regulations out of the Monies to be raised under the Provisions of the first-recited Act and this Act, or out of the Monies to be raised under the Authority of "The Nuisances Removal

Removal (*Scotland*) Act, 1856," or any other Act in force for the Time for the Removal or Prevention of Nuisances, and may out of any of the said Monies defray the Expense of any of the sanitary Operations which, under the Authority of this Act or of such Orders and Regulations, any Owner or Occupier of a private Dwelling House may be required to perform, if from the Poverty of such Owner or Occupier it shall appear expedient to do so. first-recited Act and this Act, or under 19 & 20 Vict. c. 103. on ground of Poverty.

48. Every Person who fails to observe or fulfil any Order or Regulation made and published by the Commissioners under the Powers herein-before conferred on them with respect to the Prevention and Mitigation of Disease shall be liable to a Penalty not exceeding Five Pounds. Penalty for Breach of Regulations.

49. Every Person who is convicted of any Offence specified in Section One hundred and forty of the first-recited Act shall be liable to a further Penalty not exceeding Forty Shillings in respect of every Day or Part of a Day during which such Offence continues after such Conviction. Penalty on Persons allowing Nuisance to continue.

50. Every Person who keeps any Cow or Swine, except in a Place licensed by the Commissioners for that Purpose, and which Place they are hereby authorized to license on the Application of the Owner or Occupier thereof, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty not exceeding Forty Shillings in respect of every Day or Part of a Day during which such Offence continues after the Conviction for the First Offence; and the Commissioners may from Time to Time revoke or suspend any Licence granted by them for keeping any Cow or Swine in any Place. Penalty on Persons keeping Cows or Swine in Places not licensed.

51. All Stables, Cattle Sheds, Cowhouses, and Byres, and Areas therewith connected shall be constantly kept in a clean Condition, to the Satisfaction of the Inspector, 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. Stables, &c. to be kept clean.

52. All Persons dealing in Rags, Bones, and other offensive Substances shall be bound at all Times to keep their Premises in which such Articles are kept in a cleanly State, to the Satisfaction of the Superintendent of Police or Inspector, and to fumigate such Premises with Chloride of Lime or other purifying Matter for removing offensive Smells at least Three Times a Week, at the Sight of the Superintendent of Police or of the Inspector, or of any Person acting under them; and Access without previous Notice shall at all reasonable Times be given Offensive Substances.

given to the Superintendent of Police or the Inspector, or such other Person acting under them, for that Purpose; and any Person failing therein shall, on Conviction before the Magistrate, forfeit any Sum not exceeding Two Pounds for each Offence; and if it shall be established before the Magistrate, on the Testimony of Two Medical Practitioners or other Evidence, that the collecting or keeping of Bones or Rags or other Substances in the Vicinity of any Dwelling House, Shop, or other Place is prejudicial to the Health or Comfort of Persons residing or employed therein, the Magistrate may order such Rags, Bones, or other Substances to be removed within such Time as he may see proper, and may prohibit such collecting or keeping in future under a Penalty not exceeding Five Pounds.

Commissioners may require Owners of Slaughter-houses to construct Works.

53. The Commissioners may, by Notice in Writing to the Owner of any Slaughter-house within the Limits of the first-recited Act, require such Owner, within a Time to be specified in such Notice, to execute such structural Works on, within, or adjoining such Slaughter-house as the Commissioners may consider necessary for keeping the same in a clean and proper State.

Slaughter-houses may be provided by the Commissioners.

54. The Slaughter-houses which the Commissioners may, under the Authority of Section Four hundred and forty-nine of the first-recited Act, lease, build, or provide, may be leased, built, or provided either within the Limits of that Act, or within a Distance of Two Miles beyond such Limits.

If Commissioners provide Slaughter-houses no other Places to be used.

55. If the Commissioners resolve to build or provide, and do build or provide Slaughter-houses in virtue of the Powers contained in the first-recited Act and this Act, 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 Limits of the first-recited Act elsewhere than within the said Slaughter-houses, under a Penalty of Five Pounds for each Offence; and the Commissioners may demand and take for the Use of the said Slaughter-houses such reasonable Rate or Sum as may be agreed on and fixed 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 and determined by the Sheriff in a summary Manner without written Pleadings, and the Decision of the Sheriff shall be final and not subject to Appeal, Review, Suspension, or Reduction, or to be set aside or affected in any Court or by any Process whatsoever.

Commissioners may make Bye-laws for

56. The Commissioners may from Time to Time make such Bye-laws as they think fit for the Regulation of any Slaughter-houses to be

be built or provided by them in virtue of the Powers contained in the first-recited Act and this Act, and for the Regulation of the Conduct of all Persons resorting to such Slaughter-houses or carrying on Business or employed therein, and in regard to the Mode of Conveyance of Butchers Meat therefrom to the Markets, Shops, or other Places where the same may be exposed for Sale; and the Enactments contained in Part XXXII. of the first-recited Act, intituled "Byelaws," shall, so far as applicable to Byelaws made by the Commissioners, be and are hereby made applicable to the Byelaws to be made in virtue of this Section in the same Manner as if such Enactments were herein repeated and re-enacted with reference to such Byelaws.

Regulation of Slaughter-houses.

57. Every Person who sells or exposes for Sale or keeps for the Purpose of Sale any of the following Articles shall be liable to a Penalty not exceeding Ten Pounds:

Any Animal or Part of an Animal which died from Disease:

Any Animal or Part of an Animal, or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food:

Any blown, stuffed, or pricked Meat.

Penalty for offering unwholesome Meat for Sale.

58. Every Person who knowingly sells or exposes for Sale, or keeps for the Purpose of Sale, any adulterated Butter, Meal, Bread, or other Article of Food shall be liable to a Penalty not exceeding Five Pounds.

Penalty for offering adulterated Provisions for Sale.

59. Every Occupier of any Premises used for the Sale of Butchers Meat, Poultry, Game, Fish, Butter, Meal, Bread, or any other Article of Food who does not keep the same clean and in good Condition, to the Satisfaction of the Superintendent of Police or the Inspector, or the Inspector of unwholesome Food to be appointed by the Commissioners as herein-after authorized, or other Person appointed by the Commissioners for that Purpose, shall be liable to a Penalty not exceeding Twenty Shillings.

Penalty for want of Cleanliness in Meat and Provision Shops.

60. The Superintendent of Police or the Inspector, or the said Inspector of unwholesome Food or other Person appointed by the Commissioners for the Purpose, may enter without any Warrant, and without previous Notice, any Building or Part of a Building or other Place ordinarily used for the Sale or Manufacture for Sale of any Article of Food, or for the Slaughter of any Animal, to inspect and examine any Animal or Part of an Animal, or any Fruit or Vegetable, or any Article of Food exposed for Sale, or which there is probable Cause for believing to be intended for Human Food, and may seize, impound, and convey to the Police Office, or to any other Place to be appointed by the Commissioners, any Animal or Part of an Animal, or

Superintendent of Police or Inspector, or Inspector of unwholesome Food may impound unwholesome Meat or adulterated Provisions.

or any Fruit or Vegetable, or any Article of Food in respect of which there is reasonable ground for supposing that a Penalty has been incurred under any of the Provisions herein-before contained or any of the Byelaws made under the Authority of the first-recited Act or this Act; and if such Penalty is imposed the Magistrate may declare such Animal or Part of an Animal, Fruit, Vegetable, or Article forfeited, and shall order the same to be destroyed or so disposed of as to prevent its being exposed for Sale or used for Human Food.

Unwholesome Food may be impounded.

61. The Superintendent of Police or the Inspector, or the said Inspector of unwholesome Food or other Person appointed by the Commissioners for the Purpose, may without any Warrant seize, impound, and convey to the Police Office, or to any other Place to be appointed by the Commissioners, any Animal or Part of an Animal, or any Fruit or Vegetable, or any Article of Food which is being carried or conveyed in or along any Street, and which there is probable Cause for believing to be intended for Human Food, but to be unsound or unwholesome or unfit for Human Food, or adulterated; and if it appear to the Magistrate that any such Animal or Part of an Animal, Fruit, Vegetable, or Article is unfit for Human Food, or adulterated, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for Human Food; and the Person to whom such Animal or Part of an Animal, Fruit, Vegetable, or Article belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Five Pounds.

Warrant may be granted by the Magistrate to search suspected Places for Animals which have died of Disease, &c.

62. The Magistrate may on a Complaint by the Superintendent of Police or the Inspector, or the Inspector of unwholesome Food or other Person appointed by the Commissioners for the Purpose, grant Warrant to enter any Building or Part of a Building or other Place in which there is reasonable ground for believing that any Animal or Part of an Animal which died of Disease, or any Animal or Part of an Animal, or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or any adulterated Butter, Meal, Bread, or other Article of Food is kept or concealed or lying for Conveyance or Delivery with a view to Sale or Use for Human Food, although such Building or Part of a Building, or other Place, may not be ordinarily used for the Purpose of selling the same, and to search for, impound, and convey to the Police Office, or to any other Place to be appointed by the Commissioners, any such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food.

Penalty on Persons found in possession of such Animals, &c.

63. Every Person who is found in possession of any Animal or Part of an Animal which died of Disease, or of any Animal or Part of an Animal, or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or of any adulterated Article of Food, on

on the Execution of a Warrant by the Magistrate, shall be presumed to have kept or concealed the same knowingly with a view to Sale until the contrary be shown, and shall be liable in respect thereof to a Penalty not exceeding Ten Pounds; and the Magistrate, whether he imposes such Penalty or not, may declare such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food to be forfeited, and shall order the same to be destroyed or so disposed of so as to prevent its being exposed for Sale or used for Human Food.

Inspector of unwholesome Food may be appointed.

64. It shall be the Duty of the Inspector, if required by the Commissioners, to see that the Provisions of this Act with respect to unsound, unwholesome, and adulterated Food are carried into effect; or the Commissioners may appoint a separate Person, to be called the Inspector of unwholesome Food, to perform such Duty, and if the Commissioners think fit, also to perform all the Duties with respect to Slaughter-houses imposed by the first-recited Act on the Inspector.

Inspector of unwholesome Food may prosecute in Cases in his Department.

65. The said Inspector of unwholesome Food may and is hereby required, if directed by the Commissioners, to prosecute for the Public Interest, by a Complaint in his Name before the Magistrate, in all Cases arising out of any Breach of the Provisions of the first-recited Act or this Act, or of the Byelaws made by the Commissioners with respect to any Matter or Thing which by this Act may be put under his Charge.

Penalty for committing Frauds in Weight of Bread.

66. All Bakers and Dealers in Bread shall, on all Bread made or exposed by them for Sale (except fancy Bread or Rolls), impress 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.

Branch Drains or Pipes may be carried through intervening Property.

67. Where a Drain or Pipe is to be laid under Authority of or as required by Section Two hundred and ninety-three or Section Two hundred and ninety-four of the first-recited Act from any House or Building to any Sewer of the Commissioners, if any other House or Building or Ground intervenes between such first-mentioned House or Building and such other House or Building or Ground, the Owner and Occupier of such other House or Building or Ground shall permit such Drain or Pipe, if necessary, to be carried through or under the same on receiving Payment of reasonable Compensation in respect thereof from the Commissioners or Person (as the Case may be) constructing such Drain or Pipe; and all such Owners and Occupiers shall at all reasonable Times afford Access to all such Houses or Buildings

or

or Ground owned or occupied by them for the Construction of the Works, and for making all Repairs necessary thereon: Provided always, that the Works shall be so executed as to occasion the least Inconvenience to any such Owner and Occupier, and that any Injury done to such Houses or Buildings or Ground in the Execution of the Works shall be forthwith repaired, and that Authority to construct such Drain or Pipe shall first be obtained from the Magistrate, who shall at the same Time fix the Amount of the Compensation to be paid in respect thereof as above provided; which Authority may be granted summarily, on hearing the Parties concerned, without written Pleadings, or on their failing to appear and object: Provided also, that where such Compensation shall be paid by the Commissioners the Amount thereof shall be held to be Part of the Cost of executing the Work authorized by the said Section Two hundred and ninety-three of the first-recited Act.

On the Construction of new Drains old Cesspools to be filled up.

68. When the Commissioners shall have executed, in the Case of any House or Building, the Work authorized by Section Two hundred and ninety-three of the first-recited Act, they may fill up any Cesspool into which Sewage from such House or Building was conveyed, and the Expense of filling up such Cesspool shall be held to be Part of the Cost of executing the Work authorized by the said Section.

Drains for new Houses to be constructed by Commissioners so far as within Streets, and Connexions with Sewers to be made by them.

69. The Portion to be situated in any Street of any Drain which Persons intending to build or rebuild a House or Building are required by Section Two hundred and ninety-four of the first-recited Act to cause to be made leading from the intended Site of such House or Building into a Sewer belonging to the Commissioners shall be constructed or laid by the Commissioners, and no such Drain shall be connected with any such Sewer unless by the Commissioners; and the Expense incurred by the Commissioners in respect of such Portion, and of making such Connexion, shall be forthwith repaid to them by the Owner of such House or Building.

Additional Particulars to be shown on Plan of Buildings and re-buildings.

70. The Plan provided for by Section Two hundred and ninety-six of the first-recited Act shall show the Level at which the Foundation of any House or Building is proposed to be laid, either by Reference in manner provided by the said Section, or by Reference to the Level of the Surface of the Street opposite to such proposed House or Building, and shall also show the Size, Level, and Fall, and Description of Material of any Drain intended to be constructed below or leading from such House or Building, and the Position of any Water-closet, Sink, or Rain-water Pipe intended to be constructed within or upon the same, and of any Ashpit or Dust Bin, Area, or Yard Sink, or Cesspool intended to be constructed in or upon the Ground adjoining to such House or Buildings: Provided that nothing herein contained shall prejudice the Powers of the Commissioners with respect to the

Drainage

Drainage of Houses contained in Sections Two hundred and ninety-three to Three hundred and six, both inclusive, of the first-recited Act.

Penalty for introducing Matter calculated to choke Drains.

71. The Occupier of any House or other Place into the Cesspool or Soil Pipe or Branch Drain of which any Matter calculated to choke the same shall be introduced or allowed to enter shall be liable to a Penalty not exceeding Forty Shillings, besides being liable to repair any Damage occasioned by such Offence.

Foot Pavements to be constructed with Gutters or Channels.

72. Section Three hundred and nine of the first-recited Act shall be read and construed as if the Words "Footways with Gutter or Channel" had been inserted in that Section instead of the Word "Footways" wherever that Word is used in that Section; and Section Three hundred and ten of that Act shall be read and construed as if the Words "a proper Kerb or Bord Stone, with a paved Gutter or Channel," had been inserted in that Section instead of the Words "a proper Kerb or Bord Stone" used therein.

Commissioners may cause Houses built in new Streets laid out contrary to Provisions of first-recited Act to be altered or pulled down.

73. If any new Street or Mews Lane has been or shall be made or laid out contrary to the Provisions of Section Three hundred and thirty of the first-recited Act, and if any House or Building shall be begun or erected in such new Street or Mews Lane, the Commissioners may cause such House or Building to be altered or pulled down, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Person owning or erecting such House or Building, and shall be recoverable in the same Manner in which under the Provisions of Section Five hundred and eleven of the first-recited Act the Damages, Forfeitures, and Expenses therein specified may be sued for and recovered, or sued for, recovered, and enforced.

Certain Sections of first-recited Act not to apply to paving by the Commissioners.

74. Sections Three hundred and sixty-five, Three hundred and sixty-six, and Three hundred and sixty-seven of the first-recited Act shall not apply to the paving of any Street or Part of a Street by the Commissioners under the Authority of that Act on Default being made by the Owners or Occupiers in the Execution thereof.

No Apartment to be let or used for sleeping in unless it has One or more Windows of a proportionate Size.

75. It shall not be lawful for any Owner, or the Factor or Agent of any Owner, to let, or for any Person to take on Lease, or to use or suffer to be used for the Purpose of sleeping in any Apartment in which there is not at least One Window, or in which each Window is not so constructed or hung as that at least One Third of it may be conveniently and easily opened, or in which the Sash of such Window, or the Sashes of the several Windows therein, are not of the Dimensions herein-after provided; *viz.*,

If the said Apartment contains less than Two thousand five hundred Cubic Feet of Space, unless the said Sash or Sashes give a superficial Area in the Proportion of One Foot for every Hundred of such Cubic Feet:

If the said Apartment contains more than Two thousand five hundred Cubic Feet of Space, unless the said Sash or Sashes give a superficial Area in the Proportion of One Foot for every One hundred and fifty of such Cubic Feet.

Fixing minimum Cubic Contents of small Dwelling Houses.

76. It shall not be lawful for any Owner, or the Factor or Agent of any Owner, to let, or for any Person to take on Lease, or to use or suffer to be used as a separate Dwelling House, any Building or Part of a Building which (exclusive of Lobbies, Closets, and Presses, and of Recesses not exceeding Four Feet in Depth, and not having a separate Window therein, and not perfectly clear from Floor to Ceiling and from Wall to Wall, and exclusive also of any Recesses in which there is any Fixture whatever,) is not of the following Dimensions, namely:

If such Dwelling House consists of One Apartment, and was used as a separate Dwelling House previous to the passing of this Act, unless it contains at least Seven hundred Cubic Feet of Space, or if it was not so used, unless it contains at least Nine hundred Cubic Feet of Space:

If such Dwelling House consists of only Two Apartments, and was used as a separate Dwelling House previous to the passing of this Act, unless it contains at least Twelve hundred Cubic Feet of Space, or if it was not so used, unless it contains at least Fifteen hundred Cubic Feet of Space:

If such Dwelling House consists of only Three Apartments, and was used as a separate Dwelling House previous to the passing of this Act, unless it contains at least Eighteen hundred Cubic Feet of Space, or if it was not so used, unless it contains at least Two thousand Cubic Feet of Space.

Penalty for letting or taking on Lease or using any Apartment or House so prohibited.

77. Any Person who lets or who takes in Lease any Apartment for the Purpose of sleeping in, or any Dwelling House which is not in conformity with the said Provisions, shall be liable to a Penalty not exceeding Five Pounds, and any Person who uses or suffers to be used for the said Purpose any such Apartment or Dwelling House shall be liable to a Penalty not exceeding Five Shillings for every Day or Part of a Day during which it is so used or suffered to be used.

Power to Commissioners to mark on small Dwelling Houses their Sizes and the Number who may live therein.

78. The Inspector, or any Person appointed by the Commissioners, may from Time to Time enter any Dwelling House which consists of not more than Three Apartments for the Purpose of measuring in Cubic Feet the Space contained therein (exclusive of Lobbies, Closets, and Presses, and of Recesses not exceeding Four Feet in Depth and not having a separate Window therein, and not perfectly clear from Floor to Ceiling and from Wall to Wall, and exclusive also of Recesses in which there is any Fixture whatever,) and to mark on or over the Outside of the Door of any such Dwelling House, if the Cubic Contents thereof

thereof do not exceed Two thousand Feet, or to affix thereto a Ticket on which are marked, in such Position and Style as the Commissioners see fit, the Number of such Cubic Feet, and the Number of Persons exceeding the Age of Eight Years who, without a Breach of the Provision next herein-after contained, may sleep therein; and any Person who obliterates, defaces, removes, or alters such Marking or Ticket shall be liable to a Penalty not exceeding Ten Shillings.

Penalty for exceeding such Number.

79. If any Dwelling House which consists of not more than Three Apartments is used for the Purpose of sleeping in by a greater Number of Persons than in the Proportion of One Person of the Age of Eight Years or upwards for every Three hundred Cubic Feet of Space, or of One Person of an Age less than Eight Years for every One hundred and fifty Cubic Feet of Space contained therein (exclusive of Lobbies, Closets, and Presses, and of Recesses not exceeding Four Feet in Depth, and not having a separate Window therein, and not perfectly clear from Floor to Ceiling and from Wall to Wall, and exclusive also of Recesses in which there is any Fixture whatever,) or by a greater Number of Persons than is marked thereon, in pursuance of the Provisions herein-before contained, every Person so using such Dwelling House, or suffering it to be used, shall be liable to a Penalty not exceeding Five Shillings for every Day or Part of a Day during which it is so used or suffered to be used; and the Inspector, or any Person authorized by the Commissioners, may from Time to Time enter such Dwelling House if they believe that these Provisions are being contravened.

Wells for the Supply of Ships may be let either by Public Auction or private Bargain.

80. The Power of leasing contained in Section Four hundred and thirty of the first-recited Act may be exercised by the Commissioners either by Public Auction as therein provided, or by private Bargain; provided that if any Lease shall be made by private Bargain the Provisions of "The Commissioners Clauses Act, 1847," with respect to Contracts to the Amount of One hundred Pounds or upwards to be entered into by the Commissioners shall apply to such Lease.

Provisions of first-recited Act as to Construction of Works and Entry upon Lands applicable to this Act.

81. Sections Three hundred and sixty-nine to Three hundred and seventy-nine, both inclusive, of the first-recited Act with respect to the Construction of Works by the Commissioners or by Owners or Occupiers, and the entering into and upon Lands shall, so far as consistent with this Act, also extend and apply to any Works which the Commissioners may make or construct, or require to be made or constructed, under the Authority of this Act, and to any Entry into and upon any Lands for the Purpose of Inspection under the Authority thereof.

Penalty for refusing Entry or Inspection to be made.

82. Every Person who shall refuse to permit any Person acting under the Authority of the recited Acts or this Act to enter into or upon

upon any Lands or Premises, or to make any Inspection authorized by these Acts or any of them, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Part xxxiv. of first-recited Act to be applicable to this Act.

83. All the Enactments contained in Section One hundred and twenty-six of the first-recited Act, and in Part XXXIV. of the first-recited Act, intituled "Jurdisdiction of Police Court," except Section Four hundred and ninety-seven thereof, shall be and are hereby made applicable to this Act in the same Manner as if such Enactments were herein repeated and re-enacted with reference to the Provisions contained in this Act.

Limits of Acts.

84. This Act and the whole Powers and Provisions thereof shall apply to and extend over and be put in force and execution within the compulsory Limits defined in the first-recited Act; and in the event of the Limits of the first-recited Act being extended in manner therein provided to and over any District or Portion of the other Territory situate within the Parliamentary Limits and Boundaries of the City of *Aberdeen*, this Act and the second-recited Act, and the Provisional Order thereby confirmed, and the whole Powers and Provisions thereof respectively, shall also apply to and extend over and be put in force and execution within such District or Portion.

Expenses of Act.

85. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners from and out of the Monies raised and received or to be raised and received by them under the Authority of the first-recited Act and this Act.

SCHE-

SCHEDULES referred to in this Act.

SCHEDULE (A.)

FORM OF INTEREST WARRANT.

ABERDEEN POLICE.

Bond and Assignation in Security of Rates No.
Aberdeen, 18

Interest Warrant No.

For Pounds Shillings and
Pence - - - - £ „ „
being Half Year's Interest on the said Bond and Assignation, payable to on the Day of 18 .

Treasurer of Police.

Entered

This Warrant will be paid on Presentation at the Bank, Aberdeen.

Subject to Deduction in respect of Income Tax.

If this Warrant is not presented at the Bank within Thirty Days after Date of Payment it can be paid only at the Office of the Treasurer of Police.

SCHEDULE (B.)

FORM OF DECLARATION.

I, *A.B.* [*Name and Designation*] do hereby solemnly and sincerely declare that the Bond and Assignation Number dated granted by the Commissioners of Police of the City of Aberdeen under the Authority of "The Aberdeen Police and Waterworks Act, 1862," and "The Aberdeen Police and Waterworks Amendment Act, 1867," [*or as the Case may be*] in favour of *C.D.* [*Name and Designation of Grantee*], [*and if there have been any previous Transferences, here add* "and which was afterwards transferred by the said *C.D.* to *E.F.* [*Name and Designation*] by "Transfer, dated the Day of ," [*or, as the Case may be*] is now vested in and held by *I.K.* [*Name and Designation*]: And I further

declare that the said Bond and Assignation has become vested in the said *I.K.* in manner following [*here state the Mode in which the Bond and Assignation has been transmitted from the Person whose Name last appears in the Books of the Commissioners as Creditors*]. And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of "Parliament, intituled 'An Act for the more effectual Abolition of "'Oaths and Affirmations taken and made in various Departments of "'the State, and to substitute Declarations in lieu thereof, and for "'the more entire Suppression of voluntary and extra-judicial Oaths "'and Affidavits;' and to make other Provisions for the Abolition of "'unnecessary Oaths."

Declared at this
Day of
Eighteen hundred and
Before me,
L.M. Sheriff [Sheriff Substitute, *or* Justice of the Peace, *as the Case may be*] of the County of

A.B.

LONDON:
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