CHAPTER xl.

An Act for extending the Municipal and Police Boundaries of the Burgh of Airdrie and for other purposes. A.D. 1885.

[25th June 1885.]

WHEREAS the burgh of Airdrie in the county of Lanark (hereinafter called "the existing burgh") is a burgh which contributes to send a member to Parliament and the boundaries of the existing burgh were fixed and defined by the Act second and third William the Fourth chapter sixty-five: 2 & 3 Will. 4. c. 65.

And whereas the following Acts relating to the existing burgh have been passed namely an Act passed in the first and second years of the reign of His Majesty King George the Fourth intituled "An "Act for erecting the Town of Airdrie in the county of Lanark "into a Burgh of Barony paving lighting and improving the same "and establishing a Police therein" (hereinafter called "the Act of 1821") and the Airdrie Police and Municipal Act 1849 (hereinafter called "the Act of 1849"): 1 & 2 Geo. 4. c. 60.

And whereas the several provisions of the General Police and Improvement (Scotland) Act 1862 which are set forth in the First Schedule to this Act have been adopted and are now in force in the existing burgh: 25 & 26 Vict. c. 101.

And whereas it is expedient that the municipal boundary franchise rights privileges and immunities of the existing burgh and the powers and jurisdiction of the provost and magistrates and of the magistrates and council of the existing burgh should be extended over the lands and territory comprised within the limits hereinafter described and that the Acts of Parliament relating to the existing burgh as amended by this Act should be applied to the burgh as so extended and that the number of the magistrates and councillors should be increased:

And whereas it is expedient that provision should be made as in this Act contained with reference to a dean of guild court and model lodging-houses and the roads and streets within the extended burgh:

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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 for all purposes as the Airdrie Burgh Extension Act 1885.

Commencement of Act.

2. This Act shall commence and come into operation from and after the passing hereof (which date is hereinafter referred to as the commencement of this Act) except in so far as it is specially provided to come into operation at any other period.

Provisions of 25 & 26 Vict. c. 101 incorporated.

3. The provisions of the General Police and Improvement (Scotland) Act 1862 set forth in the First Schedule to this Act shall except in so far as inconsistent with or varied by the provisions of this Act on and from the commencement of this Act be held to have been adopted in and to apply to the burgh.

38 & 39 Vict. c. 49 to apply to burgh.

4. The Artizans and Labourers' Dwellings Improvement (Scotland) Act 1875 as amended by any subsequent Act shall apply to the burgh as if it were a parliamentary burgh containing according to the last published census a population of upwards of twenty-five thousand.

Incorporation of general Acts.

5. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Act) are incorporated with this Act namely the Lands Clauses Consolidation (Scotland) Act 1845 except the provisions of that Act with respect to the purchase and taking of lands otherwise than by agreement the Lands Clauses Consolidation Acts Amendment Act 1860 and the Commissioners' Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners except section 84.

Interpretation.

6. In this Act the several 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:

The expression "the existing burgh" means the burgh of Airdrie as existing previously to the commencement of this Act;

The expression "the burgh" means the burgh of Airdrie as extended by this Act;

The expression "the districts annexed" means and comprehends so much of the territory of the burgh as is outside the limits of the existing burgh;

The expression "the parliamentary burgh of Airdrie" means the burgh of Airdie within the boundaries thereof as fixed by the Public Act second and third William the Fourth chapter sixty-five;

The expression "the Corporation" means as the case may be the provost magistrates and councillors of the burgh and the local authority of the burgh under the Roads and Bridges (Scotland) Act 1878 and the police commissioners;

The expression "the police commissioners" means the Corporation in their capacity of commissioners of police under the Police Act and this Act;

The expression "the dean of guild" means the dean of guild of the burgh;

The expression "the town clerk" means the town clerk of the burgh and the expression "the clerk" means the clerk of the police commissioners or his depute as the case may be;

The expression "the sheriff" means the sheriff of Lanarkshire and includes his substitutes and the expression "the sheriff clerk" means the sheriff clerk of Lanarkshire and includes his deputes;

The expression "the Police Act" means the General Police and Improvement (Scotland) Act 1862 and Acts amending that Act;

The word "person" includes corporation company trustees and commissioners;

The expression "the Valuation Acts" means the public Act of the seventeenth and eighteenth years of the reign of Her present Majesty chapter ninety-one intituled "An Act for the Valuation of Lands and Heritages in Scotland" and any Acts amending that Act;

The expression "the valuation roll" means the valuation roll made up under the Valuation Acts;

The expression "lands and heritages" has the same meaning as in the Valuation Acts;

The expression "Licensing Acts" means the Act ninth George the Fourth chapter fifty-eight the Act sixteenth and seventeenth Victoria chapter sixty-seven the Public-houses Acts Amendment (Scotland) Act 1862 the Publicans' Certificate (Scotland) Act 1876 and the Publicans' Certificate (Scotland) Act 1876 Amendment Act 1877 and any Acts explaining or amending these Acts;

The expression "the recited Acts" means the Act of 1821 and the Act of 1849 and so much of the Police Act as is set forth in the First Schedule to this Act.

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Limits of burgh.

7. From and after the commencement of this Act the burgh shall for all municipal and police purposes and for all other the purposes of this Act be and consist of the existing burgh and the districts annexed comprised within the limits and boundaries set forth and described in the Second Schedule to this Act the description of the said boundaries being subject to the rules of construction laid down in the fifth section of the Act second and third William the Fourth chapter sixty-five and the provisions of this Act and of all Acts for the time being in force relating to the existing burgh and to burghs in Scotland which contribute to return members to serve in Parliament and are not Royal burghs or to the municipal corporations magistrates or police commissioners thereof shall subject to the provisions of this Act apply to and have effect in the burgh as defined by this section in the same way and to the same effect as they now do to the existing burgh and as if the burgh as so defined were a burgh which contributed to return a member to serve in Parliament.

Deposit of map of burgh.

8. A map of the burgh as altered and extended by this Act signed in duplicate by John Gilbert Talbot Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred shall within two weeks after the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the town clerk of the burgh at his office and a copy thereof certified by the town clerk shall be sent as soon as may be after the deposit of the same as aforesaid to the Director General of Her Majesty's Ordnance Survey at Southampton.

Copies of deposited map of burgh to be evidence.

9. Copies of the said map deposited with the town clerk or any extract therefrom certified by him or by the burgh surveyor to be true shall be received by all courts of justice and elsewhere as primâ facie evidence of the contents of such map and such map shall at all reasonable times be open to inspection on payment of a sum not exceeding one shilling and any person shall be entitled to a copy of or extract from such map certified by the town clerk or burgh surveyor on payment of the costs of every such copy or extract. All sums received under this section shall be carried to the credit of the common good of the burgh.

Act not to affect election of members to serve in Parliament.

10. Nothing in this Act contained shall interfere with the county of Lanark or the parliamentary burgh of Airdrie or the limits thereof or the electors thereof or any of them so far as regards the election of members to serve in Parliament for the said county and burgh and the said county and burgh respectively shall for parliamentary purposes remain in all respects the same as if this Act had not been passed.

Division of burgh into wards.

11. The burgh shall be divided into five wards and the boundaries of the said five wards shall be those which are set forth in the Third Schedule to this Act.

Qualifications of electors.

12. The right of electing the town council for the burgh (hereinafter called "the council") shall be in and belong to all such persons as have or shall have the qualifications specified and described in the fifth section of the Municipal Elections Amendment (Scotland) Act 1868 as amended or varied by any subsequent Act and for the purposes of that section the burgh shall be held to be a Parliamentary burgh which contributes to return a member to serve in Parliament the municipal boundaries of which have been extended under a local Act of Parliament beyond the limits of the parliamentary boundaries thereof.

Valuation roll.

13. The assessor for the parliamentary burgh of Airdrie under the Valuation Acts shall at the same time as he makes up the valuation roll for the same for the year from Whitsunday one thousand eight hundred and eighty-five to Whitsunday one thousand eight hundred and eighty-six also make up a valuation roll for the districts annexed so far as situated beyond the parliamentary burgh of Airdrie and the assessor for the burgh shall annually thereafter make up a valuation roll for the burgh distinguishing the lands and heritages within the districts annexed from the lands and heritages within the existing burgh and the procedure and right of appeal and forms shall be such and the same as are provided by the said Acts in relation to the existing parliamentary burgh of Airdrie and for all municipal and police purposes and for all assessments imposed or which may be imposed within the burgh by the Corporation or by any legally appointed assessing body under this Act or any other Act the said roll shall be deemed to be the valuation roll under the Valuation Acts and the expense of making up such roll shall be paid out of the assessments authorised to be levied by the Corporation under the powers of the Valuation Acts the recited Acts and this Act.

Register of municipal electors to be formed.

14. Immediately upon completion of the first registration of parliamentary electors for the existing burgh which shall take place subsequently to the commencement of this Act a register of the electors for the burgh to be called the Airdrie Municipal Register (hereinafter referred to as "the municipal register") shall be formed for the purposes of this Act containing:

First. The names of all persons then standing in the parliamentary register for the parliamentary burgh of Airdrie: and

Secondly. The names of all persons other than the above whose names would be entitled to appear on the said parliamentary

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register if the limits of the burgh were wholly within the boundaries of the parliamentary burgh of Airdrie:

Thirdly. The names of all females within the burgh on whom the municipal franchise is conferred by the Municipal Elections Amendment (Scotland) Act 1881:

And the municipal register to be so prepared may subject to the addition aforesaid consist of two divisions namely the parliamentary register comprising the names of the class of voters first above-mentioned and a supplementary register comprising in two separate lists the names of the voters included in the classes secondly and thirdly above-mentioned arranged in wards and shall be continued added to and amended from year to year under the authority of the sheriff and in manner directed by this Act and on the said municipal register being completed for each year the town clerk shall sign the same and the said register shall form the register of persons entitled to vote in the election of councillors for the burgh until the same shall be revised and a new register be completed.

Register how to be made up.

15. For the purpose of enabling the municipal register to be made up the assessor of the existing burgh of Airdrie acting under the provisions of the Act passed in the nineteenth and twentieth years of the reign of Her present Majesty chapter fifty-eight as amended by any subsequent Act shall in the year one thousand eight hundred and eighty-five and the assessor of the burgh shall annually thereafter along with the lists of voters required by the said last-mentioned Act to be delivered to the town clerk also make up and deliver to him a list of all persons primâ facie possessed of the qualifications described in the Acts regulating for the time the qualification of persons entitled to vote in the election of members of Parliament for burghs in Scotland in respect of subjects situated within the limits of the burgh but beyond the boundaries of the parliamentary burgh of Airdrie and such additional lists shall be dealt with and disposed of in all respects and claims and objections may be lodged and shall be dealt with and disposed of in the same way and manner and so far as regards municipal and police purposes to the same effect as the lists required to be made up and delivered and the claims and objections allowed by the said Act of the nineteenth and twentieth years of the reign of Her present Majesty as amended as aforesaid.

Registers to be printed annually.

16. The town clerk shall cause the registers framed in accordance with the provisions of this Act to be printed annually and shall deliver copies of the registers of any ward to every registered elector of the burgh who may apply for the same on payment of the fees contained in Table 2 of Schedule B annexed to the said Act of the nineteenth and twentieth years of the reign of Her

present Majesty and the expense of forming the municipal register and of printing the same annually after deducting any sums received for copies sold shall be defrayed in the way and manner provided by the said last-mentioned Act for defraying the expenses of making up and printing the register of parliamentary voters.

As to appointment of poll clerks &c.

17. The appointment by the provost or senior magistrate immediately before any annual election of legal substitutes to preside at the polling places and of persons to officiate as poll clerks in the several wards shall be valid notwithstanding the going out of office of the provost or senior magistrate after making such appointment.

Existing magistrates &c. to continue till new council elected.

18. The provost magistrates councillors police commissioners and office-bearers of the existing burgh in office at the time of the commencement of this Act shall continue in office and be the provost magistrates councillors police commissioners and office-bearers of the burgh until the number of the council for the burgh shall have been completed in manner hereinafter provided at the first election of councillors then next ensuing.

Number of councillors and magistrates.

19. The council of the burgh shall consist of fifteen councillors and such councillors shall elect from among their own number a provost four bailies and a treasurer and five members of the council shall constitute a quorum Provided always that it shall be in the power of the council to pay the treasurer such reasonable salary as they think proper.

Election of councillors.

20. On the first Tuesday of November in the year one thousand eight hundred and eighty-five the persons whose names are entered in the municipal register in each of the presently existing first second third and fourth wards shall elect one councillor for the burgh and the persons whose names are entered in the municipal register in the fifth ward shall elect three councillors for the burgh and the said seven councillors so elected shall along with the eight councillors for the existing burgh who if this Act had not been passed would have continued in office as councillors for the existing burgh be the councillors for the burgh for the year ensuing and on the first Tuesday of November in each year thereafter the councillors for the burgh to go out of office and to be elected shall be as prescribed by the public Act of the third and fourth years of the reign of His late Majesty King William the Fourth chapter seventy-seven and any Acts explaining or amending that Act and all annual elections of councillors for the burgh and all elections of the provost magistrates and office-bearers shall except as otherwise herein provided be conducted and regulated in all respects in the manner directed by the Acts of Parliament regulating the election of

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magistrates and town councils in burghs in Scotland which contribute to return members to serve in Parliament and are not Royal burghs and which are divided into wards and the several provisions and enactments of the said Acts so far as not altered by or inconsistent with the provisions of this Act shall be as valid and effectual for carrying this Act into execution as if they were herein specially enacted and made applicable to the burgh Provided always that any councillor so retiring shall be capable of being immediately re-elected and that at the election of councillors to take place on the first Tuesday in November one thousand eight hundred and eighty-six in the fifth ward one councillor shall go out of office which councillor shall be that one who at the first election in that ward had the smallest number of votes and that at the election of councillors to take place on the first Tuesday in November one thousand eight hundred and eighty-seven in that ward one councillor shall go out of office which councillor shall be that one who had the next smallest number of votes at the first election in that ward and that as between any two or more councillors who may have been elected in any ward by an equal number of votes or where no contest has taken place any question as to which of such councillors shall first retire shall be decided by lot and that at the election of councillors to take place on the first Tuesday in November one thousand eight hundred and eighty-eight in that ward the remaining councillor in that ward shall go out of office.

One-third of council to retire each year.

Certain magistrates of existing burgh to hold similar offices in the burgh.

21. If the term of office of the provost of the existing burgh or of any of the magistrates thereof would not have expired if this Act had not been passed such provost or magistrate shall for the period during which his term of office would not have expired hold the office of provost or magistrate of the burgh as the case may be.

Jurisdiction of Corporation and police commissioners.

22. The provost magistrates council and police commissioners respectively shall from and after the day on which they shall severally come into office have possess and exercise over the burgh and the inhabitants thereof all the jurisdictions powers rights and authorities which the provost magistrates council and police commissioners respectively of the existing burgh now have possess and exercise over the existing burgh and the inhabitants thereof whether at common law or by statute or otherwise including all powers of imposing levying and recovering rates dues taxes and assessments and otherwise.

Powers of other jurisdictions to cease.

23. Subject to the provisions of this Act all jurisdictions rights powers and authorities which previous to the commencement of this Act were exercised or exercisable by any local or other authority

within the districts annexed or any part thereof shall cease and determine from and after the commencement of this Act.

Recovery of arrears of assessments &c. within districts annexed.

24. Every rate toll or assessment which shall have been actually imposed by any local road or other authority who had jurisdiction within the districts annexed or any part thereof before the commencement of this Act shall continue to be due and payable and may be collected and levied by the persons who respectively imposed the same and by the ways and means and under the same restrictions and regulations as if this Act had not been passed and shall be received and applied by such persons respectively to and for the purposes for which the same were authorised to be levied.

Existing trusts vested in Corporation.

25. Subject to the provisions of this Act all mortifications endowments and trusts however constituted charitable bequests or other grants held or administered by the council or the magistrates or office-bearers of the existing burgh by themselves or in conjunction with any person or persons body or bodies (but under any liabilities to which the same are legally subject) shall be vested in held and administered by the council or the magistrates or office-bearers of the burgh or by so many of their number to be chosen by the council for that purpose as are appointed by the deeds under which such mortifications endowments trusts bequests or other grants are constituted together with the other trustees (if any) also therein nominated for the purposes and with the rights powers and authorities and subject to all the conditions and provisions under and upon which the same were conveyed granted or settled by the granters or makers of such mortifications endowments trusts bequests or other grants Provided always that nothing herein contained shall affect the rights or powers conferred on any private individual nominated and appointed by any trust deed or other conveyance whereby any mortification endowment trust bequest or other grant is constituted and that the extension by this Act of the limits of the existing burgh shall not confer on any person within the districts annexed other than the magistrates councillors and office-bearers of the burgh any right to be an ex-officio trustee guardian governor or other manager of or under any mortification endowment trust bequest or other grant of which any description of persons within the existing burgh were thereby declared to be ex-officio trustees guardians governors or other managers Saving always and reserving to all and every person and persons or class or community of persons all and every right of property or personal privilege or immunity within the existing burgh excepting as the same may be affected by the provisions of this Act which they respectively had or enjoyed before the commencement of this Act.

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Property of the burgh vested in Corporation.

26. The common good including all property heritable and moveable and all means revenues and income of every description arising therefrom and belonging to the existing burgh or to which the existing burgh is entitled or which are held or administered by any person for or on behalf of the community of the existing burgh for the public ends and purposes thereof shall be and the same are hereby vested in and be held by the Corporation for the behoof and benefit of the burgh.

Portions of extended burgh disjoined from county of Lanark.

27. The districts annexed shall be and the same are hereby disjoined from the county of Lanark for all the purposes of this Act and the recited Acts and the other Acts in force within the existing burgh and the whole provisions powers and authorities of such Acts whether with regard to the assessment and recovery of rates or otherwise shall subject to the provisions of this Act apply to and may be exercised by the Corporation in the same manner and as fully in all respects with regard to the districts annexed and every part thereof as to all or any portions of the existing burgh.

Compensation to be made to the commissioners of supply of the county of Lanark.

28. Whereas the commissioners of supply of the county of Lanark have incurred a debt for the erection of prisons which is chargeable upon the southern prison district of the county and the proportion of which debt applicable to the districts annexed is twenty-nine pounds one shilling and sevenpence and a further debt for the erection of police-stations within the Airdrie police district of the county the proportion of which applicable to the districts annexed is seventeen pounds eleven shillings and fourpence. And whereas by the operation of this Act the said commissioners of supply will be deprived of the portions of the assessments applicable to the extinction of the said respective debts which if this Act had not passed would have continued to be leviable by them from lands and heritages within the districts annexed and also of those portions of the assessment under the County General Assessment (Scotland) Act 1868 and of the assessment under the County Voters' Registration (Scotland) Act 1861 which if this Act had not passed would have continued to be leviable by the said commissioners of supply from the said lands and heritages. And whereas it is just and proper for the said several purposes that the police commissioners should make the payments after provided to the said commissioners of supply, therefore the police commissioners shall at the first day of January one thousand eight hundred and eighty-six pay to the said commissioners of supply the said sums of twenty-nine pounds one shilling and sevenpence and seventeen pounds eleven shillings and fourpence and the further sum of ninety-five pounds eight shillings and fourpence as compensation for the loss of the said portions of the assessments under the

County General Assessment (Scotland) Act 1868 which but for the passing of this Act would have been leviable by the said commissioners of supply upon the districts annexed together with interest on the said several sums at the rate of five pounds per centum per annum till payment thereof and the said payments shall be charged upon the assessments for police purposes levied in the burgh and the police commissioners shall further on the said first day of January one thousand eight hundred and eighty-six and annually thereafter on the first day of January so long as the districts annexed shall continue to be part of the county for the purposes of parliamentary elections pay to the said commissioners of supply such proportion of the expenses payable by the said commissioners of supply for the registration of voters in the parliamentary district of North Lanarkshire as the number of voters taken yearly in the districts annexed shall bear to the total number of voters taken yearly in the said parliamentary district and interest thereon at the rate fixed till payment thereof.

As to county roads &c.

29. The roads streets bridges foot pavements and footpaths within the districts annexed shall from and after the fifteenth day of May one thousand eight hundred and eighty-five be transferred to and vested in and be managed maintained and repaired by the Corporation along with and in the same way and manner as the roads streets bridges foot pavements and footpaths within the existing burgh and the county road trustees shall be freed and relieved of the repair and maintenance of all such roads streets bridges foot pavements and footpaths and of all their obligations in relation thereto in all time thereafter The provisions of this section shall not extend or apply to any matter relating to the debt which at the date of the said transference of the roads streets bridges foot pavements and footpaths within the districts annexed may affect the county of Lanark or the county road trustees thereof under the provisions of the Roads and Bridges (Scotland) Act 1878 and nothing in this section contained shall be deemed to abridge the powers and duties of the county road trustees in regard to the valuation allocation or payment of such debt or relieve the proprietors of lands and heritages within the districts annexed from assessment by the said trustees for the extinction of such debt and interest thereon under the powers of the said Act Provided further that all commissioners of supply whose qualifications as such arise from property situated within the districts annexed shall be subject to the same disqualification for acting as county road trustees as is provided by the last-mentioned Act in relation to burghs under that Act.

Jurisdiction of sheriff not to be affected.

30. Nothing in this Act shall alter diminish or affect the existing authority and jurisdiction of the sheriff of the county of Lanark.

Actions by or against Corporation to be in name of town clerk and not to abate.

31. Except as hereinafter provided all actions suits or proceedings in respect of any matter or thing relating to the execution of this Act or the recited Acts to be brought by or against the Corporation shall be in the name of the town clerk for the time being as the party pursuer or defender representing the Corporation and no action suit or proceeding wherein the Corporation shall be concerned as pursuers or defenders in the name of the town clerk shall cease or abate by death resignation or removal of the town clerk or by any change in the persons holding office in the Corporation but the town clerk for the time being shall be deemed to be the pursuer or defender as the case may be in every such action suit or proceeding.

Deeds granted and debts contracted confirmed and secured.

32. All bonds bills promissory notes assignations leases grants conveyances or other deeds obligations or securities made or granted to or by or on behalf of the magistrates and council or the commissioners of police of the existing burgh respectively shall respectively be as good valid and effectual to all intents and purposes as against or for the benefit of the part of the burgh comprised within the boundaries of the existing burgh as if the same had been made under the authority of this Act and shall be enforceable in the same manner and to the same extent as if this Act had not been passed.

Arrears of former rates may be collected and debts and penalties recovered.

33. Every rate and assessment which shall have been authorised to be collected and levied by any local authority having jurisdiction over the burgh or any part thereof previously to the commencement of this Act together with all arrears of the same shall continue to be due and payable and may be collected and levied by the parties who respectively imposed the same and by the same ways and means and under the same restrictions and regulations as if this Act had not been passed and shall be received and applied by the same parties respectively to and for the purposes to which the same were authorised to be levied and all debts due to the magistrates and council and the commissioners of police of the existing burgh respectively by any person prior to the commencement of this Act may be demanded and recovered from such person and received and applied by the Corporation for behoof of the part of the burgh comprised within the boundaries of the existing burgh.

Corporation may appoint committees

34. For the purpose of carrying this Act into execution the Corporation from time to time may appoint out of their own body

such and so many committees consisting of such number of persons as they think fit for any of the purposes of this Act which in the discretion of the Corporation would be better regulated and managed by means of such committees and may delegate to such committees the exercise of any of the powers of the Corporation under this Act Provided that the acts of every such committee shall in case the Corporation so order but not otherwise be submitted to the Corporation for their approval and also that no expenditure or payment or contract to expend or pay any sum made by any such committee shall be lawful or valid when the sum shall exceed twenty pounds unless the committee shall have been authorised by the Corporation to make such expenditure payment or contract or unless such expenditure payment or contract shall after it has been incurred made or entered into be approved of by the Corporation Provided also that it shall not be lawful for a committee to make or impose any rate.

for execution of Act.

35. With regard to the appointment of all or any of such committees as aforesaid the Corporation shall have power to name the convener and to fix the number of each committee who shall form a quorum and the convener who shall preside at any meeting of any such committee or in his absence the preses to be elected by the committee for the time shall be entitled to a casting vote in case of equality and the committee so to be formed shall if so directed as aforesaid report their proceedings at each ordinary meeting of the Corporation.

Number quorum and constitution of committees.

36. The Corporation may from time to time make such regulations as they think fit for the guidance of any committee appointed by them.

As to regulation of committees.

37. Every committee appointed by the Corporation may from time to time appoint a sub-committee of their number and name the convener thereof with such of the powers of the committee appointing the same and under such instructions directions and limitations as to such committee shall appear expedient and the majority of the members of each sub-committee shall form a quorum thereof.

Appointment of sub-committees.

38. Notwithstanding the transfer by virtue of this Act of the powers of the magistrates and council and the commissioners of police of the existing burgh respectively to the Corporation the several persons holding office under or who may at the commencement of this Act be employed by the magistrates and council or by the commissioners of police of the existing burgh shall respectively hold and exercise within the burgh their offices under the Corporation by the same tenure as they respectively held and

Officers to continue in office until removed.

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exercised the same under the magistrates and council and commissioners of police of the existing burgh respectively until they shall respectively be lawfully displaced by the Corporation.

Magistrates to grant certificates or licenses.

39. Subject to the right of appeal provided by the Licensing Acts in reference to the granting renewing or refusing licenses or otherwise disposing of applications for such certificates under the Licensing Acts within the burgh all such applications shall at and from and after the first licensing term after the passing of this Act be made to and disposed of by the magistrates of the burgh who shall exclusively exercise within the burgh all the powers conferred upon magistrates of burghs by the Licensing Acts or any of them.

Provision as to subsisting licenses.

40. All license certificates before the commencement of this Act granted by the justices of the peace for the county of Lanark and then in force shall subsist and continue until the licensing term then next ensuing and with reference to such certificates all prosecutions for offences against the Licensing Acts or any of them or for any breach of the regulation of such certificates shall be proceeded with before the magistrates of the burgh in the same way as if such certificates had been originally granted by the said magistrates and all transfers of such certificates shall after the commencement of this Act be granted by the magistrates of the burgh.

As to offences under Weights and Measures Act.

41. All offences committed within the burgh under the Weights and Measures Act 1878 may be tried by the magistrates as police offences under complaint by the procurator fiscal of the police court and the penalties may be recovered and applied in the same way as penalties for police offences under this Act and the Corporation shall be the local authority.

Power to continue police court &c.

42. The Corporation and police commissioners respectively may for the purposes of the burgh continue and maintain a police court or police courts and offices and stations within the burgh and may from time to time enlarge the same and provide and maintain additional courts stations watch-houses lock-up houses and other places necessary for police purposes and furnish and fit up the same.

Prevention of nuisance from smoke.

43. Nothing in this Act or in the Public Health Acts so far as the same relate to the burgh shall be construed to extend to mines so as to interfere with or obstruct the efficient working of the same nor to the smelting of ores and minerals nor to the calcining puddling or rolling of iron or other metals whether in their crude or manufactured state nor to the conversion of pig iron into wrought iron so as to obstruct or interfere with any of such processes

respectively but nothing in this section contained shall extend to exempt the burgh from the operation of sub-section (1) of section 16 of the Public Health (Scotland) Act 1867.

Providing for election of dean of guild.

44. At the same time that the magistrates herein-before mentioned are chosen the council shall annually elect one of their own number who may be also the provost or one of the bailies or councillors to be dean of guild of the burgh and shall also elect four other councillors to act with such dean of guild and together with him to constitute and exercise the functions of the dean of guild court (three members being at all times a quorum) and the said dean of guild and dean of guild court respectively shall within the burgh have and be entitled to exercise such and the like powers and jurisdiction as are possessed and exercised by deans of guilds of Royal burghs of Scotland and by dean of guild courts. Provided always that such dean of guild shall hold office only so long as he shall be a councillor of the burgh without prejudice to his re-election and the town clerk shall be assessor to the said dean of guild court and the procurator fiscal of the burgh shall act as fiscal in all cases before the dean of guild court for the enforcement of the provisions of this Act or otherwise.

Provision as to model lodging-houses.

45. The Corporation may from time to time by special order as defined in the Police Act but not otherwise resolve to and may purchase rent or otherwise provide either within the burgh or at a reasonable distance therefrom suitable and convenient premises to be used for model lodging-houses and providing lodgings to any person and otherwise and may fit up the same respectively with all requisite and proper conveniences and from time to time enlarge renew and repair the same respectively and afford the use thereof at such reasonable charges and under and subject to such bye-laws as the Corporation may deem expedient and every person who offends against any such bye-laws shall be liable to a penalty not exceeding forty shillings for every offence Provided that such bye-laws shall not be repugnant to the law of Scotland and before being acted on shall be approved of and confirmed by the Board of Supervision for the Relief of the Poor in Scotland and inserted weekly for at least two successive weeks in a newspaper published or circulating in the burgh and all bye-laws so made confirmed and published shall be observed by and be binding upon all persons concerned therein.

Charges for the use of model lodging-houses.

46. The Corporation may from time to time make such reasonable charges for the use of such model lodging-houses as they think fit.

Publication of bye-laws in regard to

47. A printed copy or sufficient abstract of the bye-laws made by the Corporation relating to the use of such model lodging-houses so

far as regards every such model lodging-house shall be put up in such model lodging-house.

model lodging-houses.

Sale of model lodging-houses on discontinuing them.

48. Whenever such model lodging-houses or any of them are deemed by the Corporation to be unnecessary or too expensive to be kept up the Corporation may by special order as defined in the said Police Act but not otherwise discontinue the same and sell the lands buildings and materials for the best price that can reasonably be obtained and convey the same accordingly and the purchase-money shall be paid to the treasurer of the Corporation and be disposed of for behoof of the burgh as the Corporation direct.

Restriction on taking houses of labouring class.

49. The Corporation shall not under the powers of this Act without the consent of Her Majesty's Secretary of State for the Home Department purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Defining labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Assessments.

50. Sections 20 and 103 of the Act of 1849 are hereby repealed and in lieu thereof the Corporation once in each year (being summoned in manner by circular issued on not less than twenty-four hours' notice which shall state that the meeting is for the purpose of laying on an assessment) shall assess all occupiers of lands and heritages within the burgh according to the valuation roll made up and completed in terms of the Valuation Acts subject to the exceptions hereinafter provided in the sums necessary to be levied for the general purposes of the recited Acts and this Act and shall fix a day on or before which the same shall be payable and another day upon which appeals by any person complaining that they have been improperly assessed shall be lodged with the town clerk or collector and another day or days on which such appeals shall be heard by the Corporation and the rate of assessment and day so fixed by the Corporation shall be published by hand-bills posted in the burgh or by advertisement in one newspaper published or circulating therein Provided always that such assessment shall be imposed as from the term of Whitsunday in any one year to the term of Whitsunday in

the following year and shall not in any one year exceed a rate equal to two shillings in the pound of the gross yearly rent or value of such lands and heritages and such assessment shall for the purposes of this Act be called the burgh general assessment Provided further that the annual value of the following lands and premises within the burgh shall for the said assessment be held to be the nearest aggregate sum of pounds sterling to one-fourth of the annual value thereof entered in the said valuation roll namely all lands and premises used exclusively as a railway or tramway constructed under the powers of any Act of Parliament for public conveyance excepting the stations depôts and buildings which shall be assessable to the same extent as other lands and premises within the burgh.

As to valuation of railways &c. for assessment.

51. Section 99 of the Act of 1849 is hereby repealed and in lieu thereof the Corporation shall appoint a proper person to be clerk of the police court and such person may be the same person who is town clerk and such person may appoint by a writing under his hand a depute or deputes for whom he shall be responsible and such deputes shall be invested with all the powers appertaining to the office of clerk of the police court Provided always that the Corporation shall fix the salary to be paid to such clerk.

Clerk of police court.

52. It shall be lawful for the Corporation to borrow on mortgage any sums not exceeding in the whole four thousand pounds in addition to the sum of two thousand pounds authorised to be borrowed by the Act of 1849 and to make and grant mortgages and assignations of their revenues and of the several rates to be levied by them under the provisions of the recited Acts and this Act or any of them in security of the payment of the money so borrowed and interest thereon and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than by means of the sinking fund hereinafter mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time.

Corporation may borrow on mortgage.

53. It shall be lawful for the Corporation to 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 Corporation according to the usages of bankers in Scotland to the extent of the sum which the Corporation are authorised to borrow as aforesaid or any part thereof and if required to make and grant mortgages and assignations of their revenues and of the several rates to be levied by them under the provisions of the recited Acts and this Act or any of them in security of the payment of the amount of such credit or of the sums advanced from time to

Power to borrow on cash account.

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time on such cash account with interest thereon: Provided that the whole sum due and owing by the Corporation on such cash account and for money borrowed by them on bonds or on mortgages or assignations of the said property and works and rates or any part thereof shall not when taken together exceed the sum of six thousand pounds by the recited Acts and this Act authorised to be borrowed.

Application of money borrowed.

54. The several sums borrowed by the Corporation under the authority of the recited Acts and this Act shall be applied in defraying the expense of purchasing and acquiring lands and other property and of executing the works authorised by the recited Acts and this Act and in defraying the expenses of obtaining and passing this Act and in carrying into effect the several purposes thereof to which capital is properly applicable.

Former mortgages not to be affected.

55. All mortgages bonds or assignations in security heretofore granted by the Corporation and unpaid at the passing of this Act shall during their subsistence have priority over any mortgages bonds or assignations on or over the same undertaking to be granted by the Corporation under the authority of this Act.

Sinking fund.

56. The Corporation are hereby authorised and required in each year after the expiration of three years from the time at which they shall borrow any money under this Act to set apart as a sinking fund from and out of their revenue and of the several rates to be levied by them under the provisions of the recited Acts and this Act or any of them such a sum as shall by accumulation with compound interest thereon at the rate of three and a half per centum per annum be sufficient to pay off in thirty years the whole of the money so borrowed by them and such sinking fund shall be from time to time applicable to paying off the moneys so borrowed by the Corporation and to no other purpose whatsoever and whenever the Corporation shall have paid off any of such moneys out of the sinking fund they shall thenceforward in each year until the whole of such moneys shall have been so paid off pay into such sinking fund in addition to the sum required to be set apart as aforesaid a sum equal to the annual interest of the moneys so paid off Provided always that whenever and so long as the yearly income arising from the said sinking fund shall be equal to the annual interest of the principal moneys then remaining due on such security as aforesaid by the Corporation the Corporation may instead of setting apart the said yearly income apply the same in payment of the interest upon the principal moneys so remaining due and may during such period discontinue the payment to such sinking fund of the yearly sum hereinbefore required to be set apart.

Nothing to abridge rights and remedies of Corporation or police commissioners.

57. Nothing in this Act shall take away or abridge any right power or authority which the Corporation or commissioners of police of the existing burgh had or might have enjoyed independently of this Act but every such right power and authority shall subject to the provisions of this Act belong to and be enjoyed by the Corporation.

Recovery of penalties.

58. All penalties imposed by this Act or by the recited Acts and the Acts incorporated with this Act may be recovered by the Corporation according to the summary mode provided by the Summary Jurisdiction (Scotland) Acts 1864 and 1881 and any Acts explaining or amending the same.

Costs of Act.

59. The costs charges and expenses of and incidental to the preparing for obtaining and passing this Act or otherwise in relation thereto shall be paid by the Corporation out of the rates and assessments to be levied by them and the moneys received by them under the powers of the recited Acts or this Act or any of them.

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Sections of the General Police and Improvement (Scotland) Act 1862 which have been adopted and are now in force in the existing Burgh.

Sections	96	to	108
„	117	to	133
„	135	to	143 and 145
„	146	to	209
„	233	to	251
„	254	to	256 and 258
„	269	to	277
„	311	to	334
„	336	to	347
„	349	to	363
„	367	to	373
„	375	to	417
„	448 and 449		

All sections inclusive.

SECOND SCHEDULE.

Description of Boundaries of the Districts by this Act annexed to the Burgh of Airdrie.

(A) The area (on the eastern side of the existing burgh) included within the following boundaries and limits (that is to say):—

A boundary line commencing at a point on the eastern boundary of the existing burgh on the high road from Carlisle to Stirling which point is distant one hundred yards (measured along such road) to the south of the point at which the same meets the Edinburgh and Glasgow Road thence in a northerly direction along the said eastern boundary to the bridge on the same over the North Burn thence in a straight line in a south-south-easterly direction to a point on Airdrie Hill Street distant three hundred and twenty-one yards from the said road to Stirling thence in a straight line in a southerly direction to a point on the Drumbathie Road which is distant one hundred yards east from the said road to Stirling thence in a

east-north-easterly direction along the centre of said Drumbathie Road to the branch of the North British Railway leading from Rawyards to Browniesside thence along the south-western boundary of said branch to the burn dividing the lands of Browniesside from the lands of Blackridge thence in a south-easterly direction along the centre of said burn to the Airdrie and Bathgate branch of the North British Railway and thence in a westerly direction along the northern side of said Airdrie and Bathgate Railway to the point on the said road to Stirling first before described.

(B) The area (on the western side of the existing burgh) included within the following boundaries and limits (that is to say):—

A boundary line commencing at a point on the western boundary of the existing burgh at the bridge over the Ballochney Railway on the Kirkintilloch Road near Whinhall thence in a straight line in a southerly direction along the said western boundary to the Linlee Bridge over the South Burn on the Edinburgh and Glasgow Road thence along the southern boundary of the existing burgh to the point in that boundary on the Gartlee Road which is distant five hundred yards (measured along the Gartlee Road) to the south of the point at which the same meets that part of the Edinburgh and Glasgow Road called Graham Street thence in a straight line in a south-westerly direction for a distance of one thousand five hundred and twenty-three yards to the northern boundary of the lands now connected with the Caledonian Railway from Whifflet to Airdrie thence westwardly along that boundary to the lands now connected with the Monkland Canal and along the north side of those lands to the South Burn dividing the parishes of New Monkland and Old Monkland thence in a northerly direction along said burn to the north side of a viaduct carrying the Airdrie and Bathgate Railway over said South Burn thence along the northern side of the said South Burn to the said Linlee Bridge thence in a northwardly direction for a distance of nine hundred and sixty-seven yards to the southern side of the Ballochney Railway thence eastwardly along the southern side of the said Ballochney Railway for a distance of two hundred and eighty yards to the bridge over the said railway on the Kirkintilloch Road near Whinhall first before described.

THIRD SCHEDULE.

Boundaries of Wards into which the Burgh of Airdrie is by the foregoing Act divided.

FIRST WARD.

That part of the burgh forming the north-west portion thereof and lying to the north and west of a line from the centre of the bridge carrying the Edinburgh and Glasgow Road over the South Burn at Coatdyke thence along the centre of said road in an easterly direction to Linlee Bridge carrying the said road over the said South Burn thence in a north-easterly direction and intersecting the Gushet House and for a length of about seven hundred and

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four yards to a point in the field marked 4166 in the Ordnance Survey plan thence in a straight line to the building line at the corner of Aitchison Street and Bell Street thence across the north end of Bell Street to the building line at the corner of High Street and Bell Street thence in a diagonal line to the junction of the boundaries of the back yards of houses facing High Street and Bell Street thence along the bottom boundaries of the yards of the houses facing High Street to the junction of the boundaries of said yards with the boundaries of back yards of houses facing Wellwynd Street thence in a diagonal line to the building line at the corner of High Street and west side of Wellwynd Street thence across the north end of Wellwynd Street to the building line at the corner of High Street and east side of Wellwynd Street thence in a diagonal line to the junction of the boundaries of the back yards of houses facing High Street and South Bridge Street thence southwards along the west boundary of said back yards of houses facing South Bridge Street to the south-east corner of burial ground in connection with Wellwynd United Presbyterian Church thence in a diagonal line to the building line at the corner of Wellwynd Street and north side of Anderson Street thence in a straight line southwards to the building line at the corner of Wellwynd Street and south side of Market Street thence in a diagonal line to the building line at the corner of Stirling Street and Bank Street thence across the south end of Bank Street to the building line at the corner of Graham Street and Bank Street thence in a diagonal line to the east corner of the bottom step of the outside stone stair on the east of property belonging to the Royal Bank of Scotland and facing Bank Street thence north-eastwards to the building line at the corner of Bank Street and Hallcraig Street thence in a straight line in a south-east-by-easterly direction for a distance of about three hundred and sixty-seven yards to a point one hundred and three yards to the north of the building line at the corner of Hallcraig Street and Saint Margaret's Place thence in a north-westerly direction to the South Burn thence following the course of the said burn for a distance of about one hundred and sixty-seven yards to the bend in said burn near the north-east corner of the Airdrie Gas Works thence in a straight line to the building line at the corner of South Bridge Street and East High Street thence across the Old Town Cross to the building line at the corner of High Street and North Bridge Street thence in a straight line in a north-westerly direction to the point in the boundary of the burgh on the bridge over the Ballochney Railway near Whinhall.

SECOND WARD.

That part of the burgh forming the north part thereof and lying to the north-east of the First Ward and further bounded on the south by the South Burn from the above described point about one hundred and sixty-seven yards to the east of bend in said burn near the north-east corner of the Airdrie Gas Works and following the course of said burn eastwards to the point where the Stirling and Carlisle Road is carried over same by a bridge and bounded on the east by the said Stirling and Carlisle Road.

THIRD WARD.

That part of the burgh lying to the south of the First Ward and bounded by the previously described lines bounding same on to the point described as

the building line at the corner of Graham Street and Bank Street thence in a southerly direction across the west end of Graham Street to the building line at the corner of Graham Street aud Broomknoll Street thence in a diagonal line to the north-east corner of Callan Street thence in a southerly direction to the southern boundary of the burgh at a point about one hundred and one yards to the east of the new road from Airdrie to Cairn Hill Gate.

FOURTH WARD.

That part of the burgh lying to the south of the Second Ward and to the east of the First and Third Wards and bounded on the east by the Stirling and Carlisle Road.

FIFTH WARD.

That part of the burgh lying to the east of the Stirling and Carlisle Road.

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