of the Special Act, in the same Manner as they would have done in case such Part only had been included in the Lease.

Costs in case of Traverse.

VII. In case upon the Trial of any Traverse under the Provisions of the said Act it shall appear that the Sum awarded to the Traverser by the Jury shall be less than the Sum awarded by the Arbitrator, it shall be lawful for the Judge, if he shall think fit, to adjudge that such Traverser is not entitled to any Costs of such Traverse, or that the Company is entitled to Costs not exceeding the Sum of Ten Pounds against such Traverser; and such Adjudication of such Judge shall be entered in the Crown Book, and such Costs so awarded shall be deducted from the Purchase or Compensation Money payable by the Company to such Traverser, or shall be recovered from him by Distress in like Manner as is provided by the Fifty-third Section of "The Lands Clauses Consolidation Act, 1845," with respect to Costs payable to Promoters.

Acts to be as One Act, and to be perpetual.

VIII. "The Railways Act (*Ireland*), 1851," as amended by this Act, and this Act, shall be read together as One Act, and shall be made perpetual, and this Act shall be held to be incorporated with that Act in any Act already or hereafter incorporating that Act.

Short Title.

IX. This Act may be cited as "The Railways Act (*Ireland*), 1860."

CAP. XCVIII.

An Act for taking the Census in *Scotland*. [20th *August* 1860.]

'WHEREAS it is expedient to take the Census of *Scotland* in the Year One thousand eight hundred and sixty-one:' 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:

Secretary of State to superintend Census.

I. One of Her Majesty's Principal Secretaries of State shall have the Care of superintending the taking of the Census of *Scotland*, and shall cause to be prepared and printed, for the Use of the Persons to be employed in taking it, such Forms and Instructions as he shall deem necessary; and the Registrar General for *Scotland* shall issue all such Forms and Instructions to the Persons for whose Use they shall be intended; and all the Expenses which shall be incurred by Authority of such Secretary of State under this Act shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Act to be sent to every Sheriff in Scotland.

II. The Registrar General for *Scotland* shall send a printed Copy of this Act to the Sheriff of every County in *Scotland*, and to the Chief Magistrate of every Royal Burgh, and of every Parliamentary Burgh having Magistrates, in *Scotland*.

Registrars Districts to be formed into Enumerator's Divisions.

III. Every Registrar's District in *Scotland* shall be formed into Enumerator's Divisions according to Instructions to be prepared by or under the Direction of such Secretary of State, who shall cause a sufficient Number of Copies of such Instructions to be sent to every Registrar of Births, Deaths, and Marriages in *Scotland*; and the Registrars, with all convenient Speed, shall divide the several Districts into Enumerator's Divisions according to such Instructions, and subject in each Case to be revised by the Sheriff of the County or the Magistrates of the Burgh, as the Case may be.

Enumerators to be appointed.

IV. The several Registrars of Births, Deaths, and Marriages in *Scotland* shall make and return to the Sheriff of the County, or to the Chief Magistrate of the Burgh, as the Case may be, a List containing the Names and Places of Abode of a sufficient Number of Persons, duly qualified according to Instructions to be prepared by or under the Direction of such Secretary of State, to act as Enumerators within their several Districts, and such Persons, when approved of by the Sheriff or Magistrates, shall be appointed by the Registrar, by any Writing

Writing under his Hand, Enumerators for taking the Census; and the Registrar, with the like Approval, shall assign a Division to each Enumerator, and shall distribute to the several Enumerators in his District the Forms and Instructions which shall have been issued for that Purpose by the Registrar General, and shall personally ascertain that each Enumerator thoroughly understands the Manner in which the Duties required of him are to be performed.

Householders Schedules to be left at Dwelling Houses.

V. Schedules shall be prepared by or under the Direction of such Secretary of State for the Purpose of being filled up by or on behalf of the several Occupiers of Dwelling Houses as herein-after provided, with Particulars of the Name, Sex, Age, Rank, Profession, or Occupation, Condition, Relation to Head of Family, and Birth-place of every living Person who abode in every House on the Night of *Sunday* the Seventh Day of *April* One thousand eight hundred and sixty-one, and also whether any were blind, or deaf and dumb, and also whether any, and how many, of such Persons, being of the Age of from Five to Fifteen Years, attended School during the Week preceding; and the Registrars in *Scotland* shall in the course of the Week ending on *Saturday* the Sixth Day of *April* in the Year One thousand eight hundred and sixty-one leave or cause to be left at every Dwelling House within their respective Districts One or more of the said Schedules for the Occupier or Occupiers thereof or of any Part thereof, and upon every such Schedule shall be plainly expressed that it is to be filled up by the Occupier of such Dwelling House, (or where such Dwelling House is let in different Stories or Apartments, and occupied distinctly by different Persons or Families, by the Occupier of each such distinct Story or Apartment,) and that the Enumerator will collect all such Schedules within his Division on the *Monday* then next following; and every Occupier of any Dwelling House, or of any distinct Story or Apartment in any Dwelling House, with or for whom any such Schedule shall have been left as aforesaid, shall fill up the said Schedule to the best of his or her Knowledge and Belief, so far as relates to all Persons dwelling in the House, Story, or Apartment occupied by him or her, and shall sign his or her Name thereunto, and shall deliver the Schedule, so filled up, or cause the same to be delivered, to the Enumerator, when required so to do; and every such Occupier who shall wilfully refuse or without lawful Excuse neglect to fill up the said Schedule to the best of his or her Knowledge and Belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false Return of all or any of the Matters specified in the said Schedule, shall forfeit a Sum not more than Five Pounds nor less than Twenty Shillings.

Occupiers to fill up the Schedules and sign and deliver them to the Enumerator.

Penalty for Neglect.

Schedules to be collected from House to House, and corrected if found to be erroneous.

VI. The Enumerators shall visit every House in their respective Divisions, and shall collect all the Schedules so left within their Division from House to House, so far as may be possible, on *Monday* the Eighth Day of *April* in the Year One thousand eight hundred and sixty-one, and shall complete such of the Schedules as upon Delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the Schedules, when completed and corrected, into Books to be provided them for that Purpose, and shall add thereunto an Account, according to the best Information which they shall be able to obtain, of all the other Persons living within their Division who shall not be included in the Schedules so collected by them.

Enumerators to take an Account of Houses, &c., and to distinguish the Boundaries of Parishes, Boroughs, &c.

VII. Every Enumerator shall also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within his Division, stating the Number of Rooms having a Window or Windows in each Dwelling House; and shall also take an Account of all such Particulars herein-before mentioned, and none other, as by the Forms and Instructions which may be issued under this Act they may be directed to inquire into; and in the Book into which he shall have copied the Householders Schedules and other Particulars, as herein-before directed, each Enumerator shall distinguish the several Parishes and Places maintaining their own Poor within his Division, or such Parts thereof as shall be within his Division, and shall also distinguish those Parishes and Places or Parts of Parishes and Places within his Division which are within the Limits of any City or Borough returning or contributing to return a Member or Members to serve in Parliament, or of any incorporated City or Borough; and

Enumerators to deliver their Books, with the Householders Schedules, to the Registrar.

shall deliver such Book to the Registrar of the District, together with the Householders Schedules collected by him, and shall sign a Form or Declaration to the Effect that the said Book has been truly and faithfully filled up by him, and that to the best of his Knowledge the same is correct, so far as may be known; which Form of Declaration shall be prepared by or under the Direction of such Secretary of State, and issued by the Registrar General with the Forms and Instructions aforesaid.

Registrars to verify the Enumerator's Books, and deliver them to the Sheriff, &c.

VIII. The Registrar to whom such Enumeration Book shall be delivered shall examine the same, and shall satisfy himself that the Instructions in each Case have been punctually fulfilled, and if not shall cause any Defect or Inaccuracy in the said Book to be supplied, so far as may appear possible; and when the Books shall have been made as accurate as is possible the Registrar shall deliver them to the Sheriff of the County or the Chief Magistrate of the Burgh, as the Case may be, as herein-after provided.

Returns to be given to the Sheriffs of Counties and Chief Magistrates of Burghs.

IX. The Sheriff of every County and the Chief Magistrate of every Royal or Parliamentary Burgh in *Scotland* shall appoint a Time or Times, which shall not be earlier than the Fifteenth nor later than the Thirtieth Day of *April* One thousand eight hundred and sixty-one, for the Registrars of Districts within their respective Jurisdictions to attend at their respective Offices, or such other Places as they may appoint, with the Returns to be made under this Act, of which Times and Places Intimation shall be given to the Registrars in such Manner as shall be directed by the Sheriffs and Magistrates respectively, who shall then and there receive from the Registrars the Returns to be made as aforesaid, and cause every Registrar to make a Declaration to the Effect that the said Account has been truly and faithfully taken, and that to the best of his Knowledge the same is correct; and the Sheriffs and Magistrates, if they see Cause, may examine the Registrars touching any of the Matters to which the Returns relate, and shall thereafter direct the Clerks of their respective Jurisdictions to endorse the same (if not previously endorsed) with the Name of the County, and District thereof wherein the Parish or Place therein mentioned is situate, or otherwise (where any of the said Sheriffs shall think proper) they shall direct the Registrar to verify the said Returns before any Justice of the Peace of their respective Counties, and thereafter to transmit the same previously to the said Thirtieth Day of *April* in any convenient Manner to the said Sheriffs, who shall direct the same to be endorsed as aforesaid.

Sheriffs of Counties and Chief Magistrates of Burghs to receive and transmit Returns.

X. The Sheriffs of Counties and the Chief Magistrates of Royal or Parliamentary Burghs in *Scotland* shall, on or before the First Day of *June* One thousand eight hundred and sixty-one, transmit the several original Enumeration Books by them received from the Registrars (together with a List of the Parishes and Places within their respective Counties and Burghs from whence no Returns have been made to them) to the Office of the Registrar General for *Scotland* for the Use of the Secretary of State.

An Abstract of Returns to be printed, and laid before Parliament.

XI. The Secretary of State shall cause an Abstract to be made of the said Returns; and such Abstract shall be printed, and laid before both Houses of Parliament within Twelve Calendar Months next after the First Day of *June* in the Year One thousand eight hundred and sixty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof.

XII. The Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and of every Public or Charitable Institution, which shall be determined upon by the said Registrar General, shall be the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of One of the said Secretaries of State, for obtaining the Returns required by this Act, so far as may be practicable, with respect to such Inmates.

Returns of houseless Poor and of Persons travelling or on Shipboard.

XIII. The Secretary of State shall obtain, by such Ways and Means as shall appear to him best adapted for the Purpose, Returns of the Particulars required by this Act with respect to all houseless Persons, and all Persons who during the said Night of *Sunday* the Seventh Day of *April* were travelling or on Shipboard, or for any other Reason were not abiding in any House of which Account is to be taken by the Enumerators, and other Persons as aforesaid, and shall include such Returns in the Abstract to be made by him as aforesaid.

XIV. One

Table of Allowances to Enumerators and other Persons employed.

XIV. One of the said Secretaries of State shall cause to be prepared a Table of Allowances to be made to the several Enumerators, Registrars, Sheriff Clerks, Town Clerks, and other Persons in *Scotland* employed in the Execution of this Act; and such Table, when approved by the Commissioners of Her Majesty's Treasury, shall be laid before both Houses of Parliament on or before the First Day of *March* One thousand eight hundred and sixty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Payments to be certified to the Registrar General.

XV. The Sheriff of every County and the Chief Magistrate of every Burgh in *Scotland* shall, within One Calendar Month next after the taking of the Census, certify to the said Registrar General the total Amount of the Allowances to which the Registrars, Enumerators, Sheriff Clerks, Town Clerks, and other Persons are respectively entitled, according to the said Table.

Manner in which the Payments shall be made to Persons employed in execution of this Act.

XVI. The Sheriffs of Counties and the Chief Magistrates of Royal or Parliamentary Burghs in *Scotland* shall grant to the Sheriff Clerks and Town Clerks respectively, and to the several Registrars, Enumerators, or other Persons employed in the Execution of this Act, such Allowances as shall have been certified as herein-before provided, together with any necessary Expenses incurred by them or any of them in the Execution of this Act, and shall order Payment thereof to be made by the Collector of the Land Tax for the County or other Place out of any Money in his Hands, and such Collector shall pay the same accordingly; and the Receipts to be given by the Enumerators and other Persons, and Registrars, for Payment of their said Allowances, shall be delivered to the Sheriff Clerk or Town Clerk, as the Case may be, who shall transmit the same, together with the Receipt for his own Allowance, to the Registrar General: Provided always, that no such Payment shall be made to any Enumerator or other Person who shall be required to act as an Enumerator under this Act, but upon Production of a Certificate under the Hand of the Registrar that the Duties required of such Enumerator or other Person acting as Enumerator by this Act have been faithfully performed, and the like Certificate shall be required under the Hand of the Sheriff or Chief Magistrate, as the Case may be, with respect to the Registrar, before any Payment shall be made to them.

Penalty for wilful Default.

XVII. Every Registrar, and every Enumerator and other Person who shall be required to act as Enumerator, so appointed as aforesaid, making wilful Default in any of the Matters required of them respectively by this Act, or making any wilfully false Declaration, shall for every such wilful Default or false Declaration forfeit a Sum not exceeding Five Pounds nor less than Two Pounds.

Penalty for refusing Information or giving false Answers.

XVIII. The Enumerators and other Persons employed in the Execution of this Act shall be authorized to ask all such Questions as shall be directed in any Instructions to be prepared by or under the Direction of the said Secretary of State, which shall be necessary for obtaining the Returns required by this Act; and every Person refusing to answer or wilfully giving a false Answer to such Questions or any of them shall for every such Refusal or wilfully false Answer forfeit a Sum not exceeding Five Pounds nor less than Twenty Shillings.

Recovery and Application of Penalties.

XIX. All Penalties imposed by this Act shall be recovered in a summary Manner before Two Justices of the Peace or Magistrates having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by Law in this Behalf; and shall be paid, One Half to the Informer, and the other Half to the Treasurer of the County or Place for which the Justices before whom the Forfeiture is recovered shall have acted, to be by him applied in aid of the Expenditure.

Interpretation of Terms.

XX. The Word "Sheriff" shall include "Sheriff Substitute," and the Words "Dwelling House" shall include all Buildings and Tenements of which the whole or any Part shall be used for the Purpose of Human Habitation.