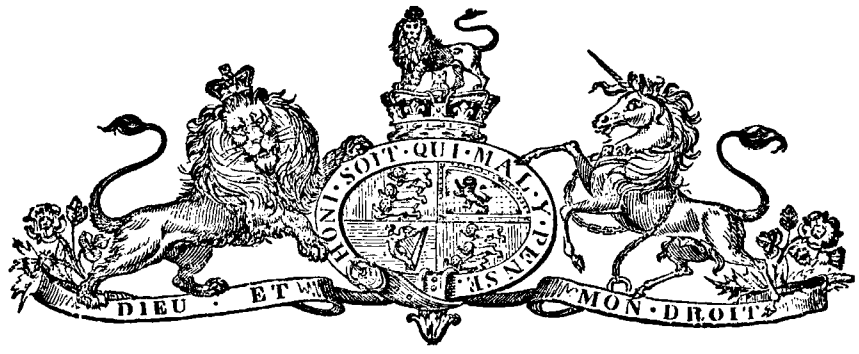


ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. LXX.

An Act to provide for the Extension of the Boundaries of Burghs in *Scotland*, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes. [25th *August* 1857.]

WHEREAS it is expedient to provide Means whereby Property situated without the Boundaries of Burghs in *Scotland* may, in Terms of the Votes of the Persons interested therein, be included within the same: 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:

Ratepayers may present a Petition to the Sheriff for Extension of Boundary of Burgh.

I. Any Ratepayers, to the Number of Twelve or more, in respect of Lands and Heritages situated beyond the existing Boundaries of any Royal or Parliamentary Burgh in *Scotland*, may present a Petition to the Sheriff of the County in which such Burgh or Part of a Burgh is situated, praying him to take the Steps provided by this Act for extending the Boundaries of the Burgh to the Extent to be specified in such Petition; and the Sheriff shall, within Three Weeks from the Date of the Presentation thereof, define and specify, in a written Deliverance on the Petition, such Boundaries, which shall include an Area Two Thirds of which is wholly or partially built on or laid out for building, as in his Opinion would be suitable for the extended Boundaries of the Burgh, and the same shall be thereafter published

by Advertisement in such Manner as the Sheriff shall direct; and it shall be lawful for the Proprietor of any unbuilt-on Land within the proposed extended Boundaries, or to the Police Committee of the County to be appointed in Terms of any Act passed during the present Session of Parliament, within One Month after the last Advertisement so appointed, to appeal by Note of Appeal to any One of the Lords Ordinary of the Court of Session, who shall have Power, in a summary Way, to dispose of such Appeal, after such Inquiry as to him shall seem fit; and the Judgment of such Lord Ordinary, dismissing such Appeal or sustaining the same in whole or in part, shall be final and conclusive.

Sheriff to call Meeting of Ratepayers for the Consideration of the proposed Extension of Boundaries.

II. On the Lapse of One Month from the last Advertisement as aforesaid without any Appeal having been taken, or in the event of an Appeal having been taken, so soon as the same shall have been disposed of, the Sheriff shall, except where the Lord Ordinary shall on such Appeal have found that no Part of the Lands and Heritages proposed to be included within the Boundaries of the Burgh should be included therein, by such Advertisement as he shall direct, call a Public Meeting, at such Time and Place as he shall appoint, of the Ratepayers in respect of Lands and Heritages situated beyond the existing Boundaries of the Burgh, and within the extended Boundaries thereof, as defined by the Sheriff or by the Lord Ordinary on Appeal, to consider the Proposal to extend the said Boundaries; and the Sheriff shall preside at the Meeting, and the Sheriff Clerk shall act as Clerk; and each Person attending such Meeting shall deliver in Writing to the Clerk his Name, Designation, and Address, before voting at or taking part in such Meeting; and in case a Majority of the Persons present thereat shall resolve to proceed in extending the said Boundaries, according to the Specification and Definition of the Sheriff or Lord Ordinary, they shall at such Meeting name a Committee of such Ratepayers, not being fewer than Three nor more than Nine in Number, to confer with the Council of the Burgh as to the proposed Extension of the Boundaries thereof.

In case Town Council consent to proposed Extension, the same shall be re-considered by Meeting of Ratepayers.

III. In case the Town Council or a Majority thereof shall, after such Conference, resolve that it is expedient to carry into effect the proposed Arrangements, they shall publish such Resolution, with any annexed Conditions, in One or more local Newspapers, not later than the last Day of *September* in any one Year; and such Resolution shall be re-considered at any Meeting of the Council to be held not sooner than the Second Week in the Month of *November* next following, and if the same shall be confirmed by the Council, the Sheriff shall call a Second Meeting of such Ratepayers, of which such Intimation shall be given by public Advertisement as he shall direct, and at which Meeting the Sheriff shall preside; and no other Question shall be put to the Meeting but "approve" or "disapprove" of the proposed Extension, on the Terms resolved on by the Town Council; and in case the Majority of Votes shall be in favour of the proposed Extension, the Boundaries and Conditions so agreed upon shall be set out at Length in the Minute of the Meeting, and authenticated by the Subscription of the Sheriff; and the Boundaries therein expressed

expressed shall thereafter, under the Conditions therein expressed, be the Boundaries of the Burgh for all Municipal Purposes only, including the Right of voting for Town Councillors and all Matters connected with Police, and the District comprehended within such Boundaries shall cease to belong to or form Part of the County in which it is locally situated, and shall belong to and form Part of such Burgh as regards all local Purposes, Rights, and Obligations; provided always, that nothing in this Act contained shall affect in any way the Right of voting for a Representative in Parliament.

Consent of Council required before Resolution considered.

IV. Where such adjoining Lands and Heritages include any Burgh or Portion of a Burgh, the Consent of the Town Council of such Burgh shall be required to such Resolution before it shall be considered by such last-mentioned Meeting; and it shall be lawful for any Proprietor or Proprietors of Lands and Heritages within such adjoining District valued on the Valuation Roll in force for the Year at Two Thirds of the whole Value of Lands and Heritages within such District, at any Time prior to the last Meeting above mentioned, to lodge a Minute with the Sheriff stating that he or they object to the proposed Extension, and on such Minute being lodged the Sheriff, on being satisfied that the Value of the Lands and Heritages of such Proprietor or Proprietors is of the above Amount, shall suspend the Proceedings until the Consent of such Proprietor or Proprietors to the proposed Extension be obtained, and if such Consent be not intimated within Three Months the Proceedings shall terminate.

Sheriff may, on Objection of Proprietors, suspend Proceedings until their Consent be obtained.

If Proposal be rejected by Ratepayers, no Extension to be proposed for Two Years.

V. In the event of such proposed Extension being rejected, it shall not be competent for the Sheriff to call another Meeting for the Purpose of considering any proposed Extension of the Boundaries of the Burgh until after the Expiration of Two Years from and after the Date of the said first-mentioned Meeting.

Sheriff to direct a Scrutiny, if Ratepayers petition for one.

VI. Any Three Ratepayers entitled to be present and to vote at any Meeting called under this Act may present to the Sheriff, within Ten Days after the Date of such Second Meeting, a Petition praying for a Scrutiny; and he shall thereupon, at the Expense of the Petitioners, direct a Scrutiny of the whole Votes to be taken in such Manner as he shall think fit, in order to ascertain whether the Majority of those entitled to vote and who have voted at the Meeting have approved or disapproved of the proposed Arrangement; and in the event of the Result of such Scrutiny being to prove to the Satisfaction of the Sheriff that the Majority of the Votes of those entitled to be present and vote was in Truth adverse to the Decision of the Meeting as authenticated by his Signature, the Sheriff shall reverse such Decision, and such Reversal being authenticated by the Subscription of the Sheriff shall have all the Effects which a Decision to that Effect would have had if declared at such Meeting: Provided always, that no such Reversal shall be competent after the Expiration of more than One Month from the Date of such Meeting.

Penalties for making false Representations as to voting.

VII. Any Person who shall falsely represent himself to be entitled to be present and to vote at any Meeting to be called under this Act, knowing himself not to be so entitled, and shall unlawfully attend and vote

vote at such Meeting, shall be liable in a Penalty not exceeding Twenty Pounds, which may be summarily recovered before the Sheriff by any Person suing therefor, and which shall be disposed of as the Sheriff shall direct.

Persons incapacitated by Office not to be excluded from Register of Voters.

VIII. Whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty, Chapter Fifty-eight, intituled *An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in* Scotland, it is provided that the Register of Voters in any Burgh, as completed by the Court of Appeal in each Year, shall for all the Purposes of the Act passed in the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-six, and for all other Purposes, come in place of the Register of Voters in such Burgh established by the Act passed in the Second and Third Years of King *William* the Fourth, Chapter Sixty-five: And whereas Doubts have arisen whether Persons holding Offices which render them incapable to vote in the Election of a Member or Members of Parliament are entitled to be placed on the Register of Voters: Be it enacted, That nothing in the first-recited Act contained shall operate to exclude such Persons from the said Register: Provided always, that their being so placed on the said Register shall not enable them to do any Act from which they are by Law incapacitated.

Expenses of Meeting, how to be provided.

IX. The whole Expenses incurred in relation to the calling and holding of any Meeting or Scrutiny under this Act shall be borne and paid by the Persons signing the Petition to the Sheriff, and the Sheriff Clerk, before any such Meeting is called, may require the Petitioners to consign or find Security to his Satisfaction for such Sum as the Sheriff may think reasonable for that Purpose: Provided always, that in case the Boundaries of the Burgh shall be extended, the whole Expenses shall be ultimately defrayed from the Common Good or other Funds of the Burgh, or by means of an Assessment on the whole Ratepayers within the extended Boundaries, which the Council of the Burgh is hereby empowered and, if necessary, directed to impose and levy, along with and in like Manner as the Prison Rate within such Burgh; and in either Case such Expenses may be recovered, together with the Costs of Suit, by the Disburser thereof, by summary Process before the Sheriff, whose Decision shall be final.

Interpretation of Terms.

X. The Word "Ratepayer" shall mean and include every Person whose Name shall for the Time being appear as Proprietor or Tenant and Occupant of Lands and Heritages to the Value of Four Pounds or upwards on the Valuation Books of any County or Burgh, made up in Terms of an Act passed in the Seventeenth and Eighteenth Years of Her Majesty Queen *Victoria*, intituled *An Act for the Valuation of Lands and Heritages in* Scotland; and the Word "Sheriff" shall include Sheriff Substitute.

17 & 18 Vict. c. 91.

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