Definitions.

2. The expression "Court of Teinds" shall mean the Lords of Council and Session acting in their capacity of commissioners for the plantation of kirks and valuation of teinds.

The expression "glebe" shall include grass glebe or ministers grass, and any land settled in perpetuity on the minister for the time being.

Court in pronouncing decree of disjunction and erection may declare one of several glebes of a united parish to be the glebe of new parish quoad sacra.

3. If in the course of any proceedings under the recited Act for the disjunction of a portion of a united parish in Scotland and for its erection into a parish quoad sacra, it shall appear that there is more than one glebe forming part of the benefice of such united parish, it shall be lawful for the Court of Teinds, upon sufficient evidence being produced of the consent of the presbytery, in pronouncing decree of disjunction and erection, to declare that one of such glebes, duly described by its marches and boundaries and with its parts and pertinents, shall be transferred from the minister of such united parish to the minister of such parish quoad sacra, and such glebe shall thereafter be the glebe of the said parish quoad sacra, and the minister thereof shall be invested with all those rights in relation thereto which were formerly vested in the minister of the said united parish: Provided always, that the right to the personal occupancy and enjoyment of such glebe as aforesaid shall continue with the minister of the said united parish in office at the date of such decree during his incumbency, unless he shall, by a deed duly executed and lodged with the clerk of the presbytery, renounce the same.

Provision in case benefice of united parish comprises more than one glebe.

4. If a portion of a united parish in Scotland has under the provisions of the recited Act been erected into a parish quoad sacra, and it shall appear in the course of any proceedings taken under this Act that there is more than one glebe forming part of the benefice of such united parish, it shall be lawful for the Court of Teinds, upon sufficient evidence being produced of the consent of the presbytery, to decern and declare that one of such glebes, duly described by its marches and boundaries and with its parts and pertinents, shall be transferred from the minister of such united parish to the minister of such parish quoad sacra, and such glebe shall thereafter be the glebe of the said parish quoad sacra, and the minister thereof shall be invested with all those rights in relation thereto which were formerly vested in the minister of the said united parish: Provided always, that the right to the personal occupancy and enjoyment of such glebe as aforesaid shall continue with the minister of the said united parish in office at the date of such decree during his incumbency, unless he shall, by a deed duly executed and lodged with the clerk of the presbytery, renounce the same.

Glebe not to be subject to trust.

5. The glebe which shall be declared as aforesaid to be the glebe of the parish erected quoad sacra shall not be subject to the provisions of any trust constituted in terms of the recited Act, subject to this proviso, that if a manse and offices are erected on such glebe, either before or after decree of disjunction and erection or decree as aforesaid, the site of such manse and offices shall be subject to the provisions of any trusts constituted in terms of said recited Act.

Not to increase liabilities of heritors.

6. Nothing in this Act shall increase or affect the existing liabilities of the heritors in any parish.

This Act and recited Act incorporated.

7. This Act shall be deemed to be incorporated with the recited Act, and the recited Act shall be read and construed accordingly.

CHAPTER 12.

An Act to assimilate the Law of Scotland to that of England respecting the creation of Burgesses. [1st June 1876.]

WHEREAS an Act was passed in the fifth and sixth year of His Majesty William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of "Municipal Corporations in England and Wales:"

And whereas another Act was passed in the thirty-second and thirty-third year of Her Majesty, chapter fifty-five, amending the same:

And whereas it is expedient to assimilate the law of Scotland in some respects to the law of England as regards the creation of burgesses:

Be it therefore 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:

Qualification of burgesses.

1. Every person in Scotland of full age, liable to be rated for the relief of the poor, who at the term of Whitsunday one thousand eight hundred and seventy-six, or any succeeding term of Whitsunday in any year, shall have occupied any house, warehouse, counting-house, shop, or other building within any burgh in which there are burgesses, during the whole of that year, and the whole of the two preceding years, and who, during the time of such occupation, shall have been an inhabitant householder within the said burgh, and who shall have been rated in respect of such premises so occupied within the burgh to all rates made for the relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and who shall have paid, on or before the last term of Whitsunday as aforesaid, all such rates, together with all burgh rates, if any, as shall have become payable in respect of the said premises, except such as shall have become payable within six calendar months next before the said last term of Whitsunday, shall be, subject to the conditions herein-after contained, a burgess of such burgh, so long as such person shall occupy premises, and be rated and pay rates in manner aforesaid within the same: Provided that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or different parishes: Provided also, that no person being an alien, and no person who, within twelve calendar months next before the last term of Whitsunday, shall have received parochial relief, or any pension or charitable allowance from the town council revenues of such burgh, or from any corporate body within the same, shall by virtue of this Act be held to be a burgess of such burgh so long as he continues to receive such pension or charitable allowance: Provided further, that no person shall be disqualified from being a burgess as aforesaid by reason that any child of such person shall have been admitted and taught within any endowed school.

Saving.

2. Nothing herein contained shall interfere with any law or legal usage by which burgesses are now created or admitted in any burgh, or give or imply any right or title to or interest in any merchants house or trades house, or any patrimonial lands, common or other properties, funds, or revenues of any of the guilds, burgesses of guild, crafts, or incorporations of the burgh, or to or in any burgess acres, or any grazing rights connected therewith, or any mortifications or benefactions for behoof of the members of such guilds, burgesses of guild, crafts, or incorporations, or of their families, or any right of management thereof, or any membership in any of the said guilds, burgesses of guild, crafts, or incorporations, or of such burgess acres; Provided that the widows and children of burgesses admitted under this Act, and who may die during the period of their burgess-ship, shall have and enjoy all the rights and privileges which the widows and children of simple burgesses created or admitted in any other manner now enjoy by the law and practice of Scotland.

Commutation of petty customs.

3. Whereas the effect of this Act may be to reduce the produce of the petty customs or duties leviable in any burgh: Be it enacted, that in the event of the magistrates and council of such burgh resolving in terms of the Act passed in the thirty-third and thirty-fourth years of the reign of Her Majesty, chapter forty-two, to abolish such petty customs and duties and in lieu thereof to levy, by way of assessment, a rate or rates not exceeding the rate or rates mentioned in the said Act, calculated to yield in the whole in the year an amount equal to the nett yearly amount of such petty customs, it shall be lawful to calculate such nett yearly amount with reference to the produce of the petty customs or duties levied in such burgh in the year ending Whitsunday one thousand eight hundred and seventy-six.