claiming the Benefit thereof, to the lawful Debts and Engagements of such Society: Provided always, that no Person shall be liable for the Debts or Engagements of any such Society after the Expiration of Two Years from his ceasing to be a Member of the same.

Provisions of Friendly Societies Acts giving such Societies Priority over other Creditors as to Estate of Officers, and Exemption from Stamp Duties in certain Cases, not to apply to Societies constituted under this Act.

XII. No Provision of the Laws relating to Friendly Societies whereby any Money due to any such Society from any Officer of the same or other Person intrusted with the keeping of the Accounts, or having in his Hands any Money or Effects belonging to any such Society, or from the Estate of any such Officer or Person, is made payable in preference to or before any other Creditor, shall apply to any Society constituted under the Provisions of this Act; and no Exemption from Stamp Duties allowed by the Laws relating to Friendly Societies shall apply to any Society constituted under the Provisions of this Act, except so far as relates to any Copy of the Rules of such Society, and to any other Instrument or Document whatsoever relating to such Society, which might have been given, issued, signed, made, or produced under the Laws relating to Friendly Societies by or on behalf of or respecting a Society constituted under the Laws in force relating to such Societies previously to the passing of this Act, and would have been exempt from Duty in such Case.

Meaning of Words "County Court," 9 & 10 Vict. c. 95.

XIII. The Words "County Court," when occurring in this Act, shall apply only to County Courts established or holden under the Provisions of an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in* England, and the Acts amending the same.

Short Title.

XIV. This Act may be cited as the "Industrial and Provident Societies Act, 1852."

CAP. XXXII.

An Act to alter and amend certain Provisions in the Laws relating to the Number and Election of Magistrates and Councillors in the Burghs in *Scotland*. [30th *June* 1852.]

3&4 W.4.c.76. 4&5 W.4.c.87.

'WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in* Scotland: And whereas another Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act to explain certain Provisions of an Act of the Third and Fourth Years of the Reign of His present Majesty, to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in* Scotland: And whereas it is expedient to alter the Number of Magistrates and Councillors in certain of the Royal Burghs in *Scotland*, and to make Provision for the Case of the Provost and Magistrates of any Burgh being included in the One Third of the Council going out of Office annually, and also for a new Election taking place in such Royal Burghs as now are or shall in future be under the Administration of Managers lawfully appointed:' 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,

Interpretation Clause.

I. That in construing this Act the Word "Council" shall be held to include Provost, Bailies, and Councillors; the Word "Magistrates" shall be held to mean Provost and Bailies, or Bailies, as the Case may be.

Number of the Councils in certain Royal Burghs limited to the Number specified in the Schedule.

II. At and after the next annual Election of Councillors in each of the Royal Burghs in *Scotland* specified in the Schedule to this Act annexed, the Number of the Councils of such Royal Burghs shall be limited to the Numbers specified in the said Schedule as applicable to each such Burgh respectively, and at such next annual Elections respectively the whole Number of Councillors specified in the said Schedule as applicable to each such Burgh, and no larger Number, shall be elected according, or as nearly as may be according, to present Use, and no Member of Council shall continue in Office in respect of any prior Election.

III. At

III. At and after such next annual Elections respectively the Magistrates of each such Burgh shall be the Number and Description of Magistrates specified in the said Schedule to this Act annexed as applicable to each such Burgh respectively; and it shall be competent for the Councillors of each such Burgh elected under this Act to elect according, or as nearly as may be according, to present Use, such Number and Description of Magistrates in each such Burgh respectively as are specified in the said Schedule as applicable to such Burgh.

Magistrates in such Burghs limited to the Number specified in the Schedule.

IV. On the Completion of such next annual Elections respectively the whole Magistrates and Council previously in Office in each such Burgh shall go out, and their whole Powers, Duties, and Functions shall cease and determine, without Prejudice, nevertheless, to the Re-election under this Act of any of the Persons so to go out, and from and after such next annual Election of Councillors in each such Burgh a Majority of the whole Council of such Burgh shall constitute a Quorum.

On Completion of next annual Elections Magistrates and Councils previously in Office shall go out.

V. 'Whereas by the said first-recited Act, and by the Seventy-seventh Chapter of the 'Statute passed in the same Year of King *William* the Fourth, it is provided that One Third of 'the Councils of the Burghs therein respectively referred to shall go out of Office annually, 'and Difficulties have arisen in consequence of the Provost and Magistrates of a Burgh 'having been included in the Third Part of the Council so going out of Office, whereby their 'Powers ceased before their Successors were elected:' For Remedy whereof, whenever it shall so happen that the Provost and Magistrates of any of the said Burghs shall all be included in the One Third of the Council going out of Office as aforesaid, they shall nevertheless retain and continue to exercise all the Powers and Functions of their several Offices of Provost and Magistrates respectively until the Election and coming into Office of their Successors; but they shall not, after the Period of their so going out of Office, be entitled to act or vote as Councillors.

Magistrates to retain Office until their Successors are elected and come into Office.

VI. At the First Meeting of the Council of any such Burgh after the annual Election, but before the Election of the Provost and Magistrates, the Provost or Senior Magistrate who may continue to be a Member of Council and be present at the said Meeting shall preside thereat, and shall at such Meeting have a deliberative and in case of Equality of Votes a Casting Vote; and if the Provost and all the Magistrates shall be in the Number of Councillors retiring from Office, then the retiring Provost or Chief Magistrate, or failing them the retiring Magistrate next in Seniority, shall attend and preside at such Meeting until the Meeting shall have elected the Provost and Magistrates respectively, as the Case may be, and no longer, and such Provost or Magistrate shall have no deliberative Vote in such Meeting, but shall, in case of Equality of Votes, have a Casting Vote.

Provost or Chief Magistrate to preside at First Meeting of Council after annual Election.

VII. Where any Burgh not contained in Schedule F. annexed to the said first-recited Act shall at the Time of the passing of this Act be without any legal Council, and be under the Administration of Managers lawfully appointed, the qualified Electors of such Burgh shall, before the First *Tuesday* of *November* next after the passing of this Act, proceed to choose the Number of Councillors provided to such Burgh by this or the said first-recited Act; and where any such Burgh shall, in consequence of the Decision of a Court of Law or otherwise, be without a legal Council at any future Time, and under the Administration of Managers, the qualified Electors of such Burgh shall, before the First *Tuesday* of *November* next ensuing after the Date of the Appointment of such Managers, proceed to choose the Number of Councillors provided to such Burgh by this or the said first-recited Act; and in all such Cases the Sheriff of the County within which such Burgh is situated shall, on Application made to him by any qualified Elector of such Burgh, appoint One of the Managers thereof to discharge the Duties and exercise the Powers directed in the said first-recited Act and this Act to be performed and exercised by the retiring Provost or Senior Magistrate of such Burgh; and every such Election shall proceed and be carried on in all other respects in the Manner provided by the said first-recited Act and this Act until the Council of such Burgh shall be completed.

Election in Burghs not contained in Schedule F. of 3 & 4 W. 4. c. 76. having no legal Councils and being under the Administration of Managers.

VIII. Immediately after the Election of Councillors in any such Burgh shall be completed in manner herein-before provided the Councillors so elected shall proceed to elect from among

Election of Magistrates, &c. in Cases where

Burgh has been without Council and under Managers.

among their own Number the Magistrates of such Burgh, and shall also elect a Treasurer and the other usual and ordinary Office Bearers fixed by the Set or Usage of such Burgh, and shall elect Managers of any charitable Institution which may be connected with such Burgh and the Appointment of Managers to which is vested in the Magistrates and Council of such Burgh, all in the Manner provided in the said first-recited Act with regard to the Election of Magistrates and other Office Bearers, the Councillor who had the greatest Number of Votes at the Election of Councillors presiding at such Election, and having a casting or double Vote in case of Equality; and in the event of Two or more Councillors having an equal Number of Votes, One of the Managers of such Burgh to be appointed as aforesaid shall preside, and shall have a casting but no deliberative Vote; and immediately on the Completion of such Election of Magistrates the Managers of such Burgh shall cease to hold Office and to administer the Affairs of the Burgh; and all succeeding annual Elections of Councillors and Magistrates in any such Burgh shall take place at the Time and in the Manner provided in the said recited Acts and this Act.

Succeeding annual Elections of Council.

Election of Magistrates not to be invalid in consequence of retiring Magistrate or other unauthorized Person presiding at Election.

IX. No Election of any Provost or Magistrates or Councillors in any Burgh which shall have taken place prior to the passing of this Act shall be invalid by reason of any retiring Provost or Magistrate, or of any other Person not legally authorized, having presided at such Election, or having cast up the Votes and declared the Result of any Election of Councillors of such Burgh, anything in any Act of Parliament or Law or Practice to the contrary in anywise notwithstanding: Provided always, that nothing herein contained shall affect any Action or Proceeding at Law instituted prior to the passing of this Act.

Recited Acts to remain in force, except in so far as inconsistent with this Act.

X. The Provisions of the said recited Acts with respect to the Mode of Election of Magistrates and Councils, the Term of Magistrates and Councils remaining in Office, the Supply of Vacancies, and all other the Provisions thereof, shall, excepting in so far as inconsistent with or varied by this Act, be and remain in full Force and Effect, but the said Acts shall, in so far as the same or any Parts thereof are inconsistent with the Provisions of this Act, but no further, be and the same are hereby repealed.

SCHEDULE to which the foregoing Act refers.

——	Number of Council.	Bailies.	Provost.	——	Number of Council.	Bailies.	Provost.
Annan	15	3	1	Irvine	18	3	1
Anstruther, Easter	9	2	1	Jedburgh	15	3	1
Anstruther, Wester	9	2	0	Kilrenny	9	2	1
Arbroath	18	3	1	Kinghorn	9	2	1
Auchtermuchty	12	2	1	Kirkwall	12	2	1
Banff	9	3	1	Lanark	15	3	1
Burntisland	12	2	1	Lauder	9	2	0
Crail	9	2	1	Linlithgow	15	3	1
Cullen	12	2	1	Lochmaben	9	1	1
Culross	9	2	1	New Galloway	9	2	1
Cupar	18	3	1	North Berwick	9	2	0
Dornoch	9	2	1	Peebles	12	2	1
Dumbarton	15	3	1	Pittenweem	12	2	1
Dunbar	12	3	1	Queensferry	9	2	1
Dysart	9	2	1	Renfrew	12	2	1
Earlsferry	9	2	0	Rothesay	18	3	1
Falkland	12	2	1	Sanquhar	9	2	1
Forfar	15	3	1	Selkirk	15	2	1
Haddington	18	3	1	Whithorn	9	2	1
Inverary	12	2	1	Wick	15	3	1
Inverkeithing	12	2	1				