CHAPTER 24.

An Act to amend the Crofters Holdings (Scotland) Act, 1886. [8th August 1887.]

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 and construction. 49 & 50 Vict. c. 29.

1. This Act may be cited as the Crofters Holdings (Scotland) Act, 1887, and shall be read as part of the Crofters Holdings (Scotland) Act, 1886, herein-after called the principal Act.

Stay of proceedings for sale of crofter's effects.

2. Any crofter who has made or shall make an application to the Crofters Commission to fix a fair rent for his holding, and against whom legal proceedings have been taken for payment of rent, may apply, under the same or any subsequent application, to the Crofters Commission for an order prohibiting the sale of the crofter's effects upon the said holding by virtue of any decree for payment of such rent; and the Crofters Commission, if satisfied that such sale would have the effect of defeating in the case of such crofter the intention of the principal Act, may, upon such terms as to payment of rent or otherwise as they shall think fit, grant an order prohibiting such sale till the application to fix a fair rent has been finally determined.

Any application under this section shall be made within the following periods:

(1.) In the case of proceedings in dependence at the passing of this Act, within two months of the date hereof:

(2.) In the case of proceedings instituted after the passing of this Act, at any time before the expiration of the *inducia* in the action.

The Crofters Commission shall consider and determine applications under this section summarily, and they may ascertain the facts by means of affidavits, or by such inquiry as they may deem appropriate in each case. The powers conferred by this Act are in addition to those contained in sub-section four of section six of the principal Act, and where any crofter has, subsequent to the Crofters Holdings (Scotland) Act, 1886, coming into operation, granted a bill or promissory note at the request of his landlord for arrears of rent, the Crofters Commission shall not be precluded from dealing with such arrears under the said Act; and where any crofters shall have been called on to pay, and shall have paid, to the holder of such bill or note any larger sum than the Crofters Commission shall hold ought to be paid of such arrears, they may give relief by ordering repayment of such excess by the landlord, or authorise the deduction thereof from future rents in such instalments as they may fix.

As to notour bankruptcy of crofter.

3. Any crofter in whose favour an order has been granted under the immediately preceding section shall not, for the purposes of section one of the principal Act, be held to become notour bankrupt by reason of any decree obtained or diligence done before or during the subsistence of such order, and for the rent to which such order relates: Provided always, that this section shall not, after the decision of the Crofter's Commission on the arrears due by such

crofter, continue to apply to such decrees or diligence as shall not be invalidated by such decision.

Amendment of section 6 of 1 & 50 Vict. c. 29.

4. Section six, sub-section three, of the principal Act shall be read and construed as if the words "the first term of Whitsunday or Martinmas next following" were inserted between the words "and" and "the" in the said sub-section.

CHAPTER 25.

An Act to permit the conditional Release of First Offenders in certain cases. [8th August 1887.]

WHEREAS it is expedient to make provision for cases where the reformation of persons convicted of first offences may, by reason of the offender's youth or the trivial nature of the offence, be brought about without imprisonment:

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, as follows:

Power to court to deal upon probation of good conduct instead of sentencing to punishment.

1.—(1.) In any case in which a person is convicted of larceny or [illegible] pretences, or any other offence punishable with not more than two years imprisonment before any court, and no previous conviction is proved against him, if it appears to the court before whom he is so convicted that, regard being had to the youth, character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court may direct, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour.

(2.) The court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as may be directed by the court.

Provision in case of offender failing to observe conditions of his recognizances.

2.—(1.) If a court having power to deal with the offender in respect of his original offence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

(2.) An offender, when apprehended on any such warrant, shall, if not brought forthwith before the court having power to sentence him, be brought before a court of summary jurisdiction, and that court may either remand him by warrant until the time at which he was required by his recognizance to appear for judgment, or until the sitting of a court having power to deal with his original offence, or may admit him to bail with a sufficient surety conditioned on his appearing for judgment.