CHAP. cliii.

An Act for the Improvement of the Burgh of Dundee, and the Police thereof; and for constructing new, and widening, altering, improving, and diverting existing Streets in said Burgh; and for constructing Sewers and other works; and for other purposes. [24th July 1871.]

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WHEREAS the inhabitants of the burgh of Dundee (which burgh is herein-after called the burgh) duly adopted in the year one thousand eight hundred and fifty-one the General Police Act for Scotland, being an Act passed in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act to make more effectual provision for regulating the police of towns and populous places in Scotland, and for paving, draining, cleansing, lighting, and improving the same," with the exception of the clauses and provisions thereof with respect to the supply of water:

13 & 14 Vict. c. 33. (*Pub.*)

And whereas an Act was passed in the nineteenth and twentieth years of the reign of Her present Majesty, intituled "An Act to make better provision for the removal of nuisances, regulation of lodging houses, and the health of towns in Scotland:"

19 & 20 Vict. c. 103. (*Pub.*)

And whereas an Act was passed in the twenty-third and twenty-fourth years of the reign of Her present Majesty, intituled "An Act to amend the Police of Towns Improvement Act, so as to enable towns and populous places in Scotland to avail themselves of its provisions for sanitary and other improvements, without at the same time adopting its provisions as regards the establishment and maintenance of a police force:"

23 & 24 Vict. c. 96. (*Pub.*).

And whereas an Act (Local and Personal) was passed in the twenty-eighth year of the reign of Her present Majesty, intituled "An Act to transfer the statute labour roads in the burgh of Dundee to the Commissioners of Police of the said burgh, and to provide for the management and maintenance of the said roads:"

28 & 29 Vict. c. lx.

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30 & 31 Vict. c. 101. (*Pub.*)

And whereas an Act was passed in the thirtieth and thirty-first years of the reign of Her present Majesty, intituled "An Act to "consolidate and amend the law relating to the public health in "Scotland:"

And whereas by the adoption of the first-recited Act, the provost, magistrates, and town council of the burgh (herein-after called the Commissioners) became and have exercised the powers of Commissioners of Police within the burgh, under and for the purposes of the first-recited Act; and the second and third recited Acts amend the first-recited Act; and the fourth-recited Act confers additional powers on the Commissioners; and the fifth-recited Act repeals the second-recited Act except Part V. thereof; and under the second-recited Act the said Commissioners were duly appointed by the Board of Supervision as, and under the second and fifth-recited Acts have exercised the powers of, and are now, the local authority in and for the parish of Dundee and the united parish of Liff and Benvie, within which parishes the burgh lies:

And whereas the paving, draining, cleansing, lighting, watching, and other police purposes of the burgh have been administered under the provisions of the said several Acts (herein-after called the recited Acts), and under the first-recited Act the burgh was in the year one thousand eight hundred and fifty-three, for the purposes of drainage, duly divided into two separate drainage districts, the first of which, comprising the greater part of the town of Dundee, is called district first; and the second, comprising, inter alia, the village or suburb of Lochee, is called district second:

And whereas the houses and buildings in various parts of the burgh have been built in such a manner and are now so old that they have become inconvenient and insalubrious, and they are so densely inhabited as to be highly injurious to the moral and physical welfare of the inhabitants, and detrimental generally to the burgh; and many of the streets and thoroughfares are narrow, circuitous, and inconvenient; and it would be of public advantage if various houses and buildings were taken down, and those portions of the burgh reconstituted, and if several new streets were constructed, and several existing streets, closes, and thoroughfares altered, widened, improved, and diverted, and that in connexion with the reconstitution of the said portions of the burgh, and the carrying out of the said new and improved streets, provision was made for dwellings for the labouring classes who may be displaced in consequence of the proposed improvements, and for a better style and description of street, houses, and other buildings:

And whereas the said district second of the burgh is still undrained, and it would be of public advantage were the drainage

of the said district executed and partly carried out beyond the boundaries of the burgh, and the sewage of the same in whole or in part utilised, and were the Commissioners authorised to purchase and acquire lands, and to construct works for the drainage of the said district, and for utilising the sewage thereof in whole or in part:

And whereas the recited Acts give no sufficient power and control to the Commissioners with respect to the sites, design, elevations, construction, ventilation, lighting, or dimensions of new houses and buildings within the burgh, or to the distances of lines or blocks of houses and buildings from each other, or to the distances of houses from the centres of streets, or to the fixing of the widths of new streets, or the course or direction of such streets, and it would be for the public advantage to confer upon the Commissioners such power and control:

And whereas an Act was passed in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, intituled "An Act "to make more effectual provision for regulating the police of towns "and populous places in Scotland, and for lighting, cleansing, "paving, draining, supplying water to, and improving the same, and "also for promoting the public health thereof," and some of the clauses of that Act would, with new and subsidiary provisions, be of great utility within the burgh, and it is expedient to incorporate such clauses with some necessary amendments into this Act: 25 & 26 Vict. c. 101.

And whereas it is expedient that the powers, provisions, and jurisdictions of the fifth-recited Act should be made part of the ordinary purposes of police within the burgh, and that the said Commissioners should as such be entitled to carry out the same with all the powers thereby conferred on the local authority:

And whereas the clauses and provisions of the first, second, and fourth recited Acts with regard to the borrowing of money and the repayment of borrowed money, and as to the assessments to be levied by the Commissioners, are now unsuitable to the burgh and operate inequitably therein, and it would be expedient to enlarge and amend the same, and to confer new powers of borrowing money for the objects and purposes of the said recited Acts and this Act, and of assessing for the interest thereof and the repayment of the same, and also to assess and rate the owners of lands and premises let at small rents instead of the occupiers thereof:

And whereas it is expedient that the Commissioners should be authorised to take and appropriate lands for public markets and for public parks, to provide a powder magazine, to purchase and abolish fairs and markets, and to make other provisions as to fairs and

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markets, and to make and provide within the burgh other improvements and accommodation:

And whereas it is expedient that the Commissioners should be authorised to make byelaws for the regulation of such public parks as at present belong, or which may hereafter belong, to or be acquired by them, and for other and divers purposes:

And whereas the burgh of Dundee within its municipal boundaries is, for the purposes of municipal elections, divided into three wards or districts, and the town council of the said burgh is composed of twenty-one members, whereof one member is the dean of guild of the said burgh, who sits ex officio, and is elected by the guildry of Dundee, and the remaining twenty are elected by the municipal electors as follows, viz., eight by ward first, six by ward second, and six by ward third:

And whereas, owing to the great increase and rapid extension of the burgh in recent years, it is expedient to alter the three wards or districts into which the burgh is divided for the purposes of municipal elections, and to divide it into new and more numerous wards or districts, and to fix the number of councillors to be returned for such new wards or districts, and the number of councillors to retire at ensuing elections, and to make other alterations and provisions on and as to wards or districts, and as to municipal elections within the burgh:

And whereas it is expedient that further powers should be given to the Commissioners for the better regulation and government of the burgh and the police thereof, and for the greater comfort and convenience of the inhabitants of the burgh, and that the recited Acts should be amended so far as regards the burgh, and that the powers and jurisdictions of the Commissioners and police magistrates should be extended and enlarged in divers particulars, and that additional police magistrates should be constituted:

And whereas plans and sections of the said intended new streets, and of the widening, alteration, improvement, and diversion of existing streets, closes, and thoroughfares, and of the said intended sewage works, showing the lines and levels thereof respectively, and the lands, houses, and property to be taken for the purposes thereof, and plans of the lands, houses, and property required to be taken for public markets, public parks, and for the other purposes before mentioned, and a book of reference to the whole plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the said several lands, houses, and property, have been deposited with the principal sheriff clerk of the county of Forfar at his offices in Dundee and Forfar respectively,

and are herein-after referred to as the deposited plans and sections and book of reference :

And whereas the execution of "The Lands Clauses Consolidation (Scotland) Act, 1845," would, in so far as regards the compulsory acquisition of lands, houses, and property for the purposes of this Act, be attended with unnecessary delay and expense, and such lands, houses, and property are, with the exception of a portion of the land required for the sewage works, all within the burgh of Dundee, and such houses chiefly consist of old properties of a low class, and it is expedient to modify in some respects the provisions of the said Act, and to provide a simpler and less costly procedure than the said Consolidation Act provides for the acquisition of the lands, houses, and property required for the purposes of this Act :

And whereas the objects aforesaid cannot be effected without the aid and authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and 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 :

I.—GENERAL.

Short title.

1. This Act may be cited or referred to for all purposes as "The Dundee Police and Improvement Act, 1871."

Interpretation of terms.

2. The following words and expressions in this Act, and in the Acts wholly or partially incorporated with this Act, shall have the meanings hereby assigned to them, unless there be something in the context repugnant to such construction :

"Burgh" shall mean the burgh of Dundee within the limits thereof, as fixed and defined by the Public Act second and third William the Fourth, chapter sixty-five :

"Commissioners" shall mean the Commissioners of Police acting in and for the burgh of Dundee :

"Magistrates" and "magistrate" shall mean the magistrates having police jurisdiction within the burgh, or any one of them, and shall include the provost and bailies of the royal burgh of Dundee, or any one of them, sitting or acting as police magistrates of the burgh, and "magistrates" shall also mean any two or more police magistrates sitting or acting as aforesaid :

"Sheriff" shall mean the sheriff of the county of Forfar, or any of his ordinary substitutes :

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"Clerk," "treasurer," "surveyor," and "medical officer" shall severally mean the clerk, treasurer, surveyor, and medical officer to the said Commissioners:

"Procurator fiscal" and "procurator fiscal of the police court" shall mean the procurator fiscal of the police magistrates or police court of Dundee, or of the burgh, appointed by such police magistrates:

"Superintendent of police" shall mean the superintendent of police in and for the burgh of Dundee:

"Constables" shall mean the police constables of the burgh of Dundee, and shall include the superintendent of police of the said burgh, and all officers under him:

"Persons" shall include companies and corporations:

"Police court" shall mean any court holden by the police magistrates of the burgh, or any one or more of them:

"Lands" and "premises" shall include all lands, springs, rights of servitude, dwelling-houses, shops, warchouses, vaults, cellars, stables, breweries, manufactories, mills, and other houses and buildings, and yards, and places:

"Street" shall extend to and include any road, bridge, lane, square, court, alley, close, wynd, vennel, and thoroughfare or public passage:

"New street" shall extend to and include any road, bridge, lane, square, court, alley, close, wynd, vennel, and thoroughfare or public passage, laid out or dedicated, or proposed to be laid out or dedicated, for use in whole or in part within the burgh, after the passing of this Act, and shall not apply to any street the width and levels of which have been fixed under and in terms of the recited Acts before the passing of this Act:

"House" and "dwelling-house" and "existing house" shall severally extend to and include any house or building used or intended or designed to be used for human habitation:

"Building," "buildings," and "existing building" shall extend to and include warehouses, shops, vaults, cellars, stables, breweries, manufactories, mills, theatres, places of amusement, and other buildings, and shall also include houses and dwelling-houses:

"New building" shall extend to and include any house or building erected or proposed to be erected after the passing of this Act, and shall also have the meaning herein-after specially given to it by this Act:

"New house" and "new dwelling-house" shall severally extend to and include any house or dwelling-house erected or pro-

posed to be erected after the passing of this Act, and used or intended or designed to be used for human habitation:

"Self-contained cottages" and "self-contained dwelling-houses" shall mean and include any new building, whether detached, or in terrace, row, or street, constructed or proposed to be constructed for the occupation or use of one family only:

"The park" and "public park" shall mean and include the Balgay Hill recreation ground belonging to the Commissioners, as well as any public park or pleasure ground, or place of public resort or recreation to be taken and provided at any time by the Commissioners.

General Acts herein-named incorporated.

3. "The Lands Clauses Consolidation (Scotland) Act, 1845," (excepting sections thirty-five to fifty-five, both inclusive,) and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act: Provided always, as regards section twenty-seven of "The Lands Clauses Consolidation (Scotland) Act, 1845," that the sheriff shall have the power thereby conferred on the Lord Ordinary, and that the application therein provided for shall be made to the sheriff and not to the Lord Ordinary: Provided further, that if the arbiters or their umpire shall for three months have failed to make their or his award, the question of compensation submitted to him or them shall devolve upon and be settled by the sheriff as sole arbiter, with all the powers of a sole arbiter conferred by the said Act or competent by the law of Scotland.

Application of 30 & 31 Vict. c. 101.

4. The "Public Health (Scotland) Act, 1867," fifthly hereinbefore recited, except in so far as expressly varied by this Act, and any Act that may be passed during the present or any future session of Parliament altering or amending the same, shall be applicable to the burgh and be executed by the Commissioners and by the magistrates, and by all others authorised within the burgh, the same as if its purposes and provisions were purposes and provisions of the first-recited Act, and as if the additional powers, provisions, and jurisdictions thereby conferred on the local authority were additional powers, provisions, and jurisdictions contained in the said first-recited Act and duly adopted by the burgh of Dundee.

Incorporation and application of 25 & 26 Vict. c. 101.

5. The following clauses of "The General Police and Improvement (Scotland) Act, 1862," are incorporated with and form part of this Act, except in so far as expressly varied by this Act, viz., clauses seventy-nine, eighty-two, eighty-five, ninety, ninety-four, one hundred and twenty-one, one hundred and twenty-seven, one

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hundred and twenty-eight, one hundred and thirty, one hundred and thirty-one, one hundred and forty-one to one hundred and forty-four, both inclusive, one hundred and sixty-one, one hundred and seventy-six, one hundred and seventy-seven, with the exception of the last provision thereof, one hundred and seventy-eight to one hundred and eighty, both inclusive, two hundred and ten, two hundred and thirteen, two hundred and fifteen, two hundred and forty-two to two hundred and forty-seven, both inclusive, two hundred and fifty-two, two hundred and fifty-three, two hundred and fifty-six, two hundred and sixty-three, two hundred and sixty-four, two hundred and sixty-five, two hundred and sixty-nine, two hundred and seventy-one, three hundred and nine, three hundred and ten, three hundred and twenty-seven to three hundred and thirty, both inclusive, three hundred and thirty-eight, three hundred and thirty-nine, three hundred and forty-one, three hundred and forty-two, three hundred and forty-six, three hundred and fifty-four to three hundred and fifty-seven, both inclusive, three hundred and sixty-four, and three hundred and seventy-four: Provided always, that the powers, provisions, and jurisdictions contained in the said several clauses shall be deemed, construed, and taken to be powers, provisions, and jurisdictions of and additional to those contained in the said recited Acts, and to apply to the assessments thereby authorised to be levied, and to the summary procedure and manner of prosecutions and convictions authorised by the first-recited Act, and to the magistrates, and to the Commissioners, and to the superintendent of police, inspector of cleansing, and all other officers of the Commissioners, and to the purposes of the recited Acts.

Power to take lands.

6. Subject to the provisions of this Act, the Commissioners may enter upon, take, and use for the purposes of this Act, or any of them, all or any of the lands, houses, and property shown on the deposited plans and specified in the deposited book of reference.

As to Bucklemaker Wynd.

7. It shall not be lawful for the Commissioners under the authority of this Act to take or acquire any portion of the block or area of land and buildings marked O, numbers one to seventeen, inclusive, on the deposited plans, except such portion thereof as shall be required for the purpose of widening Bucklemaker Wynd, without the consent of the owner of said land.

Omission or misstatement in plans, &c. may be corrected.

8. If there be any omission, mis-statement, or wrong description of any lands or the buildings thereon, or of the owners, lessees, or occupiers of any lands or buildings thereon, shown on the deposited plans or specified in the deposited book of reference, the Commissioners, after giving ten days notice to the owners affected by the

proposed correction, may apply to the sheriff for the correction thereof, and if it appears to such sheriff that such omission, mis-statement, or wrong description arose from accident or mistake, he shall certify the same accordingly, and shall in such certificate state the particulars of the omission, and in what respect any such matter is mis-stated or wrongly described.

Certificates to be deposited.

9. The certificate of the sheriff shall be deposited with the sheriff clerk of the county of Forfar, and a duplicate thereof with the schoolmaster, or if there be no schoolmaster, with the session clerk of the parish in which the lands in question lie, and the certificate and duplicate respectively shall be kept by the sheriff clerk, schoolmaster, or session clerk respectively with the other documents to which it relates, and thereupon the deposited plans and book of reference shall be deemed to be correct in accordance with the certificate, and the Commissioners may enter upon, take, and use for the purposes of this Act any lands or buildings in accordance with such certificate as if such omission, mis-statement, or wrong description had not been made.

Power to take down buildings and lay out lands of new.

10. The Commissioners may take down the whole or any part of the buildings situated on any part of the lands and property acquired by them under the authority of this Act, and sell and dispose of the materials thereof, and may, subject to the provisions of this Act as to the making and executing of new and improved streets, and as to providing public markets and public parks, lay out and appropriate the said lands and property of new in such way and manner as they may deem best, and may sell or dispose of the ground or buildings, or any part or portion thereof, or grant leases, dispositions in feu, contracts of ground annual, or other deeds or conveyances of such ground or buildings, on such terms and subject to such conditions as they may determine and prescribe, and generally they may deal with the lands, houses, and property acquired by them under this Act as absolute proprietors thereof, subject only to the conditions and provisions of this Act and of the Acts regulating the police of the burgh for the time being.

Provision as to ejectment of labouring classes.

11. The Commissioners shall not eject or displace within any period of six months any number of persons of the labouring classes exceeding five hundred without a certificate from the sheriff that other and suitable accommodation exists within the burgh or its immediate neighbourhood, or has been provided by the Commissioners in manner herein-after mentioned, or otherwise.

Commissioners may provide

12. Whenever the Commissioners find it necessary to eject or displace any greater number of such persons than five hundred, and

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houses for labouring classes.

ble accommodation for them has not been otherwise provided, oes not otherwise exist within the burgh, the Commissioners may erect, lease, or otherwise acquire within the burgh, houses or other premises for the temporary accommodation of such persons; and the Commissioners may thereafter let the houses or other premises so erected, leased, or acquired to such persons, at such rents and upon such terms and conditions as the Commissioners may from time to time think fit: Provided always, that the net sum to be expended by the Commissioners in erecting, leasing, or otherwise acquiring such houses or other premises, shall not exceed the sum of ten thousand pounds.

Further provisions as to ejectment of labouring classes.

13. The Commissioners shall, not less than eight weeks before they take in any parish fifteen houses or more, occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Commissioners shall not take any such houses until they have obtained the certificate of one of Her Majesty's justices of the peace for the county of Forfar that it has been proved to his satisfaction that the Commissioners have made known their intention to take the same in manner herein-before required.

Limitation of time for compulsory purchase.

14. The powers of the Commissioners for the compulsory purchase of lands, houses, and property for the purposes of this Act shall not be exercised after the expiration of ten years from the passing of this Act.

Purchase of lands by agreement.

15. In addition to the lands, houses, and property which the Commissioners are by this Act authorised to take compulsorily, they may from time to time, but only by agreement, purchase, take in lease, or otherwise acquire any lands and houses, and any interest, right of user, power, or privilege in, over, or affecting any lands and houses, which they think expedient for any of the purposes of the recited Acts or this Act.

Commissioners may appropriate lands for purposes of Act.

16. The Commissioners may from time to time appropriate and use for any of the purposes of the recited Acts and this Act any lands for the time being vested in them: Provided always, that nothing herein contained shall alter, prejudice, or affect the provisions of a feu contract entered into between Dame Elizabeth Anderson or Scott and Sir William Scott, of Ancrum, Baronet, her husband, on the one part, and the Commissioners of Police for the burgh of Dundee on the other part, dated twenty-eighth and thirty-first January, and with warrant of registration thereon, registered

in the division of the general register of sasines applicable to the county of Forfar, the twenty-fourth May, all in the year one thousand eight hundred and seventy.

Commissioners not to be bound to execute all works, &c.

17. Nothing in this Act contained shall make it binding on the Commissioners to execute all the works by this Act authorised, or to purchase all the lands, houses, and property in this Act mentioned; but it shall be lawful for them, subject to the provisions of this Act, to execute such or such parts of the said works, and to purchase such of the said lands, houses, and property, as it shall from time to time seem to them expedient to execute and purchase, and the execution of any works or purchase of any lands, houses, or property under this Act shall be in the absolute discretion of the Commissioners for the time being.

Apportionment of expenditure for common purposes.

18. Where any expenditure under this Act is incurred for purposes common to two districts, the Commissioners, as they think fit, may apportion the same between such districts.

Power to Commissioners to cause footways to be made and paved.

19. To obviate all doubt as to the liabilities and obligations created thereanent by the first-recited Act, the owners of all houses and other buildings, or of gardens, yards, ground, and other heritages on which buildings are not erected, which are adjoining to or fronting any street, square, or other public or principal place within the burgh, whether such streets, squares, or other public or principal places be or be not under the management of any turnpike road or other trustees, shall, at their own expense, when required by the Commissioners, cause footways before their property respectively on the side of the said streets, squares, or other public or principal places, to be made and to be paved or to be constructed in terms and as provided by section two hundred and twelve of the first-recited Act; and in case such owners shall refuse or neglect or delay to do the work required of them, the Commissioners may exercise all the powers and authorities conferred upon them by the said recited Act, and specially by sections two hundred and twelve, three hundred and eight, three hundred and nine, three hundred and ten, three hundred and eleven, and three hundred and twelve thereof.

As to footways abutting on turnpike roads.

20. Provided always, as regards all owners of properties abutting on or fronting any turnpike road as follows: wherever before the commencement of this Act footways of dressed flag pavement have been constructed and are existing along any parts of the sides of any turnpike road, these footways shall exempt the owner of lands and heritages along which they are constructed, so far as the length of these footways extends, from all obligation to construct footways or to alter the existing footways; but the Commissioners may, in

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their own discretion, reconstruct or alter such existing footways as to them may appear expedient for the public interest, and defray the cost out of the annual general assessments raised under the first-recited Act; wherever the land along the sides of any turnpike road is not built upon, and not enclosed and used for pleasure ground or garden or nursery ground, or for manufacturing purposes, the obligation to make footways shall not come into operation unless and until the land is built upon or enclosed and used for some one of the said purposes, except in the case of there being footways constructed reaching up to such exempted lands, and there being also footways constructed further along the sides of the said road or some continuous street or road, and the distance between the one constructed portion of footway and the other not being greater than one hundred yards, in which case whenever it occurs the owners of lands shall be bound to construct footways, so as to make the line of footways continuous, although their lands be not built upon, and not enclosed and used as aforesaid; and when the Commissioners think it desirable for the public interest to have footways constructed for the public use along any parts of any turnpike road while the circumstances are such that they cannot compel the owners of lands to construct the footways, it shall be lawful for the Commissioners to make temporary footways, using gravel or road metal, or other cheap material, to serve the public convenience, but such construction of temporary footways shall not relieve the owners of lands from their obligations to construct footways according to this Act, when their lands come to be in the position which permits the obligation to arise; and for the public convenience, in order to obtain well constructed footways speedily, it shall be lawful for the Commissioners in their discretion to make agreements with the owners of lands along any turnpike road, who are not at the time under obligation by this Act to construct footways, for the immediate construction of permanent flagged footways, satisfying for ever the obligation of such owners; and that, on condition of the owners paying an agreed-on portion of the cost, while the Commissioners pay the other portion in lieu of the cost of a temporary footway, or on any like condition, which in the circumstances of each special case the Commissioners may consider expedient: Provided always, that the levels and width of all footways abutting on any turnpike road shall be subject to the approval of the surveyor to the trustees of such turnpike road; but such surveyor shall be bound to approve or disapprove forthwith (after intimation to him by the Commissioners) of the proposed levels and width, and, if he disapprove, to fix and intimate to the Commissioners the levels and width of which he approves; and, provided further, that nothing herein-before

contained shall repeal, alter, or affect the powers and obligations of any turnpike road trustees, or the provisions of any Act of Parliament under which they act. A.D. 1871.

II.—NEW AND IMPROVED STREETS.

Power to construct new and improved streets.

21. Subject to the provisions of this Act and of the Acts incorporated wholly or in part with this Act, the Commissioners may make, lay out, execute, and maintain in the lines and situations, and according to the levels described on the deposited plans and sections, the new streets and widenings, extensions, alterations, improvements and diversions of streets, roads, places, lanes, and wynds (herein-after called improved streets) shown on the deposited plans, with such carriageways, footways, works, bridges, and conveniences connected therewith as the Commissioners may think necessary and proper.

Enumeration of new streets, and altered, widened, and diverted existing streets.

22. The works herein-before referred to and authorised by this Act are the following, viz.:

1. A new street (marked "1" on the deposited plans), commencing at Brown Constable Street, and terminating at the roadway constituting the common junction of Dens Road, Bucklemaker Wynd, and Cotton Road:
2. The widening, alteration, and improvement (marked "2" on the said deposited plans) of Bucklemaker Wynd, the common junction of Hilltown, Ladywell Lane, Ladywell Place, Wellgate, and Bucklemaker Wynd, and of the Hilltown lying along the north-west side of said common junction, commencing from and out of the roadway constituting the common junction of Dens Road, Cotton Road, and Bucklemaker Wynd, and terminating at or near to the south-west side of the said common junction herein first before mentioned, and at or near to the south-west side of Hilltown; and which work includes the altering of the levels of Bucklemaker Wynd, from a point at or near to Idvies Street to the common junction herein first before mentioned, the altering of the levels of said common junction, and the altering of the levels of Hilltown for a distance of twenty-six yards or thereabout north-westward from the said common junction, as well as alterations on the levels of Lamb's Lane, Bonnybank Road, Forebank Road, Eadie's Road, and the lane known as Infirmary Lane:
3. The widening, alteration, and improvement (marked "3" on said deposited plans) of Ladywell Lane, commencing at the termination of work marked "2" on said deposited plans,

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and terminating at or near the north-east end of Soapwork Lane and at or near to the south-west side of Powrie's Lane; and which work includes the altering of the levels of Ladywell Lane, Soapwork Lane, and Water Wynd, and the common junction of Ladywell Lane with Powrie's Lane and Soapwork Lane:

4. The widening, alteration, and improvement (marked "4" on said deposited plans) of Powrie's Lane, commencing at the termination of work marked "3" on said deposited plans as before specified, and terminating at or near to the junction of said lane with Bell Street, and which work includes the alteration of the levels of said Powrie's Lane:

5. The widening, alteration, and improvement (marked "5" on said deposited plans) of Bell Street, and of the roadway constituting the common junction of Bell Street, Meadowside Road, Baltic Street, and Water Wynd:

$\frac{5.}{1}$ The diversion, widening, alteration, and improvement (marked "$\frac{5}{1}$" on said deposited plans) of the Wellgate and Ladywell Place, Ladywell Lane, at their common junction, and the alteration of the levels of Wellgate, and of the common junction of Ladywell Place, Ladywell Lane, Hilltown, Bucklemaker Wynd, and Wellgate:

6. The widening, alteration, and improvement (marked "6" on said deposited plans) of Commercial Street and Burnhead, commencing from and out of the north-west side of Dock Street, and terminating in the Seagate, and which work includes the altering of the levels of Burnhead and Commercial Street for a distance of fifty yards or thereabout south-eastward from their junction with the Seagate, and the altering of the levels of said Seagate:

7. A new street (marked "7" on said deposited plans), commencing in the Seagate, and terminating at Meadowside Road, and which work includes the altering of the levels of Commercial Street and Burnhead, Seagate, and Murraygate:

8. The widening, alteration, and improvement (marked "8" on said deposited plans) of the Murraygate, commencing at the High Street at its junction with the Murraygate, and terminating opposite the junction of Cameron's Close with the Murraygate, and which work includes the altering of the levels of said Murraygate along the course of said work:

9. The widening, alteration, and improvement (marked "9" on said deposited plans) of Seagate, commencing at the High Street at its junction with the Seagate, and terminating

north-eastward from and near to the covered close called Davidson's Court at its junction with the Seagate, and which work includes the altering of the levels of said Seagate along the course of said work, and the altering of the levels of Stewart's Court, Burnhead, and Commercial Street:

10. The widening, alteration, and improvement (marked "10" on said deposited plans) of the Nethergate, High Street, Thorter Row, and the common intersection of Church Lane and Thorter Row:

11. A new street (marked "11" on said deposited plans), commencing from and out of the south-west side of Greenmarket, and terminating by a junction with Union Street:

12. A new street (marked "12" on said deposited plans), commencing from and out of the south-east side of Nethergate, and terminating by a junction with the intended new street marked "11" on said deposited plans:

13. The widening, alteration, and improvement (marked "13" on said deposited plans) of the street known as Greenmarket, on the south-west side thereof, and in continuation of part of the south-west side of Crichton Street:

14. The widening, alteration, and improvement (marked "14" on said deposited plans) of South Union Street, on the north-east side thereof:

15. A new street (marked "15" on said deposited plans), being an extension of Guthrie Street, in or nearly in the direct line of said Guthrie Street, commencing at Horsewater Wynd, and terminating by a junction with the Scouringburn Road or Street, and the altering of the levels of West Henderson's Wynd and Malcolm's Pend:

16. The widening, alteration, and improvement (marked "16" on said deposited plans) of Scouringburn Road or Street:

17. The extension (marked "17" on said deposited plans) of Kincardine Street, commencing from and out of the southern termination of said street as now existing, and terminating at and in the line of the northern termination of the lane known as Heathfield Place, and in continuation thereof, the widening, alteration, and improvement of said lane, along the east side thereof from its said northern termination to its junction with Hawkhill Road or Street:

All of which will lie and be situate as follows:—1, 2, 3, 4, 5, $\frac{5}{1}$, 6, 7, 8, 9, 10, 11, 12, 13, and 14, within the parish of Dundee and county of Forfar; and 15, 16, and 17, within the united parishes of Liff, Logie, Benvie, and Invergowrie, and county of Forfar.

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Ownership of new streets.

23. The soil of all the new streets authorised to be constructed by this Act shall, after such construction, and in so far as situated within the ancient royalty of Dundee, be and become vested in the magistrates and town council of Dundee to the same extent and effect as the other streets within the ancient royalty are now vested in them; and the soil of all the new streets authorised to be constructed by this Act shall, after such construction, and in so far as lying beyond the ancient royalty of Dundee, be and become vested in the Commissioners for the purposes of this Act.

Power to stop up certain streets.

24. It shall be lawful for the Commissioners to stop up and discontinue the user by the public of the following roads or streets, or any of them, or any parts or portions thereof, viz.: Meadow Place, Meadow Entry, Mauchline Tower Court, Fenton's Close, Young's Close, Meadow Close, Crichton's Close, Gardyne's Close, Fenton Street, Dyer's Close, Bell's Close for a distance of four eight yards or thereabout north-west from Murraygate, Saint Paul Close or Court, Saint Paul's Court, How's Entry, Ferguson's Close, Rattray's Court, Mason Lodge Close, Cathro's Close, Calender Close, Stewart's Entry and Close, Drummond's Close, Mitchell's Close, Fairney's Court, Close lying between Cathro's Close and Calender Close, Entry or Court off thirty-three Seagate; the access or communication between Murraygate and Seagate opposite Dyer's Close; that portion of the High Street lying between the north side of High Street and a line commencing at a point on said High Street three yards or thereabout south-eastward from and in prolongation of the north-east gable of tenement bearing No. 40 of High Street, and terminating at the north corner of Union Hall Building; that portion of Church Lane lying between High Street and Thorter Row; the covered portion of Ogilvie's Close adjoining Fish Street; Harris' Entry, south-east of the covered portion adjoining Nethergate, Scott's Close, Key's Close, Whitehall Close, Saint Mary's Close from Saint Margaret's Close to a point twelve yards or thereabout south-east from Nethergate; Saint Margaret's Close from Fish Street to a point sixteen yards or thereabout south-east from Nethergate; Fish Street; Butcher Row; that portion of Yeaman Shore lying between Union Street, Fish Street, and Dock Street; that portion of Greenmarket lying between the south-west side of Greenmarket and a line commencing at a point three yards or thereabout north-eastward from the corner of the Public Weighhouse to a point in the said south-west side of Greenmarket thirty-four yards or thereabout south-east of Butcher Row; West Henderson's Wynd for a distance of thirty-four yards or thereabout northward from Scouringburn; Malcolm's Pend for a distance of

fifteen yards or thereabout northward from Scouringburn; and Close or Passage bearing No. 117 of Scouringburn, from Scouringburn to Malcolm's Pend.

Soil of streets stopped up.

25. The ground and soil of such roads or streets, or of such parts thereof respectively as shall be stopped up, shall be and are hereby vested in the Commissioners for the purposes of this Act.

Lateral deviation.

26. In making and executing the streets, improved streets, and other works, the Commissioners may deviate from the respective lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon; provided that no such deviation shall extend into the lands of any person whose name is not mentioned in the deposited book of reference without his previous consent, unless his name is omitted by accident or mistake, and the fact that the omission proceeded from accident or mistake be certified, as by this Act is provided for in cases of unintentional errors in the book of reference.

Vertical deviations.

27. In making and executing the streets, improved streets, and other works, the Commissioners may deviate from the levels thereof, as referred to the datum lines shown on the deposited sections, but not to any extent exceeding five feet.

Power to cross roads, &c. temporarily.

28. For the purposes of and during the making or executing of any street or improved street, the Commissioners from time to time may cross, divert, alter, or stop up temporarily, any railway, tramway, street, road, close, lane, wynd, place, thoroughfare, approach, or way, and also any watercourse, drain, sewer, and gas, water, or other pipe, in any of the lands or streets shown on the deposited plans and specified in the deposited book of reference, and which they from time to time find it expedient for any of the purposes aforesaid so to interfere with.

Power to make minor works connected with new streets, &c.

29. Subject to the provisions of this Act and of the Acts incorporated wholly or in part with this Act, and in accordance with the deposited plans, and within the boundaries of the areas or limits of deviation thereon defined, the Commissioners in connexion with the new streets or the improved streets by this Act authorised, or any of them, and for the purposes thereof, may make junctions and communications with any existing streets, squares, closes, or thoroughfares which may be intersected or interfered with by or be contiguous to the new streets or improved streets, or other works, or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets, squares, closes, or thoroughfares, for the purpose of connecting the same with the new or improved streets or any of them, or otherwise, and may remove, alter, divert, stop up, enclose, use, or appropriate all or any part of

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any street or court, or of any drain or sewer, within the boundaries of the areas or limits of lateral deviation defined on the deposited plans, the Commissioners first providing a proper substitute before interrupting the flow of sewage in any such drain or sewer.

As to removal and relaying of water pipes.

30. If any existing street is widened, altered, or diverted under the authority of this Act, the mains and pipes in such street belonging to the Dundee Water Commissioners shall be removed and relaid by the said Commissioners in the widened, altered, or diverted line of such street, and in such position as the engineer of the said Commissioners for the time being shall determine, and the expense of removing and relaying such mains and pipes, and reasonable compensation for damage done to such mains or pipes in the lifting, removing, or relaying thereof, shall be paid by the Commissioners to the said Dundee Water Commissioners, and in case of difference between the Commissioners and the said Dundee Water Commissioners with respect to the amount of such compensation, the same shall be fixed and determined by a neutral engineer to be named by the sheriff on the application of either party.

As to the removal and relaying of gas pipes.

31. If any existing street is widened, altered, or diverted under the authority of this Act, the mains and pipes other than service pipes in such street belonging to the Dundee Gas Commissioners, shall be removed and relaid by the said Commissioners in the widened, altered, or diverted line of such street, and in such position as the engineer of the said Commissioners shall determine; and the expense of removing and relaying such mains and pipes, and reasonable compensation for damage done to such mains and pipes in the lifting, removing, or relaying thereof, shall be paid by the Commissioners to the said Dundee Gas Commissioners; and in case of difference with respect to the amount of such compensation, the same shall be fixed and determined by a neutral engineer to be named by the sheriff on the application of either party.

Commissioners to form sewers, drains, &c.

32. The Commissioners may cause such parts of the new or improved streets authorised by this Act to be laid out for carriageways, and such parts thereof for foot passengers, as they think fit, and may construct, erect, and provide thereon or thereunder, or connected therewith, such vaults, cellars, arches, sewers, drains, and other works and conveniences as they may think proper.

Land thrown into streets to be public highway.

33. Any lands purchased or taken by the Commissioners, and laid out into any street, shall for ever thereafter form part of such street and be public highway.

Power to alter steps, doors, &c.

34. If, in consequence of the execution of any of the works by this Act authorised, the levels of any of the streets, squares, closes,

or thoroughfares in the burgh shall be raised or otherwise changed, or if any alterations of any steps, doors, or entrances in any house or building, or of any pavement, sewer, drain, or culvert belonging to any house or building, shall thereby be rendered necessary, such work or alteration shall be made by and at the expense of the Commissioners, and the Commissioners shall also make compensation to the owners of any such house or building for any damage done thereto by any such works or alterations.

III.—SEWAGE OUTFALL AND UTILIZATION OF SEWAGE.

Power to construct works.

35. Subject to the provisions of this Act, and of the Acts incorporated wholly or in part with this Act, the Commissioners may, in the lines and situations and according to the levels and within the limits of deviations described and shown on the deposited plans and sections, execute, construct, and maintain the outfall and other sewers and works described and shown on the deposited plans, with all proper penstocks, flaps, inlets, outlets, chambers, filters, reservoirs, pumping apparatus, ventilating apparatus, flushing apparatus, connecting sewers, manholes, sluices, tunnels, and other works, appliances, and conveniences connected therewith respectively, viz.:

1. An outfall sewer (marked "18" on said deposited plans) commencing in the road commonly called Butter's Loan, Lochee, and terminating by a junction with the existing main sewer of the Commissioners in the turnpike road leading from Dundee to Invergowrie:
2. A storm-water overflow sewer (marked "19" on said deposited plans) commencing by a junction with the said intended outfall sewer at or near to the commencement thereof, and terminating in the Lochee Burn:
3. The deepening of the said Lochee Burn (marked "20" on said deposited plans), such deepening to commence in the said burn at or near the west end of the bridge or culvert by which Butter's Loan, Lochee, is carried over the said burn, and to terminate in the said burn one hundred and seventeen yards, or thereabouts, measured down the course of the said burn from the said point of commencement:

which several works will lie and be situate within the united parishes of Liff, Logie, Benvie, and Invergowrie, and county of Forfar.

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Vertical deviation.

36. Whereas the said sewers and other works run through lands of such a conformation that any lateral deviation from the lines as shown upon the deposited plans may necessitate a vertical deviation of a great extent, and it may be advisable to accommodate landowners by making such lateral deviation: Therefore, whenever any such lateral deviation is made to accommodate any landowner, then, in the construction of any of the said works, the extent to which the Commissioners may deviate vertically from the levels thereof, as shown on the deposited sections, shall be any extent not exceeding twenty feet, and in any other case the Commissioners may deviate to any extent not exceeding five feet.

Lateral deviation.

37. Where the line of any work, as shown upon the deposited plans, passes along any highway, turnpike or other road, bridge, or street, and no limits of lateral deviation are shown on the deposited plans, the Commissioners may, in making the works, deviate laterally from the lines thereof, as laid down on the deposited plans, to the extent of the boundaries of such highways, turnpike or other roads, bridges, or streets respectively, and elsewhere the Commissioners may, in constructing the works, deviate laterally from the lines thereof as shown on the deposited plans, to the extent of the limits of lateral deviation shown thereon, and further in either case, with the consent of the owner of the lands through or in which the deviation is made; and where any of the said works are intended to pass under any railway authorised by Act of Parliament, the same shall be executed so as not to obstruct or interfere with the free, uninterrupted, and safe use thereof.

Time for completion of sewerage works.

38. The said outfall and other sewers and works shall be completed within ten years from the passing of this Act, and if the same shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Commissioners for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Grants of easements to remain valid notwithstanding destination of sewage altered.

39. All grants and easements made to, or other rights already vested in, the Commissioners for or in respect of the passage or conveyance of sewage and sewage matter through or along any lands or highways by means of any conduits or pipes of the Commissioners, shall remain valid and operative notwithstanding that the sewage or sewage matter to be passed through or along such conduits or pipes shall be greater in quantity, or shall be derived from other and different sources, or shall be conveyed to other or more

distant places, or shall be applied to other or different purposes than, or shall in any other respect differ from, the sewage and sewage matter in respect of which such grants, easements, or rights respectively were granted.

Power to deal with lands for sewage purposes.

40. The Commissioners may from time to time, by agreement, purchase, lease, or otherwise acquire, and may from time to time use and employ any lands taken or acquired under the powers of the recited Acts or this Act, or for the time being held by them, for sewage and sewage utilization purposes, and for the purposes of thereon dealing with, receiving, collecting, storing, disinfecting, deodorizing, distributing, utilizing, and applying to purposes of agriculture, irrigation, or fertilization, or other like purposes, sewage and sewage matter.

Provisions as to supply of sewage to adjacent owners, &c.

41. The Commissioners may, under any agreement with the owners or occupiers of any lands, supply to such owners or occupiers respectively sewage for the fertilization or irrigation of such lands.

Provisions as to supply of sewage to lands.

42. In supplying sewage for the irrigation of lands owned, leased, or occupied by the Commissioners, the Commissioners shall supply only such quantities of sewage as, according to the nature of the soil and of the crop to which it is to be supplied, can be absorbed so as to prevent any discharge of noxious matter into the wells, ponds, springs, rivers, or watercourses of the district or neighbourhood in or near which the lands are situate.

Power to execute works for irrigation purposes.

43. For the purpose of drawing off or supplying sewage for the irrigation of any lands, the Commissioners may, subject to the provisions of this Act, make all necessary openings in their sewers, and construct, execute, lay down, and maintain, and from time to time renew, improve, cleanse, and repair, all such works and apparatus as may be necessary or proper in, through, under, over, or upon any lands belonging or let to the Commissioners, or where the Commissioners have a right or easement, or in, through, under, over, or upon any other lands with the consent of the owners, lessees, and occupiers thereof, and also all such culverts, pipes, or covered drains under any public road or highway, through, under, or near which any of the said sewers pass, as they may find to be necessary in order to form a communication between the sewer and the works and apparatus to be constructed, executed, and laid down by them as aforesaid.

Notice to be served before breaking up public roads.

44. Before any public road shall be opened or broken up by the Commissioners they shall give to the persons under whose control or

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management such road may be, or their clerk or surveyor, notice in writing of their intention to open or break up the same three days at least before the commencement of such operation.

Roads to be broken up under superintendence.

45. Every such road shall be opened or broken up under the superintendence of the person so having the control or management of the same as aforesaid, or their officer, if such persons or their officer choose to attend, and according to such plan as to the depth, course, or direction of the culvert, pipe, or drain as shall be submitted by the Commissioners to and shall be agreed upon between such persons or their officer and the Commissioners, or in case of any difference respecting such plan, then according to such plan as shall be determined by an engineer to be appointed by the Board of Trade, and such engineer shall determine the plan according to which such road shall be opened or broken up; provided that three days notice of the time and place at which such determination is to be made shall be proved to have been served by the Commissioners on the persons having the control or management of the road proposed to be broken up, or their clerk or surveyor.

Roads broken up to be reinstated without delay.

46. When the surface or soil of any public road shall be opened or broken up by the Commissioners, they shall with all convenient speed complete the work on account of which the same shall be broken up, and fill in the ground and make good the surface or soil so opened or broken up, and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such surface or soil shall be so opened or broken up to be fenced and guarded, and set up and maintain upon or against the part of the said surface or soil so broken up or opened a sufficient light during every night during which such surface or soil shall be continued open or broken up.

Penalty for delay in reinstating roads.

47. If the Commissioners shall fail to give such notice of intention to break up any public road as herein-before required, or shall break up any such road without having given such notice, or before such plan has been agreed upon or determined as herein-before provided, or contrary in any respect to such plan, or shall make any delay in completing any such work, or in filling in the ground or making good the surface so opened or broken up, or in carrying away the rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the place where such surface shall have been broken up, they shall forfeit a sum not exceeding five pounds for every such offence, and a further sum not exceeding five pounds for each day during which such delay shall continue: Provided that the sums so to be forfeited shall be wholly paid to the informer or

informers where such informer or informers are owners or occupiers of any property abutting on any such public road.

Penalty for opening or injuring sewers.

48. Every person who, without the license of the Commissioners, shall make any opening into any of the sewers by this Act authorised, or who shall destroy or injure any of the said sewers or any of the works of the Commissioners, shall for every such offence be liable to a penalty not exceeding fifty pounds over and above the damage occasioned by his act, and the amount of such penalty and damage shall be recoverable with full costs of suit in any court of competent jurisdiction.

Power of entry for ascertaining quantity of sewage consumed, by meter, &c.

49. Any officer of the Commissioners may, after twelve hours notice, enter any lands to, through, or into which sewage is supplied by them, by measure or otherwise, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, and storage thereof, or for the purpose of ascertaining the quantity of sewage supplied or consumed, and may from time to time enter any lands for the purpose of removing any meter, instrument, pipe, or apparatus, the property of the Commissioners, and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for every such offence be liable to a penalty not exceeding five pounds; but the power of entry conferred by this section shall be exercised only between the hours of ten in the forenoon and four in the afternoon.

Penalty for using sewage without agreement.

50. If any person, not being entitled thereto under any agreement with the Commissioners, wrongfully takes or uses any sewage from any tank, conduit, pipe, sewer, or work belonging to the Commissioners, so as to interfere with the rights or property of the Commissioners therein, he shall for every such offence be liable to a penalty not exceeding five pounds.

Works to be constructed so as not to be a nuisance.

51. The Commissioners shall cause the sewers and other works by this Act authorised to be made and maintained to be so constructed, covered, and kept as not to be or to create a nuisance or be injurious to health.

Commissioners not to be exempt from proceedings for nuisances.

52. Nothing in this Act shall exonerate the Commissioners from any indictment, action, or other proceedings for nuisance or damages in the event of any nuisance being caused by them in conveying or disposing of the sewage or refuse from sewers, or in any other manner, or of any damage occurring from the want of repair of any of the works of the Commissioners.

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IV.—PUBLIC PARKS AND PUBLIC MARKETS.

Power to Commissioners to lay out public parks.

53. Subject to the provisions of this Act, the Commissioners may take and lay out the area marked "C" "C" on the deposited plans as a public park, to be used as a pleasure ground or place of public resort or recreation; and the Commissioners may from time to time exercise thereon and with respect thereto all powers which by the first-recited Act they may exercise on or with respect to any pleasure ground or place of public resort or recreation provided or which might be provided by them under that Act.

Power to Commissioners to provide public markets.

54. Subject to the provisions of this Act, the Commissioners may take and lay out any part of the lands and property to be acquired by them under this Act as a public market for the purposes of clause three hundred and sixty-four of "The General Police and Improvement (Scotland) Act, 1862," incorporated with and forming part of this Act, and may exercise thereon and with respect thereto all the powers contained in the said clause or incorporated therewith.

V.—NEW STREETS OPENED OR MADE BY PERSONS OTHER THAN COMMISSIONERS, &c.

Notices and plans, &c. of new streets.

55. Every person who intends to make or lay out any new street within the burgh, shall at least fourteen days next before any ordinary meeting of the works committee of the Commissioners give notice to the Commissioners of such intention by writing, delivered to the surveyor of the Commissioners, or left at his office, and deliver or leave therewith a plan (with a duplicate copy or tracing thereof) of the intended new street, drawn on such scale as the Commissioners shall order or approve of, and a section also drawn on such scale or scales as the Commissioners shall order or approve of; and such plan shall show therein the name of the owner or owners of the land through or over which the street is intended to pass, and its proposed width and mode of construction, and its position relatively to the streets adjoining or leading thereto, and the name and address of the person intending to lay out the new street, and shall be signed by him or his agent; and every such section and duplicate copy or tracing thereof shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, and the level and inclination of the streets with which it will be connected.

Limitation of time for disapproval.

56. The Commissioners shall approve or disapprove of every proposed new street within forty-two days next after receipt of the notice and plans and sections by this Act required, and if they do not within that time by order or resolution in that behalf disapprove, it shall be considered that they approve thereof.

Width of carriageway, &c. of new streets.

57. The Commissioners shall determine in each case what proportion of the width of every new street shall be laid out as carriageway and footway respectively.

Penalties for not giving notices, &c.

58. If any person proceeds in the making or laying out of any new street without having given the notices by this Act required, or without depositing such plans and sections as aforesaid, or proceeds to the execution of any of the works before the expiration of such notices without the approval of the Commissioners, or after the Commissioners have disapproved of the same, or if any person or owner constructs or causes to be constructed any works, or does any act, or omits to do any act, or comply with any requirement of the Commissioners, in contravention of the provisions of this Act, he shall be liable for each offence to a penalty not exceeding five pounds, and he shall pay a further sum not exceeding the sum of forty shillings for each day during which such offence continues, after written notice of the offence from the Commissioners or their surveyor has been given to him, and the Commissioners may, if they think fit, cause such work to be removed, altered, pulled down, or otherwise dealt with, as the case may require, and the expenses incurred by them in so doing shall be paid by the offender, and be recoverable from him in a summary manner.

Penalty on workmen, &c.

59. If any workman, labourer, servant, or other person employed in or about any new works, without the privity or consent of the owner or person causing such work to be done, and without reasonable cause (proof whereof shall lie on him), does anything in or about such works in contravention of the provisions of this Act, he shall for each such offence be liable to a penalty not exceeding fifty shillings.

Buildings in new streets.

60. Before any buildings shall be commenced in any new street, such street shall be laid out in whole or in part as the Commissioners shall determine from the point of its commencement onward to and in front of the uttermost proposed building on either side of such street to the satisfaction of the Commissioners; and if any person shall commence to build or make any erections whatsoever in any such street in violation of the foregoing enactment, he shall be liable to a penalty not exceeding five pounds, and a further penalty not

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exceeding forty shillings for each day that shall elapse before such street is laid out, in whole or in part, as aforesaid.

VI.—BUILDINGS.

New buildings.

61. For the purposes of this Act any building, the erection whereof is begun after the commencement of this Act, shall be considered a new building; and the re-erection of any building pulled or burnt down to or below the level of the roof of the ground floor thereof, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building; but providing always that any building the plans of which have been sanctioned by the Commissioners before the passing of this Act shall not be considered a new building.

Measurement of front elevation.

62. For the purposes of this Act the height of the front elevation of a building shall be measured from the level of the street (if any) immediately adjoining the building to the eaves or square of the building.

Height of buildings in street.

63. No dwelling-house built in flats shall be erected on the side of or abutting on any street exceeding four storeys in height, nor shall the height of any dwelling-house so erected be at any time subsequently increased so as to exceed the height aforesaid.

Height of rooms.

64. In every new building every habitable room in the ground floor shall be in every part thereof nine feet six inches in height at least from the floor to the ceiling, and every other habitable room, except attic rooms, shall be in every part nine feet in height at least from the floor to the ceiling, and every habitable attic room shall be at least eight feet in height from the floor to the ceiling through not less than one third of the area of the room; provided that the Commissioners may, at their discretion, alter or modify the foregoing rule as regards self-contained cottages or self-contained dwelling-houses, or as regards the attics of any new building where the attics are to be occupied in connexion with the flat immediately below.

Windows in rooms.

65. In a new building every habitable room shall have at least one window, and the total area of glass in the windows clear of the frame and sash shall be, unless in any case the Commissioners otherwise determine, at least one tenth of the area of the room, and the top of one at least of the windows shall not be less than seven feet six inches above the floor, and in case of a sash window the upper

half at least shall be made to open the full width, and in case of a casement window one half at least shall be made to open.

Ventilation of public buildings.

66. Every public building, school, shop, and factory erected after the commencement of this Act shall be supplied with means of ventilation approved by the Commissioners, and every room in any house or other building used after the commencement of this Act as a day school shall, unless supplied with special means of ventilation to the satisfaction of the Commissioners, be so used, subject to the following regulations (namely), if the room is less than nine feet six inches in height from the floor to the ceiling the space for each scholar shall be ten superficial feet at least, and if it is nine feet six inches or upwards in height the space for each scholar shall be eight superficial feet at least.

Lighting, &c. of public buildings.

67. Every new public building shall be supplied with means of lighting, and of sufficient ingress and egress for the protection of the public in cases of emergency, to be approved of by the Commissioners.

Ventilation of habitable rooms.

68. Every habitable room built after the commencement of this Act of less area than one hundred superficial feet, and without a fireplace, shall be provided with special means of ventilation to be determined by the Commissioners.

Ventilation of buildings.

69. Means of ventilation, to be approved of by the Commissioners, shall, on the order of the Commissioners, be provided in or for every building, whether erected before or after the commencement of this Act, by the owner of such building.

Only one storey in roof.

70. There shall not be more than one habitable storey in any part of the roof of any new house.

Pipes to be approved by Commissioners.

71. No pipe for conveying smoke or heated air shall be fixed in any new building otherwise than in the wall thereof, except in a manner to be approved by the Commissioners.

Buildings to have eaves and down spouts.

72. Every building shall have gutters or spouts along the eaves thereof, with down spouts to carry all water falling on the roof thereof to the drains.

Preventing building on ground filled up with offensive matter.

73. It shall not be lawful for any person to erect any building upon any site which shall have been filled up with any material impregnated with fœcal matter, or with any animal or vegetable matter which, in the opinion of the surveyor or medical officer for the time being, may tend by decomposition or otherwise to the

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prejudice of the health of any future resident or occupier of such building, or of any resident in the neighbourhood, except upon a certificate of such surveyor or officer that proper precautions in his opinion have been taken to obviate any such result; and every person who erects or causes to be erected, either wholly or partially, any building on any such ground shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which such building or part of a building shall continue upon any such ground.

Notices, plans, &c. of new buildings.

74. Every person who intends to erect any new building within the burgh shall, four days next before some meeting of the works committee of the Commissioners, give notice to the Commissioners of such intention by writing delivered to the surveyor of the Commissioners, or left at his office, and deliver or leave therewith plans and sections of every floor of such intended new building drawn to a scale of not less than one inch to every eight feet so far as regards dwelling-houses, and of not less than one sixteenth of an inch to every foot so far as regards power loom or other public works, showing the foundations, position, form, and dimensions of the several parts of such building, and of the waterclosets, privies, cesspools, ashpits, house drains, and wells, if any, and the elevations of such building, and all outbuildings or erections intended to be erected or to be used with such building; and such plans and sections shall be accompanied by a duplicate copy or tracing thereof for deposit at the office of the surveyor of the Commissioners, and by a description of the intended mode of drainage and means of ventilation of drains, and of the size of drains, and of the materials of which the drains are to be made; also of the mode of construction and dimensions of the walls, chimneys, and flues, and means of water supply; and the said plans and sections shall likewise show the extent and boundaries of the ground to form the site of and to be attached to the building, the position of the buildings and outbuildings on the properties immediately adjoining, the width and level of the street, the level of the lowest floor of the intended building and of the ground belonging thereto; and the plan shall also show the proposed lines of house drainage.

No building to be commenced until plans approved.

75. No new building or any excavation for the foundations thereof shall be commenced until the plans and sections required by this Act relating thereto have been approved of by the Commissioners, either with or without modifications, and no new building shall be built except in accordance with plans and sections approved of by the Commissioners.

Commissioners not to determine architectural design.

76. Nothing contained in the two next preceding sections of this Act shall confer power on the Commissioners to fix or determine the purely architectural design of any elevation.

Approval or disapproval by Commissioners.

77. The Commissioners shall approve or disapprove of the plans and sections of any intended new building within fourteen days after receipt of the notice required by this Act, and if they do not disapprove within that period, then at the end of that period they shall be taken to have approved.

Roofs.

78. The roof or flat of every new building, and every gutter, dormer, and other work or construction connected therewith, except the doors, door frames, windows, and window frames of such dormer and other construction, shall be formed of or externally covered with incombustible materials, except in special cases when otherwise allowed by the Commissioners.

Chimneys and flues.

79. In every new building the chimneys and flues shall be constructed in such mode and of such materials and dimensions as shall be approved of by the Commissioners.

Houses and buildings in streets.

80. Where any person, after the commencement of this Act, erects any new house or building, or rebuilds any existing house or building in or fronting to any street, laid out or used before or after the commencement of this Act, whether any house or other building has been previously erected on the site or intended site of such house or building or not, the following provisions shall have effect; that is to say,

1. The person so erecting or rebuilding shall, if required by the Commissioners or their surveyor, erect or rebuild such house or building so that the front thereof shall be at such distance from the centre of the street as the Commissioners shall think fit, and if necessary for that purpose shall set back the house or building accordingly; and the said space or distance shall, in so far as not already forming part of the street, be given up and abandoned for and form part of the street, unless the consent of the Commissioners in writing is previously obtained by such person to the contrary:
2. Provided that in every such case the Commissioners shall make full compensation in manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," as incorporated by this Act, in respect of any land or building given up or abandoned as aforesaid, including in such compensation any damage to the remainder of the property:
3. In case any person after the commencement of this Act erects or rebuilds any house or building, after being required by

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the Commissioners or their surveyor in terms of the first branch of this section, the Commissioners may, within one month after the erection thereof, pull down, take away, and remove the same, or so much thereof as is erected in contravention as aforesaid, and such person shall for every such offence forfeit and pay a sum not exceeding twenty pounds.

Projecting houses when taken down to be set back.

81. Where a building in a street, any part of which projects beyond the regular line of the street, or beyond the front of the building on either side thereof, is burnt or taken down to or below half the front elevation thereof, the same shall be set back to or towards the line of the street or the line of the adjoining building on either side thereof, if and in such manner as the Commissioners direct for the improvement of such street, the Commissioners making compensation to the owner of such building in manner provided for in the immediately preceding section.

Elevations of buildings erected on front land to be subject to approval of Commissioners.

82. All buildings or parts of buildings on any ground which in consequence of any improvement made by the Commissioners becomes front land, and all buildings or parts of buildings on any lands purchased or taken by the Commissioners before or after the commencement of this Act, shall be erected according to such plan for the outside or front elevation thereof as the Commissioners fix or approve, and in case the Commissioners for the space of two weeks after any plan is submitted to them neglect to notify their determination in writing with reference thereto, they shall be deemed to have approved of such plan.

Open space about dwellings.

83. Every new building intended to be used as a dwelling-house shall have in the rear an open space adjoining thereto, and co-extensive with the breadth of the entire building, to the extent of at least one third of the whole site, free from any erections thereon above the level of the ground (other than privies, ashpits, coal-houses, or other conveniences for the use of such dwelling-house, all which conveniences shall as to height, position, and dimensions, be erected subject to the consent and approval of the Commissioners), except where on account of thorough ventilation of such open space being secured, or of other special circumstances stated in the order, the Commissioners think fit to allow a less space: Provided always, that this section shall not extend to a building to be erected after the commencement of this Act, for the purpose of being used as a dwelling-house on the site of a dwelling-house which exists at the commencement of this Act, but every such building shall have the same open space in the rear or at the side thereof, as required by this section, where at the time of the taking down of the existing

dwelling-house there is such an extent of open space as by this section required, or a greater extent, and where at that time there is not such open space, then the open space in the rear or at the side thereof shall not be less than that which existed at the time of such dwelling-house being taken down.

Continuance of open space.

84. Whenever any open space has been left belonging to any building intended to be used as a dwelling-house for the erection of which the approval of the Commissioners has been obtained, such space shall never afterwards be built on so as to leave a less open space than that prescribed in the immediately preceding section, without the further approval of the Commissioners.

Continuance of space for existing dwelling-houses.

85. Where a dwelling-house which exists at the commencement of this Act has an open space belonging to it not greater than that required by this Act for new dwelling-houses, the same shall never be built on without the approval of the Commissioners, and where a dwelling-house which exists at the commencement of this Act has an open space belonging to it greater than that required by this Act for new dwelling-houses, the same shall never be built on so as to leave for that dwelling-house a less open space than that required by this Act for new dwelling-houses, without the approval of the Commissioners.

Drainage of buildings.

86. All houses and buildings (whether erected after the commencement of this Act or not) which in the opinion of the Commissioners are without sufficient drainage shall be drained in the most effectual manner practicable, subject to the approval of the Commissioners.

Construction of drainage.

87. The drains of all houses and buildings shall be laid with water-tight joints, and shall consist of glazed stoneware or fireclay pipes or other equally suitable material in the judgment of the Commissioners, and shall be constructed and connected with the sewers in such manner as the surveyor directs.

Ventilation of house drainage.

88. Proper ventilation shall, if required by the Commissioners, be provided in the drainage of every house by means of the rain-water pipe, or by special pipe or shaft, or by such other method as the Commissioners direct; all other inlets to the house drains shall be properly trapped by means of syphon traps, which shall also be properly ventilated as above directed.

Drainage of subsoil, &c.

89. The house drainage shall be so constructed either with additional earthenware pipes or otherwise as to drain the subsoil of the buildings whenever the dampness of the site appears to the Commissioners to make this necessary, and all rain water shall be

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so drained or conveyed from the roofs and other parts of buildings as to prevent its dripping on to the ground and causing dampness in the walls, or being a nuisance to passengers.

Construction of water-closets, &c.

90. The situation, dimensions, materials, and construction of every watercloset or dry closet and privy shall be subject to the approval of the Commissioners, and every watercloset, dry closet, or privy shall have an opening as near to the top as practicable, communicating directly with the external air, or shall be otherwise furnished with sufficient means of ventilation.

Construction of cesspools, &c.

91. A cesspool shall not be allowed for a new house except when unavoidable, in which event it shall be constructed in such situation, and in such manner, and under such conditions as the Commissioners direct. It shall in every case be made water-tight; it shall be arched or covered over, and a pipe or shaft for ventilation shall be carried up from it or from the drain communicating with it from the water-closet or privy, as the Commissioners may direct.

Construction of ashpits, &c.

92. The situation, dimensions, materials, and construction of every ashpit shall be subject to the approval of the Commissioners, and shall be of sufficient size to contain the ashes and dry refuse likely to accumulate between such visits of the scavengers as the Commissioners may prescribe: Provided that such visits shall be at least twice a week, and that such ashpits shall be cleaned out by the scavengers at each visit.

Buildings not to be without waterclosets or privies and ashpits.

93. If at any time it appear to the Commissioners that any building, whether built or rebuilt before or after the commencement of this Act, is without a sufficient watercloset or dry closet, or privy, or ashpit, the Commissioners may give notice in writing to the owner of such building, requiring him, within such time as shall be specified in such notice, to provide such watercloset or dry closet, or privy or ashpit, as they shall think fit: Provided always, that in case of any building in which more than twenty persons are employed or lodged, the Commissioners may order such number of waterclosets or privies to be constructed as they may think necessary.

Urinals, &c. attached to public-houses, &c.

94. The Commissioners may order the owner or occupier of any inn, public-house, beerhouse, eating-house, cook-shop, or other place of public entertainment, built before or after the commencement of this Act, to provide within such time as the Commissioners think fit, and thenceforward to maintain upon or adjoining to his premises, or at such place or places as the Commissioners shall point out or provide, waterclosets and urinals to the satisfaction of the Commissioners; and if any person fails in any respect to comply

with the provisions of the present section he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him, and the Commissioners may order the owner and occupier of any building or lands to remove any water-closet or urinal belonging thereto, where it appears to them so situated or constructed as to be a nuisance or offensive to public decency, or otherwise objectionable.

Urinals to be cleansed.

95. All urinals shall be cleansed once in twenty-four hours by the occupier of the house or place to which they belong, to the satisfaction of the Commissioners, and in default thereof such occupier shall be liable to a penalty not exceeding forty shillings for every such offence.

Sleeping rooms not to be over or close to cesspools.

96. Any room built before or after the passing of this Act, and extending wholly or partially over or close to any privy, cesspool, or midden, shall not be let or occupied as a dwelling-place.

Privies and cesspools under or close to houses to be removed.

97. The owner of any privy, cesspool, or midden extending wholly or partially under or close to any room built before or after the passing of this Act shall, within one month after notice to that effect from the Commissioners, remove such privy, cesspool, and midden, and the contents thereof.

Power to enter and inspect premises to ascertain state of drainage, &c.

98. Where in the opinion of the Commissioners there is reasonable ground to believe that the drainage of any building or of any lands (not being lands used exclusively for agricultural purposes) is defective, and in any case where the drains from any buildings or lands pass through any other buildings or lands, the Commissioners may, between the hours of nine o'clock in the morning and six o'clock in the evening, enter upon and inspect any such buildings or lands, and if need be make such excavations or examination thereon or therein as they think fit, with a view of ascertaining the drainage thereof, and of any privy, ashpit, or cesspool belonging thereto or used by the occupiers thereof, doing as little damage as possible; and if upon such inspection the same be found satisfactory the Commissioners shall reinstate the premises, and shall make compensation for any injury occasioned by the exercise of such powers; but except in case of urgent necessity no such entry and inspection shall be made save with the consent of the occupier or person in charge of the premises, or with the authority in writing of a magistrate, which authority any magistrate may give.

Restrictions as to steam, and pipes

99. From and after the commencement of this Act, all steam from high-pressure engines in or connected with any building shall

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and funnels for conveying smoke.

be conveyed to and carried away by a high chimney, to the satisfaction of the Commissioners, or otherwise disposed of to their satisfaction, and no pipe or funnel for conveying smoke shall at any time be newly fixed against any building next to any street, or on the inside of any building nearer than nine inches to any timber or other combustible material, nor shall any funnel built or made of brick or stone, or both, be newly placed on the outside of any building next to any street so as to extend beyond the general line of the buildings in the street; and if any high-pressure engine shall be used, and steam discharged therefrom except as aforesaid, or if any pipe or funnel is fixed or placed contrary to this Act, the occupier, or in case of there being no occupier, then the owner of the engine or building, as the case may be, shall, within fourteen days next after receiving notice from the Commissioners, cause such engine, or pipe or funnel, as the case may be, to be removed, and on default shall be liable to a penalty of ten shillings a day for every day during which such default continues after the expiration of the time specified in such notice.

Regulations as to lodging houses.

100. No person shall suffer any lodgers to sleep in any room in any house belonging to or occupied by him unless there be four hundred cubic feet of space at the least for every person sleeping in such room; and any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings, and a further penalty not exceeding twenty shillings for every day on which such offence shall continue.

Places for slaughtering horses to be licensed.

101. It shall not be lawful to use any place within the burgh for the slaughtering of horses, or as a place of deposit for the carcases of dead or diseased animals, unless and until every such place is licensed by the Commissioners, who are hereby authorised to give and recal such licenses at pleasure; and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds, and a further penalty not exceeding two pounds for every day on which such offence shall continue.

Power of inspection.

102. The surveyor may at any reasonable time inspect any building in progress of construction, or any work connected therewith, and the owner or his agent or the builder shall give twenty-four hours notice in writing to the surveyor before any sewer or drain is covered up, and the like notice after any work required by the Commissioners to be done in amendment of any irregularity has been completed, and before the same is covered up.

Survey on completion of works.

103. Within one month after any new building or any alteration of an existing building has been completed, the owner shall give

notice to the surveyor, and such surveyor shall forthwith proceed to survey such building or work, and shall report thereon, and every such owner shall, if he neglect to give such notice as aforesaid, be liable to a penalty not exceeding forty shillings. A.D. 1871.

Buildings unfit for human habitation.

104. If the medical officer and surveyor shall by writing certify to the Commissioners that any building or part of a building, whether erected before or after the commencement of this Act, is unfit for human habitation, the Commissioners may by their order, affixed conspicuously on such building or part of such building, declare that the same is not fit for human habitation, and the same shall not, after a date therein to be specified, be inhabited, and after the date or time mentioned in such order no person shall let or occupy, or continue to let or occupy, or knowingly suffer to be occupied, such building or part of a building: Provided always, that before pronouncing any such order the Commissioners shall call upon the owner to show cause against said certificate within such reasonable time as they consider proper, and shall give such owner an opportunity of being heard before them, and if he appear shall hear him and such evidence as he may lay before them; and provided further, that if at any time after such order has been made the Commissioners shall be satisfied that such building has been rendered fit for human habitation, they may revoke their said order, and the same shall thenceforward cease to operate.

Penalties relative to buildings, &c.

105. If any person begins to erect a new building without giving the notice required by this Act, or before the expiration of fourteen days from the receipt by the Commissioners of that notice, if given, or the previous approval of the Commissioners, or begins to erect a new building the plans and sections of which have been disapproved by the Commissioners, or after the Commissioners have approved of the plans and sections of any new building, makes, either before or after completion thereof, any alteration in the whole or in any part thereof so approved affecting its structural stability, without further previous approval by the Commissioners of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act, or by the Commissioners or surveyor under the authority of this Act, then the Commissioners, after calling on such person by a notice signed by the clerk or surveyor, and served upon him by a constable, to show cause why the building or work in question should not be removed, altered, or pulled down, or should not be executed, may, if they think fit, cause such building or work to be removed, altered, or pulled down, or to be executed, as it may appear to them that the case requires;

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and the expenses incurred by them in so doing shall be repaid by the person in default, and be recoverable from time to time in a summary manner, and he shall also be liable to a penalty not exceeding five pounds, and in case of a continuing offence, to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of twenty-four hours from the service of notice thereof on him.

Open and dangerous places and buildings to be enclosed or repaired.

106. With respect to the enclosing or repairing of open and dangerous buildings and places, the following provisions shall take effect, viz.:

1. If any building, wall, structure, excavation, pond, place, open space, or other thing is, in the opinion of the Commissioners, for want of sufficient repair, protection, or enclosure, dangerous to the occupiers thereof, or of the neighbouring buildings or lands, or to the passengers along any street or footpath, or to any party using or who may use the same, or is suffered to become a resort of bad characters, or a nuisance to the locality, the Commissioners may order the owner within the period in the order prescribed to repair, protect, or enclose the same, so as to prevent any danger, nuisance, or annoyance therefrom:
2. If after service of the order on the owner the directions of the order are not complied with within the prescribed period, the owner shall be liable to a penalty not exceeding twenty pounds, and in that case, and also if the owner is not known, and cannot after due inquiry be found, the Commissioners may cause such works as they think proper to be done for effecting such repair, protection, or enclosure, and the expenses thereof shall be payable by the owner:
3. If such owner can be found within the burgh, and if on demand of the expenses aforesaid he neglects or refuses to pay the same, then such expenses may be levied and recovered in the same manner and by the same forms, warrants, and means, as any assessment under the first-recited Act may be recovered:
4. If such owner cannot be found within the burgh, or the said expenses are not otherwise recovered, the Commissioners, after giving twenty-eight days notice of their intention to do so by posting a notice in a conspicuous place on or near such building, thing, or open space, may take possession of the same, provided such expenses are not paid or tendered to them within the said twenty-eight days, making full compensation to the owner of such building, thing, or open

space, in respect of his interest therein, but deducting out of such compensation the amount of the expenses aforesaid, and may thereupon sell or otherwise dispose of such building, thing, or space for the interest of such owner therein:

5. If any building, wall, structure, or other thing be pulled down by virtue of the present section, the Commissioners may sell the materials thereof, or of so much of the same as is pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building or other thing; and the Commissioners shall pay any overplus arising from such sale to the owner on demand:

6. Nevertheless the Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are herein-before given to them for compelling the payment of the whole of the said expenses.

VII.—ADDITIONAL POWERS.

Power to construct and maintain a powder magazine, &c.

107. It shall be lawful for the Commissioners to construct and maintain a gunpowder magazine and keeper's house, and for that purpose, by agreement with the owners, lessees, and occupiers, to purchase or rent any lands and heritages, and to build on such lands such magazine and house, and to employ a storekeeper; but no such magazine shall be built or maintained except in pursuance of the provisions of the public Acts thereanent.

Regulations as to conveyance and storage of gunpowder.

108. All gunpowder conveyed to and from the magazine or stored therein, or conveyed to or from places within the burgh, shall be so conveyed or stored subject to such byelaws as may from time to time be made by the Commissioners, and which they are hereby authorised to make, and to the following regulations:

It shall not be conveyed to or from the magazine, or to or from places within the burgh, along with any other article:

If the quantity exceeds fifty pounds in weight it shall be conveyed to and from the magazine, or to and from places within the burgh, in a cart or carriage constructed according to a plan to be approved of by the Commissioners, and every such carriage shall have a complete covering of wood, painted cloth, tarpauling, or wadmill tilts over all the gunpowder conveyed therein:

If the quantity exceeds fifty pounds in weight it shall be conveyed to and from the magazine, or to and from places within

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the burgh, stored in tight barrels, close joined and hooped, or in copper, zinc, or tin cases or canisters, enclosed in wooden boxes or barrels without any iron about such boxes or barrels, and so secured that no part of the gunpowder be scattered in the passage:

Every such barrel or canister shall be labelled or marked so as sufficiently to distinguish its contents:

And if any gunpowder is conveyed otherwise than as herein-before provided, or by the said byelaws directed, it shall be lawful for any constable to seize, impound, and deposit it in the magazine, and for the magistrate to declare it forfeited; and the owner of such gunpowder and the person who caused it to be so conveyed shall each be liable to a penalty not exceeding twenty pounds.

Rates to be charged for use of magazine.

109. It shall be lawful for the Commissioners to charge for entering and receiving or delivering gunpowder at the magazine, and for storing it therein, any sums not exceeding the following:

For entering and receiving, or for entering and delivering—

Any ordinary one hundred pound barrel or half barrel, one penny:

Any quarter or eighth of such barrel, one halfpenny:

Any quantity of gunpowder in canisters, in respect of each twelve and one half canisters, or any lesser number, one halfpenny:

For storing (every month or fraction of a month)—

Any ordinary one hundred pound barrel or half barrel, one penny halfpenny:

Any quarter or eighth such barrel, one penny:

Any quantity of gunpowder in canisters, in respect of each twelve and one half canisters, or any lesser number, one penny:

For entering and receiving or delivering, or for storing gunpowder otherwise made up, any sum to be fixed by the Commissioners:

Or the Commissioners may agree with parties storing for a fixed rent for a specific portion or portions of the magazine:

Which sums shall be payable to the treasurer by the owner or depositor of such gunpowder on demand, or in the option of the Commissioners before delivery thereof, and shall form a charge on and may be recovered by the sale of any other gunpowder belonging to or deposited by such owner or depositor.

Not to apply to gunpowder, &c. belonging to Her Majesty.

110. The provisions herein-before contained shall not apply to gunpowder belonging to Her Majesty, and in the custody of any officer of Her Majesty's naval or military forces, or of any militia, yeomanry, or volunteer corps.

Restriction of making combustible articles.

111. If any person makes within the burgh lucifer matches, or any combustible article in the manufacture of which gunpowder or detonating powder is used, in any place other than in a detached building, or in any case nearer than one hundred yards to any street or dwelling-house, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding five pounds for every day during which the offence continues after the time when the first penalty of ten pounds is incurred.

Power to purchase and abolish fair and market dues.

112. It shall be lawful for the Commissioners to purchase by agreement and abolish all fairs or markets, or rights of fairs or markets, within the burgh, and privileges of drawing dues or charges from persons frequenting such fairs or markets held by any person or Corporation.

Powers respecting markets and fairs, &c.

113. With respect to markets and fairs the Commissioners shall have the following powers and duties; namely,

1. They may maintain and from time to time regulate the present and future markets and fairs in the burgh in such manner as they from time to time think proper:
2. They may from time to time hold in the burgh and market places, and market houses and fair grounds, as they from time to time think fit, markets and fairs for the sale of any commodities and animals:
3. They may from time to time, on any lands for the time being belonging to them or under their control, provide and maintain market places, market houses, and fair grounds, with such rooms and conveniences for public and other purposes, and such buildings, erections, works, and conveniences, and such approaches thereto, as they think fit:
4. They may from time to time alter, enlarge, and improve any market place, market house, or fair ground, and the buildings, works, and conveniences thereof:
5. They may from time to time make and provide, on any lands for the time being belonging to them or under their control, in connexion with any market place or fair ground, offices for their inspectors, collectors, and other market and fair officers, and the same shall be deemed part of the market place or fair ground.

Removal of markets from streets, &c.

114. The Commissioners may from time to time appoint for the markets and pleasure fairs held in the streets any market places or fair grounds in the burgh, and may prohibit and prevent the holding thereof in any street or other public place, or in any place other than the places or grounds so appointed, and may remove the markets and pleasure fairs to those places and grounds, and if after

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such removal any person places in any street any stall, booth, standing, or like erection or convenience for the sale or exposure for sale of any marketable or other commodity, or exposes for sale in any street any marketable or other commodity, he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Public notice of removal of markets, &c.

115. Notwithstanding anything in this Act or in the incorporated Acts contained, before the Commissioners remove or abolish any market or fair, or alter the day for holding any market or fair, they shall give at least one month's public notice by advertisement in some one or more newspapers published and commonly circulating in the burgh, and by placards affixed to conspicuous places in the burgh, and a declaration by an officer of the Commissioners to the effect that such public notice has been given in accordance with this section shall be received as evidence of the facts thereby declared.

Power to seize diseased cattle.

116. In case any cattle infected with or labouring under any infectious or contagious disease be exposed or offered for sale, or be brought or attempted to be brought through any street, or into any market or fair, any inspector, collector, or constable of the Commissioners may seize any such cattle, and cause the same to be inspected by two veterinary surgeons, and may report such seizure to any magistrate; and such magistrate may, after hearing the evidence, either order such cattle to be restored, or direct the same, and also any pens, hurdles, troughs, litter, hay, straw, and other articles which he may deem likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of; and any person bringing or attempting to bring any cattle through any street, or into any market or fair, knowing the same to be labouring under any such disease, shall for every such offence be liable to a penalty not exceeding twenty pounds.

Penalty on persons bringing diseased cattle through streets, &c.

Power to proceed against original seller of diseased cattle, &c.

117. Where any person is, under the provisions of the recited Acts or this Act, or any Act incorporated with this Act, convicted by any magistrate of the offence of selling or exposing for sale, or of having or keeping in any premises used for sale, any unsound or diseased animal, or diseased meat, or any animal or meat unfit for the food of man, and intended for such food, it shall also be lawful for the procurator fiscal to proceed against the original seller of such animal or meat as if he were an offender, art and part, with the convicted person, and as if he had committed such offence within the burgh; and the purchase by the convicted person, or by anyone on his behalf, from such original seller, wheresoever made or carried out, shall be taken and held to be a sale by

such original seller of the animal or meat in question within the burgh, in premises kept and used for the sale of animals or meat; and all the penalties and punishments provided by the said several Acts, or any of them, against the person convicted, shall also be applicable to, and be leviable and recoverable from, such original seller; and all the powers, authorities, jurisdictions, and forms of procedure given and provided by the said several Acts, or any of them, against the convicted person, shall be applicable to the prosecution, trial, and punishment of such original seller.

Penalty for selling unwholesome liquor, &c.

118. Every person who sells or exposes for sale, or keeps for the purpose of sale, any liquor which is unfit for the use of man, shall be liable to a penalty not exceeding ten pounds.

Power to superintendent of police to enter premises and seize liquor, &c.

119. It shall be lawful for the superintendent of police, or any other person or persons appointed by the Commissioners for the purpose, to enter upon any premises and seize, impound, and convey to the police office any liquor sold or exposed for sale, or kept in any place used for the sale of any such articles, in respect of which there is reasonable ground for supposing that an offence has been committed under the provisions of this Act; and if the foresaid penalty be imposed it shall be lawful for the magistrate to declare any such article forfeited.

For preventing injuries to buildings, &c.

120. If any person injures or defaces any church, chapel, fountain, or other building, whether public or private, or any tomb, monumental stone, or inscription in any churchyard or burial ground within the burgh, or fixes up any bill or paper against any such building other than such as may be lawfully affixed thereto, or writes or draws with chalk or any other matter thereon, he shall be liable to a penalty not exceeding forty shillings.

Steam whistles.

121. Every person who uses any steam whistle, other than on or in connexion with a railway locomotive, to the annoyance of the neighbourhood, shall be liable on conviction to a penalty not exceeding two pounds.

Bill posting.

122. Every person who, without the consent of the owner or occupier of any building, wall, fence, tree, boarding, or other erection in any part of the burgh, affixes thereto, or to any gas lamp, any posting bill or other paper or sign board, or by any writing or drawing or otherwise marks and disfigures such building, wall, fence, tree, boarding, or other erection, or gas lamp, shall be liable upon conviction to a penalty not exceeding forty shillings.

Street musicians to depart when desired to do so.

123. Any householder personally, or by his servant, or by any constable, may require any street musician or singer to depart from within hearing of the house of such householder, and every person

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who shall sound or play upon any musical instrument, or sing in any street near or within hearing of such house, after being so required to depart, shall be liable to a penalty not exceeding forty shillings.

Mad dogs.

124. Any constable or other officer or servant of the Commissioners may destroy any dog or other animal reasonably suspected to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state.

Disorderly houses.

125. If any person keeps or acts or assists in the management of any brothel, or other disorderly house, room, or other place, such person shall be liable on conviction to a penalty not exceeding ten pounds.

Night-walkers, &c.

126. Every prostitute or nightwalker loitering in any road, street, court, or common stair, or importuning passengers for the purpose of prostitution, shall be liable to a penalty not exceeding forty shillings, and this provision shall come in place of the provision contained in section ninety-six of the first-recited Act with respect to prostitutes and nightwalkers.

Removal of furniture.

127. Any constable may stop and detain, until due inquiry shall be made, any cart or carriage or person found within the burgh employed in removing furniture between the hours of eight in the evening and six in the morning, except at the usual terms of removing observed within the burgh.

Theatres, &c. to be licensed.

128. It shall not be lawful for any person to have or keep any house or other place of public resort within the burgh for the performance of stage plays or other theatrical representations, or any circus, or any public show, or any place for entertainments in the nature of dramatic entertainments or exhibitions, or any other place of public resort kept or used for public dancing, music, or other entertainment of a like kind (all which places are herein-after shortly described or referred to as theatres or other places of public amusement), into which admission is obtained by payment of money or for money consideration, without being duly licensed by the Commissioners.

Terms of license.

129. The fee to be paid for each license shall not exceed twenty shillings, and no license shall be granted to any person except the actual and responsible manager of any such theatre or other place of public amusement, and the name and place of abode of such manager shall be printed on every play bill or other public notice announcing any representation at such theatre or other place of public amusement, and such manager shall become bound himself

in such penal sum as the Commissioners may require, not exceeding one hundred pounds, with two sureties to be approved of by the Commissioners in such further sum not exceeding fifty pounds each, as the Commissioners in like manner may require, for the due observance of the byelaws from time to time in force in the burgh during the currency of such license for the regulation of such theatre or other place of public amusement, and for securing payment of the penalties which such manager may be adjudged to pay for breach of any such byelaws, or of this Act.

Penalty for breach of byelaws.

130. In case of riot, or of the breach of any byelaws made by the Commissioners, taking place in any theatre or other place of public amusement, the Commissioners may order the same to be closed, or may suspend the license thereof for any period they think fit, and during that period such theatre or other place of public amusement shall be deemed to be unlicensed, and the manager thereof shall, in addition to any other penalty he may incur, be liable to a penalty not exceeding five pounds for each day on which he continues to contravene or offend against such byelaws.

Character of performance.

131. Where in any case money or other reward shall be taken or charged, directly or indirectly, as an entrance fee, or where the purchase of any article is made a condition for the admission of any person into a theatre or other place of public amusement, every actor therein shall be deemed to be acting for hire; and in proceeding against any person for having or keeping an unlicensed theatre or other unlicensed place of public amusement, in case it shall be proved that such theatre or other place is used for any public performance, or for any of the purposes of public amusement hereinbefore specified, the burthen of proof that such theatre or other place of public amusement is duly licensed shall devolve on the party accused, and until the contrary is proved such theatre or other place of public amusement shall be taken to be unlicensed, and every person acting therein shall be liable to a penalty not exceeding forty shillings for each offence.

Unlicensed theatres may be entered and occupants removed.

132. Any magistrate may by order in writing authorise any constable to enter into any building or part of a building, or any place kept or used or suspected to be kept or used for stage plays or dramatic entertainments, or as a circus, or for any of the purposes herein-before specified, into which admission is obtainable by payment of money or for money consideration, and which is not licensed in accordance with the requirements of this Act, at any time when the same is open for the reception of persons resorting thereto, and to remove any person found therein without lawful

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excuse; and every person keeping, using, or knowingly letting any building or part of a building or any place for the purposes aforesaid, or any of them, which building, part of a building, or place, shall be unlicensed as aforesaid, shall be liable to a penalty not exceeding twenty pounds, and every person being therein without lawful excuse shall be liable to a penalty not exceeding forty shillings, and the burthen of proving that any such building, part of a building, or place, is a licensed theatre shall be upon the person keeping or conducting the same.

Constables may enter theatres to preserve order.

133. Constables duly authorised for that purpose by the Commissioners or the magistrates may enter any licensed theatre or other place of public amusement, and aid in the preservation of order therein, and in the restoration of order in case the same be disturbed, and in carrying into effect the provisions of the recited Acts and this Act, or any byelaws made thereunder.

Power to provide drags, life buoys, &c.

134. The Commissioners may from time to time provide and maintain drags, life buoys, and other implements for the prevention of drowning, and employ such persons as superintendents and servants for that purpose, on such terms, and allow them such wages and rewards for exertion, and make such byelaws for their government, as the Commissioners think fit.

VIII.—BROKERS AND PAWNBROKERS.

Penalty on pawnbrokers for acting as brokers.

135. Every pawnbroker who acts as a broker, except in the sale of articles bonâ fide forfeited in accordance with the provisions of the Pawnbrokers Acts, shall in respect thereof be liable to a penalty not exceeding five pounds.

Penalty on pawnbrokers and brokers for offences herein set forth.

136. Every pawnbroker or broker who is guilty of any of the following acts or omissions shall in respect thereof be liable to a penalty not exceeding five pounds:

1. If, by himself or his servant or any other person in his premises, for whom in such case he shall be responsible, he purchases, receives, or takes in any goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials whatsoever plainly intended or fitted for the composing or manufacturing of any goods after such goods or materials respectively are put into a state or course of manufacture or into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials are completed or finished for the purpose of wear or consumption, or any silk, cotton, linen, woollen, or jute yarn, or any mixture thereof, or any leather, metals, marine stores, or other such article, unless he

shall prove that such goods, materials, or other article belonged to the person from whom he has so purchased or from whom he took them in:

2. If he keeps or suffers to be in his premises any smelting pot or implement for melting, altering, or defacing gold, silver, lead, or other metal.

Pawnbroker or broker to be punishable as a receiver of stolen goods in certain cases.

137. Every pawnbroker or broker who purchases, receives, or takes in any article knowing that the same was stolen, embezzled, or fraudulently obtained, or that the person from whom he so purchased, received, or took it in was fraudulently or unlawfully disposing thereof, or was not entitled so to dispose thereof, shall and may be proceeded against as a receiver of stolen goods, or as being a party to the fraud, and punished accordingly.

Penalty on pawnbrokers and brokers for offences herein set forth.

138. Every pawnbroker or broker who is guilty of any of the following omissions shall in respect thereof be liable to a penalty not exceeding five pounds, viz.:

If he omits to enter in his books a proper and distinctive description of any article sold by him or his servant, or any other person in his premises, for whom in such case he shall be responsible, or, in the case of a sale of a lot of books to any one person, a distinctive but general description of such lot, immediately after such sale, the name and place of abode of the person to whom he has sold the same, the date and hour of the day of each such transaction, and the price paid or agreed to be paid for such article or lot of books.

Penalty against pawnbrokers and brokers for dealing with children.

139. Every pawnbroker or broker who purchases, receives, or takes in any article from any boy or girl under the age of fourteen years shall be liable in a penalty not exceeding five pounds, as well as to forfeiture of the license of such broker, in the discretion of the convicting magistrate.

Power to pawnbroker or broker to detain suspected persons.

140. It shall be lawful for every pawnbroker or broker, and he is hereby required, to seize and detain any person who offers to pawn, sell, or deliver to him any article regarding which notice has been given to him, tending to show or to render it probable that the same has been stolen, embezzled, or fraudulently obtained, or which he has reasonable ground for suspecting was stolen, embezzled, or fraudulently obtained, and to deliver every such person to a constable to be taken to the police office, and every pawnbroker or broker so acting shall be freed from responsibility unless malice be averred and proved.

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IX.—BYELAWS.

Power to make byelaws with respect to streets, new buildings, &c.

141. Subject to the powers and provisions of this Act, and for the purpose of more readily carrying out such powers and provisions, the Commissioners may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For laying down regulations with respect to the level and construction of new streets:

For laying down regulations with respect to the structure of walls of buildings for securing stability and the prevention of fire:

For laying down regulations with respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the lighting and ventilation of buildings:

For laying down regulations with respect to the drainage of buildings and to waterclosets, privies, ashpits, and cesspools in connexion with buildings, and to their situation.

Power to make byelaws with respect to new and old buildings.

142. Subject to the express provisions of this Act, the Commissioners may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For regulating the thickness and construction of walls of or near ovens and furnaces built or wholly or partially rebuilt after the commencement of this Act:

For closing buildings or parts of buildings unfit for human habitation, and for prohibiting the use thereof for human habitation:

For prohibiting the occupation as a dwelling or sleeping room of any room any portion whereof extends immediately over any privy, ashpit, midden, or cesspool, or for enforcing the removal or alteration of such privy, ashpit, midden, or cesspool:

For compelling owners of buildings in streets to provide and keep proper spouts, troughs, and pipes to carry off water from the roofs and other external parts thereof.

Provisions in byelaws for notices, &c.

143. Subject to the express provisions of this Act, the Commissioners may provide for the observance of any byelaws made under the two last foregoing sections by inserting therein such provisions as they think necessary;

As to the giving of notices;

As to the deposit of plans and sections by persons intending to lay out streets or to construct or alter buildings, and as to the scales of such plans and sections;

As to inspection by the Commissioners;

And as to the power of the Commissioners to remove, alter, or pull down any work begun or done in contravention of such byelaws.

Power to make byelaws for regulation of park, &c.

144. The Commissioners may from time to time make byelaws for all or any of the following purposes relating to the park, or any other places of public resort or recreation belonging to or under the control of the Commissioners in or adjacent to the burgh:

For appointing and regulating keepers and servants employed therein:

For regulating the days on and hours at which the park or place is to be opened and closed:

For regulating the conduct of persons frequenting the park or place:

For regulating the days on and hours and places at which games and gymnastics are to be permitted therein:

For regulating refreshment rooms therein, and for determining the days on and hours at which they are to be opened and closed, and the nature and price of the articles and things to be sold therein:

For preventing or regulating the admission therein of vehicles and horses and dogs:

For preventing public meetings therein, and also for preventing preaching therein:

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things belonging to, or that hereafter may belong to, the park or place; and for preventing the destruction or injury of aquatic or other birds, or of other animals, or of trees, shrubs, plants, or flowers, or the plucking of flowers or leaves therein:

For enabling the servants of the Commissioners to exclude therefrom persons not being clean or not being dressed in clean and decent clothes, and to remove therefrom persons guilty of a breach of any byelaw relative thereto, or of any public law.

Bathing.

145. It shall be lawful for the Commissioners to make byelaws for the regulation of bathing within the burgh, and the hours and places at which bathing shall be permissible.

Byelaws as to theatres, &c.

146. The Commissioners may from time to time make byelaws for the due licensing of theatres and other places of public amusement within the burgh, and may provide in such byelaws for the suppression of riots and disorderly conduct, and for the prevention of smoking within such theatres or other places, and for regulating the times at and during which the same shall severally be allowed to remain open.

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Fines may be imposed.

147. It shall be lawful for the Commissioners on the making of any byelaws as aforesaid to fix a pecuniary penalty for the breach thereof, not exceeding for every offence the sum of five pounds.

X.—BORROWING OF MONEY AND ASSESSMENTS.

Power to borrow on general assessment.

148. The Commissioners, in addition to any money which they may have borrowed independently of this Act, upon the credit of the annual assessments for general purposes leviable by them under the first-recited Act, may from time to time borrow at interest on the credit of such assessments such sums of money, not exceeding in the whole the sum of two hundred thousand pounds, as shall be necessary for the purposes or any of the purposes of the recited Acts or this Act, other than for the cost and expense of and incident to sewers and other relative works and lands for utilizing sewage; and if after having borrowed the said sums, or any part thereof, the Commissioners pay off the same, except by means of the provisions contained in section one hundred and fifty-three of this Act, it shall be lawful for the Commissioners again to borrow the amount so paid off: Provided always, that all assessments for the purposes of the recited Acts and this Act shall after the passing of this Act be imposed and levied subject to the provisions of clause ninety of "The General Police and Improvement (Scotland) Act, 1862:" Provided further, as regards all money to be borrowed for or towards the cost and expense of and incident to the new and improved streets authorised to be constructed by this Act, or any of them, that the same shall not exceed one hundred and fifty thousand pounds, and that the said annual assessment shall not in any year be liable therefor, or be appropriated or applied in payment of the interest or in repayment of the capital thereof, further than to the extent of fourpence of the one shilling and sixpence in the pound to which the annual assessment is limited by the first-recited Act.

Power to borrow for sewers.

149. The Commissioners, in addition to any money which they may have borrowed or are authorised to borrow independently of this Act, upon the credit of the general and special sewer rates for district second of Dundee, may from time to time borrow at interest on the credit of such rates such sums of money as shall be necessary for the cost and expense of and incident to the sewers and other relative works and lands for utilizing sewage by this Act authorised to be made and provided.

Period for paying money bor-

150. The period within which any money hereafter to be borrowed by the Commissioners under the authority of the recited Acts,

or any of them, or of this Act, is to be paid off by means of a sinking fund or otherwise, shall be seventy years, reckoned from the expiration of five years from the passing of this Act, anything in the said respective Acts to the contrary notwithstanding.

rowed by Commissioners.

Further provisions as to payment of moneys borrowed.

151. From and after the expiration of five years from the passing of this Act, the period within which the amounts then remaining due of any money already borrowed by the Commissioners under the recited Acts, or any of them, is to be paid off by means of a sinking fund or otherwise, shall be seventy years, reckoned from the expiration of the said five years, anything in the said respective Acts to the contrary notwithstanding.

Repeal of previous Acts as to sinking fund, &c.

152. From and after the expiration of five years from the passing of this Act, the provisions of the first, second, and fourth recited Acts, relating to sinking funds and to the paying off, out of assessments or rates, of borrowed money, shall be hereby repealed, so far as regards the burgh of Dundee, and the Commissioners from that time be released from the obligation and necessity of providing the sinking funds or any part thereof by the first and second recited Acts directed and required to be provided, and of paying off borrowed money out of assessments or rates by the said first, second, and fourth recited Acts required, and also from or with respect to the application of moneys borrowed by these Acts also directed and required.

Repayment of money borrowed by instalments or sinking fund.

153. The Commissioners shall, out of the general and special assessments with respect to moneys borrowed by virtue of the first, second, and fourth recited Acts, or any of them, or of this Act, upon the security of these assessments, and out of the general and special sewer rates of the two drainage districts of Dundee respectively, with respect to money borrowed by virtue of the first and second recited Acts or of this Act on the security of the general and special sewer rates of the said districts respectively, either pay off the respective moneys borrowed by annual or other instalments or otherwise within seventy years, reckoned from the expiration of five years after the passing of this Act, or else appropriate out of the said general and special assessments, and out of the said special and general sewer rates respectively as a sinking fund every year, beginning with the expiration of the same term of five years, and until the respective moneys so borrowed are fully paid off, a sum not less than one seventieth part of the respective moneys so borrowed, and from time to time apply the same respectively in reduction and repayment of the moneys so borrowed, and it shall be lawful for the Commissioners to repay the said moneys borrowed respectively by equal

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half-yearly or yearly amounts of principal, combined with interest, and to compute the amounts requisite to be paid every year in order to the repayment of the respective moneys borrowed within the said period of seventy years, reckoned as aforesaid, according to the principles of calculation on which are based the tables published in the year one thousand eight hundred and fifty-eight by Messrs. Eyre and Spottiswoode, and purporting to have been examined by the actuary of the National Debt Office, for the objects of or in connexion with "The Local Government Act, 1858,"

Application of additional assessments.

154. The Commissioners shall, till the expiration of five years from the passing of this Act, annually include in and as part of the general and special assessments, and the general and special sewer rates authorised to be levied by them under the recited Acts, such sums as shall be necessary for paying the interest of any money borrowed by them thereon respectively after the passing of this Act, and after the expiration of said five years the Commissioners shall include in and as part of the said assessments and rates respectively such sums as shall be necessary for making the payments or producing the respective sinking funds authorised and required by the immediately preceding section of this Act, together with the annual interests on the borrowed money from time to time due and owing by the Commissioners: Provided always, that such sums shall at no time increase the assessments and rates leviable under the recited Acts beyond the maximum amounts thereby provided.

Application of money borrowed.

155. All money borrowed by the Commissioners under the recited Acts and this Act shall be applied to the purposes of the recited Acts and this Act respectively, and to no other purpose whatsoever: Provided always, that no borrowed money shall be applied to any purpose for which capital is not properly applicable.

Act not to restrict borrowing powers of Commissioners.

156. Nothing in this Act shall restrict any of the powers of the Commissioners under the recited Acts, or any of them, or otherwise, for borrowing money.

Bonds for borrowed money.

157. All bonds to be granted for money to be borrowed under the authority of the recited Acts and this Act, or of the recited Acts, or any of them, or of this Act, may be in the form contained in the first-recited Act, and shall be executed and completed as therein provided, and shall be available for the purposes and shall create the liens and securities therein mentioned applicable to and on the rates and assessments respectively upon the credit of which the same is borrowed, and the Commissioners may grant bonds accordingly for the money so to be borrowed, and may assign the said rates and assessments respectively in security of the money to

be so borrowed and of the interest thereof, and all such bonds may be assigned in manner and according to the form provided in the first-recited Act: Provided always, that all bonds hereafter to be granted for money to be borrowed under the authority of the recited Acts, or any of them, or of this Act, shall specify the Act or Acts on the authority of which the same is borrowed.

Protection of lenders from injury.

158. Any person lending or paying money under the recited Acts, or any of them, or this Act, to the Commissioners or their treasurer, shall not be bound or entitled to inquire as to the observance by them of any provisions of the recited Acts or this Act, or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Present bonds and securities by Commissioners not to be prejudiced.

159. Nothing herein contained shall prejudice or affect any bonds or securities which may have been granted by the Commissioners for money borrowed by them previous to the passing of this Act, but the same shall as to the rates, funds, and property comprised therein respectively have priority over all money borrowed under this Act.

Power to amend rates.

160. The Commissioners may from time to time amend any assessment or rate by inserting therein the name of any person who ought to have been rated, or who since the making thereof has become liable to be rated, or by striking out the name of any person who ought not to have been rated, or by making such other alterations therein as will make such assessment or rate conformable to this Act; and no such alteration shall be held to vitiate the assessment or rate or render it less operative; and in the case of any person the amount of whose assessment or rate is increased by the amendment, or whose name is newly inserted as aforesaid, the assessment or rate shall not be payable by him until seven days after notice of the amendment is given to him, nor in the event of an appeal to the Commissioners against such assessment or rate having been within that period lodged with the clerk, until the same is disposed of by the Commissioners.

Certain assessments and rates to be levied from owners.

161. The Commissioners shall assess and rate the owners in place of the occupiers of all lands or premises let at a rent of under five pounds or for a term of occupation less than three months, and shall levy such assessments and rates from such owners; but the Commissioners shall allow to such owners a deduction from such assessments or rates equal to one fifth of the amount thereof; and such assessments and rates shall be recoverable from such owners, along with any penalty which may have become exigible thereon, in the same way as is provided in the recited Acts with respect to the

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recovery of assessments and rates generally, and with all the powers and remedies contained in the said Acts.

Recovery of rates from persons removing.

162. In case any person quits or is about to quit any rated property before he has paid all assessments or rates due by him, and fails to pay the same on demand, the collector or any constable may, by warrant under the hand of a magistrate (which warrant a magistrate is hereby authorised and required to grant without issuing any previous summons to such person, upon proof to his satisfaction of such removal or intended removal, or that there is reason to suspect the same), poind and distrain the goods and chattels of such person and sell the same, returning the overplus (if any), after having deducted the reasonable expenses attending such poinding, distress, and sale, together with the assessments or rates so due, to the owner of such goods and chattels upon demand.

Discount on rates.

163. The Commissioners may from time to time, if they think fit, make an allowance by way of discount, not exceeding the rate of five per cent. on the amount due in respect of any assessments or rates, from every person who pays the same within such time after demand thereof as the Commissioners think fit to prescribe in that behalf.

Power to allow deduction from assessments in certain cases.

164. The Commissioners shall allow deduction of the annual assessments and rates leviable under the said recited Acts, or any of them, or under this Act, in respect of any premises or lands and heritages unoccupied and unfurnished for each entire period of three months consecutively in any one year, to the extent of one fourth of the said assessments and rates for each such entire period of three months.

XI.—ADDITIONAL JURISDICTION.

Offences under Cattle Sheds in Burghs Act.

165. All offences committed within the burgh against the provisions of "The Cattle Sheds in Burghs (Scotland) Act, 1866," may be tried by the magistrate as police offences, under complaint by the procurator fiscal of the police court, and the penalties may be recovered and applied in the same way as penalties for police offences under the first-recited Act.

Offences under Adulteration of Food Act.

166. All offences committed within the burgh against the provisions of the Act twenty-third and twenty-fourth Victoria, chapter eighty-four, intituled "An Act for preventing the Adulteration of "Articles of Food or Drink," may be tried by the magistrate as police offences, under complaint by the procurator fiscal of the police court, and the penalties may be recovered and applied in the same way as penalties for police offences under the first-recited Act.

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Offences under Smoke Acts.

167. All offences committed within the burgh against the provisions of the following Acts, or any of them, viz., the Act twenty and twenty-one Victoria, chapter seventy-three, intituled "An Act for the Abatement of the Nuisance arising from the Smoke "of Furnaces in Scotland;" the Act twenty-four Victoria, chapter seventeen, intituled "An Act to amend an Act of the twentieth and "twenty-first years of the reign of Her Majesty for the Abatement "of the Nuisance arising from the Smoke of Furnaces in Scotland;" and the Act twenty-eight and twenty-nine Victoria, chapter one hundred and two, intituled "An Act to amend an Act of the "twentieth and twenty-first years of Her Majesty for the Abatement "of the Nuisance arising from the Smoke of Furnaces in Scotland, "and an Act of the twenty-fourth year of Her Majesty to amend "the said Acts;" may be tried by the magistrates as police offences under complaint by the procurator fiscal of the police court, and the penalties may be recovered and applied in the same way as penalties for police offences under the first-recited Act.

Offences for cruelty to animals, and under Bread Act, and Weights and Measures Acts.

168. All offences committed under the following Acts, viz., thirteenth and fourteenth Victoria, chapter ninety-two, intituled "An Act for the more effectual Prevention of Cruelty to Animals "in Scotland;" fifth and sixth William Fourth, chapter sixty-three, intituled "An Act to repeal an Act of the fourth and fifth "years of His present Majesty relating to Weights and Measures, "and to make other provisions instead thereof;" twenty-second and twenty-third Victoria, chapter fifty-six, intituled "An Act to "amend the Act of the fifth and sixth years of King William the "Fourth, chapter sixty-three, relating to Weights and Measures;" sixth and seventh William Fourth, chapter thirty-seven, intituled "An Act to repeal the several Acts now in force relating to Bread "to be sold out of the City of London and the Liberties thereof, "and beyond the weekly bills of mortality and ten miles of the "Royal Exchange; and to provide other Regulations for the "making and sale of Bread, and for preventing the Adulteration "of Meal, Flour, and Bread beyond the limits aforesaid," or any of the said Acts, may be tried by the magistrate as police offences under complaint by the procurator fiscal of the police court, and the penalties may be recovered and applied in the same way as penalties for police offences under the said first-recited Act; and it is hereby provided that all pieces of bread under one pound in weight shall be deemed fancy bread.

Crimes within jurisdiction of any burgh magistrates

169. Subject to the provisions, declarations, and exceptions of section three hundred and fifty of the first-recited Act, in which are specified the crimes not competent to be tried in the police court or by the police magistrates, all crimes or offences punishable

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may be tried as police offences.

by public general statute or common law, and within the jurisdiction of the magistrates of any royal burgh, may, if committed within the burgh, be tried by the magistrate as police offences under complaint by the procurator fiscal of the police court, and the penalties (if any) may be recovered and applied in the same way as penalties for police offences under the first-recited Act.

Jurisdiction of magistrates of police.

170. The magistrates of police of the burgh shall have all and such like powers and jurisdictions as regards contraventions of and offences declared by this Act, or any Act made applicable to the burgh or wholly or partially incorporated into this Act, or the Acts herein-before referred to in this part of the Act, as they have and are entitled to exercise under the said recited Acts, or any of them, in regard to the offences declared by the said Acts, or any of them; and contraventions of and offences under this Act, or any of the said Acts made applicable, incorporated, or referred to, shall be dealt with, prosecuted, and followed forth to a conviction and conclusion in the same way, and by the same means, and under similar procedure; and section sixty-six of the second-recited Act shall apply to all offences under and contraventions of this Act, or of any of the said Acts made applicable, incorporated, or referred to, and to all convictions of any such offences or contraventions, the same as if its provisions were specially recited in this Act with reference to such offences, contraventions, and convictions.

Power to modify certain penalties.

171. Wherever by any of the recited Acts or this Act, or any of the Acts wholly or partially incorporated with this Act, or any of the Acts herein-before referred to in this part of the Act, a penalty of fixed amount, without power of modification, is imposed for or in respect of any offence or contravention, it shall notwithstanding be lawful to and in the power of the sheriff or magistrate before whom any person is convicted of any such offence or contravention, to impose, if he shall see cause, a penalty for or in respect of such offence or contravention of any amount not exceeding such fixed amount.

Parties presently entitled to prosecute may do so.

172. The prosecutions authorised by this Act under complaint by the procurator fiscal of the police court shall be without prejudice to complaints at the instance of any party or parties who are at present entitled to make the same, and who, notwithstanding of this Act, shall still continue to be so entitled.

XII.—WARDS FOR MUNICIPAL ELECTIONS AND ELECTION OF COUNCILLORS.

Division of burgh into wards.

173. The burgh of Dundee within its municipal boundaries shall, from and after the passing of this Act, be divided for the purposes

of all subsequent municipal elections into the nine wards specified in Schedule A. to this Act annexed; and such nine wards shall supersede the three districts or wards into which the said burgh within its municipal boundaries is at present divided for such purposes; and each of such nine wards shall, on and after the first annual municipal election following the passing of this Act, be represented in the council by three councillors.

As to representation of new wards by present councillors.

174. For the purposes of this Act the present councillors, so far as from time to time not going out of office under the existing law and practice, shall, from and after the passing of this Act, be held respectively to be representatives of the new wards against which the names of the present councillors are in Schedule B. to this Act annexed set opposite.

Retirement of present councillors.

175. With a view to the annual election of councillors in November one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, and one thousand eight hundred and seventy-three respectively, the present councillors who, according to the existing law and practice, should go out of office at such annual elections in November one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, and one thousand eight hundred and seventy-three respectively, shall so go out of office, and (should that be necessary as regards any ward or wards for the purpose after mentioned) such of the councillors elected from the new wards respectively at the annual election in November one thousand eight hundred and seventy-one, and November one thousand eight hundred and seventy-two respectively, shall also go out of office at the annual election in November one thousand eight hundred and seventy-two and November one thousand eight hundred and seventy-three respectively, as with the number of present councillors, if any, then going out of office in said respective years as for such wards respectively shall constitute one third of the whole representatives of each of such wards respectively; but providing that nothing herein contained shall prevent more than one third of the representatives of any ward going out of office in any of the said years, should the number of present councillors falling to go out of office, or ceasing to be councillors, according to the present law and practice, in any such year, constitute more than one third of the whole representatives of any ward.

Election of councillors in 1871, 1872, and 1873.

176. At the annual elections in November one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, and one thousand eight hundred and seventy-three respectively, the electors within the new wards respectively shall choose and

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elect such number of councillors as, with those still remaining in office as from such wards respectively, if any, shall make up the full representation of each such ward established by this Act.

Future election of councillors.

177. At the annual election in November one thousand eight hundred and seventy-four, and in every succeeding year, one third of the whole representatives in the council of each of the several wards respectively into which the burgh is divided by this Act shall go out of office; and the councillors to be elected by such wards respectively at the annual election in November one thousand eight hundred and seventy-four, and in every succeeding year, shall be equal to the number of councillors so going out of office in each of such years respectively, and the electors within such wards respectively shall choose and elect such number of councillors accordingly.

Interim and other arrangements as to representation of wards.

178. The councillors elected at the annual election in November one thousand eight hundred and seventy-one, and November one thousand eight hundred and seventy-two respectively, who under the provisions of this Act fall or may fall to go out of office at the annual elections in November one thousand eight hundred and seventy-two, and November one thousand eight hundred and seventy-three respectively, from their respective wards, shall in one thousand eight hundred and seventy-two consist of the councillors elected at such annual election in one thousand eight hundred and seventy-one who had then the smallest number of votes in their wards respectively, and in one thousand eight hundred and seventy-three shall consist of the councillors elected at such annual election in one thousand eight hundred and seventy-one who had then the next smallest number of votes in their wards respectively, and (should that be necessary) also of the councillors elected at the annual election in one thousand eight hundred and seventy-two who had then the smallest number of votes in their wards respectively; and in all subsequent years the third of the council annually going out of office shall always consist of the councillors who have been longest in office according to the present law and practice: Provided that all councillors going out of office shall be capable of being immediately re-elected, and provided also, that nothing herein contained shall prejudice or affect the provision contained in section twenty-four of the Act third and fourth William the Fourth, chapter seventy-six.

Provisions of general Acts as to municipal elections to apply to new wards.

179. The provisions of the Act third and fourth William the Fourth, chapter seventy-six, and of all other public statutes amending the same, and regarding the election of town councillors in burghs divided into wards or districts, in so far as still in force,

shall, subject to the provisions of this Act, apply to the elections in and to the new wards established by this Act, and to the election, double returns, qualification, continuance in office, declinature, and retirement of councillors, and to the resignation of councillors, and to supplying vacancies in the council by death, disability, resignation, or other causes, or otherwise, the same as if the wards specified in and created by this Act had been the wards or districts into which the burgh was divided under and by virtue of the said Act third and fourth William the Fourth, chapter seventy-six, and as if the number of councillors fixed under this Act had been the number fixed in or by virtue of the said Act.

Preceding provisions not to affect mode of electing magistrates.

180. Nothing contained in this Act shall prejudice or affect the mode or manner of electing the provost or chief magistrate or the bailies, or the treasurer of the said burgh, or the dean of guild of the said burgh, or any other elections falling to be made by the councillors of the said burgh or by the guildry.

Town council as increased to have same powers as present council.

181. The magistrates and town council of the burgh of Dundee, as such magistrates and town council may be increased under the provisions of this Act, shall in all respects stand, in relation to the administration of the affairs and property of the burgh, or of property under the care and management of the burgh, or of its magistrates and council, in the same situation in which the magistrates and town council of the burgh may or shall stand previous to the passing of this Act, or previous to or on the annual election immediately following the passing of this Act, and all such and the like jurisdiction, rights, powers, and privileges shall effeir to and be exercised by the magistrates and town council elected or being or remaining in office on or after the first annual election following upon this Act, and their successors, as previous to or at the passing of this Act effeired to or could be exercised by the magistrates and town council of the burgh then in office.

Appointment of additional magistrates.

182. From and after the first municipal election following the passing of this Act, the councillors of the burgh shall from time to time elect from among their own number two bailies in addition to the provost and four bailies in use to be elected according to the present law and practice, and the election of the said two additional bailies shall from time to time be conducted in all respects in the same manner and at the same times and places as the elections of the said provost and four bailies are in use to be conducted; and each of the two additional bailies from time to time so elected shall continue in and retire from office the same as the other bailies of the said burgh, and shall have, hold, exercise, possess, and enjoy all such and the like rights, powers, privileges, authorities, and

A.D. 1871. jurisdictions as appertain and belong to any bailie of the said burgh; Provided always, that neither of such additional bailies shall be trustees of the harbour of Dundee under "The Dundee Harbour Act, 1869," and that the first, second, third, and fourth bailies of the burgh for the time shall be the four bailies who are constituted ex officiis trustees by the said Act.

XIII.—MISCELLANEOUS.

Saving jurisdiction of dean of guild, &c.

183. Nothing contained in this Act shall prejudice or affect any jurisdiction now competent to the dean of guild of the royal burgh of Dundee in preventing encroachments upon the property of the public, or upon the property of any proprietor within the burgh, or in entertaining and disposing of possessory questions; but where no question of possessory right or disputed boundaries is or may be raised or involved, and subject to appeal as by this Act allowed, it shall not be necessary for any proprietor or person to apply for or to obtain any other approval or warrant than that of the Commissioners before erecting or altering any building within the burgh, or taking or using any part of any street temporarily for or in connexion with any erection or alteration of any such building.

Saving rights of harbour trustees.

184. Nothing contained in this Act shall alter, diminish, or affect the rights, powers, privileges, and authority of the trustees of the harbour of Dundee, conferred upon them by the several Acts for maintaining, improving, and extending the harbour of Dundee or otherwise.

Byelaws to be in writing, authenticated, and published.

185. All byelaws to be made by the Commissioners under or in pursuance of this Act, or any Act wholly or partially incorporated with this Act, shall be reduced into writing, and shall be authenticated, confirmed, and published as provided for in the first-recited Act.

As to construction of this and recited Acts.

186. The recited Acts and this Act (meaning also by "this Act" any Act or portion of any Act incorporated with this Act) shall be read together and have effect and be construed and executed as if they were one Act, and the purposes and provisions of this Act shall be deemed to be purposes and provisions of the recited Acts; and wherever the recited Acts and this Act contain provisions for effecting the same or a similar object, but in different modes, the Commissioners may proceed under the recited Acts, or any of them, or this Act; and the forms and provisions of each of the several Acts shall, so far as may be consistent with the provisions of this Act respectively, be applicable to all matters and things arising under the other of the said Acts: Provided that in all cases where any of the

provisions of this Act are contrary to or inconsistent with the recited Acts, or any of them, the provisions of this Act shall supersede or, as the case may be, control the provisions of the recited Acts or any of them; but the provisions of the recited Acts, except where so superseded or controlled, shall have the same force and effect within the burgh as if this Act had not been passed.

Appeal.

187. Section two hundred and eighty-five of the first-recited Act is hereby repealed so far as regards the burgh, and in lieu thereof it is hereby provided as follows:—Any person liable to pay or to contribute towards the expense of any work to be constructed by or subject to the approval of the Commissioners under any of the recited Acts, and any person aggrieved by any order or resolution or deliverance of the Commissioners made under any of the provisions contained in branches five or six of this Act, may appeal either to the sheriff or to either division of the Court of Session, by lodging a note of appeal within fourteen days after intimation of the order or resolution or deliverance of the Commissioners complained of with the sheriff clerk of Forfarshire at Dundee, if the appeal is made to the sheriff, or with any principal clerk of session at Edinburgh, if the appeal is made to the Court of Session, which note of appeal shall state the grounds of such appeal, and be signed by the appellant or his counsel or agent, and shall be intimated by the appellant within the said fourteen days to the clerk; and the sheriff or court, upon due proof of such notice, shall hear parties, and on a review of the whole proceedings and of the case on its merits shall determine the matter of the appeal, and shall make such order thereon, either confirming, quashing, or varying the same, and shall award such costs to either of the parties as the sheriff or court shall think fit: Provided that it shall no longer be necessary for the sheriff to approve of the proposed width of any street in terms of section two hundred and sixty-five of the first-recited Act, and that the provisions contained in branch five of this Act, with the appeal herein-before provided, shall come in room and place of the said section two hundred and sixty-five: Provided also, that if appeal be made to the sheriff his judgment shall be final, and not subject to review by any other court.

Saving rights of the Crown.

188. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the alveus or shore of the river or Firth of Tay, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty

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(which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights under Crown Lands Act.

189. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned or reserved by sections twenty, twenty-one, and twenty-two of "The Crown Lands Act, 1866."

Saving rights of magistrates and town council of Dundee.

190. Subject to the powers and provisions of this Act, nothing herein contained shall extend or be construed to extend to take away, impeach, diminish, or affect any rights, titles, dues, duties, and payments, powers, privileges, jurisdictions, or authorities of the magistrates of Dundee, or of the magistrates and town council of Dundee, for behoof of the community under or by virtue of the rights and charters of said burgh, or any of them.

Copies of Act to be kept and sold.

191. The Commissioners shall cause copies of this Act, with an index to the contents thereof in each copy, to be printed, and to be at all times, after the expiration of three months from the commencement of this Act, kept in the office of the treasurer, open to inspection of any ratepayer, and to be at all times as aforesaid sold at that office to all persons applying for the same at a price not exceeding one shilling.

Expenses of Act.

192. The costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the moneys raised by general assessment under the first-recited Act.

SCHEDULES referred to in the foregoing Act. A.D. 1871.

SCHEDULE A.

The several wards shall be and comprise those portions of the municipal burgh within the following boundaries respectively; videlicet,

WARD FIRST.

On the east by the eastern boundary of the burgh; on the south by the river Tay, on the west by a line commencing at the top of Castle Street, and thence southward along Castle Street to Dock Street, and thence southward to the Victoria Arch at the Harbour of Dundee, and thence through the centre of said arch in a straight line southward to the river Tay; and on the north by Murraygate, Cowgate, King Street, Princes Street, and the Dundee and Arbroath turnpike road to the eastern boundary of the burgh.

WARD SECOND.

On the south by the river Tay; on the east by the western boundary of Ward First; on the west by the western boundary of the burgh; and on the north and north-west by a line commencing on the Dundee and Invergowrie turnpike road, commonly called the Perth Road, where said road intersects the municipal boundary, and from thence running eastward along the said road and the Nethergate and High Street to the top of Castle Street.

WARD THIRD.

Commencing on the road from Dundee to Coupar Angus, commonly called the Lochee Road, at a point thereon immediately opposite Logie farmsteading where an unnamed road leading off said Lochee Road to the Lawside Road begins, and from thence running along said unnamed road to said Lawside Road, and from thence northward along said Lawside Road to the Loons Road, and from thence westward along said Loons Road to the King's Cross Road, and from thence northwards and around the Lochee area, added to the burgh under the Acts twenty and twenty-first Victoria, chapter seventy, and twenty-

A.D. 1871. fourth and twenty-fifth Victoria, chapter thirty-six, till such area strikes the previously existing municipal boundary at the junction of Gibb's Lane with Ancrum Road, Lochee, and from thence south-eastward in a straight line to the point in Lochee Road where the boundary now described commenced.

WARD FOURTH.

On the east by the eastern boundary of the burgh; on the south by the northern boundary of Ward First; on the west by the Wellgate and Hilltown; and on the north and north-east by Ann Street of Maxwelltown to its junction with the roadway of Hillbank Road and Cotton Road, and from thence along said roadway to Laing Street, and from thence along Laing Street and Dura Street and continuation thereof to the Pitkerro turnpike road, otherwise Stobswell Road, and from thence along said road to the north-easterly boundary of the burgh at Stobsmuir.

WARD FIFTH.

On the south and south-east by the northern boundary of Ward Fourth from the eastern to the western termination thereof, and from said western termination crossing the Hilltown to Rosebank Street, and from thence along Rosebank Street to the junction thereof with Constitution Street, and from thence along Constitution Street to its junction with Somerville Place; on the west by the road leading from the top of Constitution Road northward along the west side of Stirling's Park and the east side of the Law until it reaches the northern boundary of the burgh; and on the north and north-east by the north and north-east boundary of the burgh to the north-easterly point of said boundary at Stobsmuir.

WARD SIXTH.

Commencing in Constitution Road at the junction of Constitution Street with Somerville Place, and from thence running eastward along Constitution Street to Rosebank Street, and from thence running south-eastward and eastward by Rosebank Street to the Hilltown, and from thence running southward by the Hilltown, Wellgate, Murraygate, High Street, and Nethergate, to the point where Tally Street joins the Nethergate, thence running northwards by Tally Street, Barrack Street, and Constitution Road to the point where it commenced.

WARD SEVENTH.

On the east by Tally Street at its junction with the Nethergate, and along Tally Street, Barrack Street, Constitution Road, and the road leading from the top of Constitution Road northward along the west side of Stirling's Park and the east side of the Law until it reaches the northern boundary of the burgh; on the north by the northern boundary of the burgh to the eastern termination

of Ward Third on said boundary; on the west by and along the easterly boundary of Ward Third to Lochee Road; and on the south-west and south along Lochee Road, North Tay Street, and South Tay Street to its junction with the Nethergate, and thence eastwards along the Nethergate to the point where it commenced.

WARD EIGHTH.

Commencing in the Overgate between South Tay Street and North Tay Street, and from thence running along North Tay Street to its junction with Lochee Road, and from thence along Lochee Road to the commencement of the boundary of Ward Third before described, and from thence westward by and along the southern boundary of Ward Third to the junction of Gibb's Lane with Ancrum Road, Lochee; and from thence southwards and along the western boundary of the burgh to Blackness Road, and from thence along Blackness Road to its junction with Scouringburn Road, and from thence along the Scouringburn, West Port, and Overgate to the point in the Overgate where it commenced.

WARD NINTH.

Commencing on the west boundary of the burgh in the said Dundee and Invergowrie turnpike road, commonly called the Perth Road, where such boundary is intersected by said road, and from thence running eastward along said road and the Nethergate to the junction of the Nethergate with South Tay Street, and from thence running along South Tay Street to its junction with the Overgate and West Port, and from thence running westward along the Overgate and West Port to the Scouringburn Road, and from thence running along the Scouringburn Road to its junction with the Blackness Road, and along the Blackness Road to the western boundary of the burgh, and from thence running down said western boundary to the point where it commenced.

And it is declared that the said several boundaries of the said several wards run along the centres of the streets and roads by which they are declared to be bounded, except where the contrary is particularly mentioned; and as to any streets, grounds, houses, or places within the boundaries of the said municipal burgh not embraced in any of the special descriptions before mentioned, the same shall be held to belong to that ward to which any such streets, grounds, houses, or places are severally next adjacent; and in case of any dispute the same shall be decided by the provost or acting chief magistrate of Dundee for the time being.

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SCHEDULE B.

NEW WARDS.		PRESENT COUNCILLORS.
WARD FIRST	- - -	George McFarlane. William Robertson. Thomas Buchan.
WARD SECOND	- -	James Allan. William Brownlee.
WARD THIRD	- - -	James Cox. James Hunter Mackay. John McLean.
WARD FOURTH	- -	David Petrie. James Yeaman.
WARD FIFTH	- - -	Alexander Maxwell. James Foggie.
WARD SIXTH	- - -	Alexander White Fairweather, ad interim. Frank Henderson.
WARD SEVENTH	- -	William Chalmers. George Thomson Graham.
WARD EIGHTH	- - -	Alexander Hay Moncur. Thomas Ness.
WARD NINTH	- - -	Duncan Macdonald. Hugh Ballingall.

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